

DRAFT
ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JUNE 20, 2024
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL

MEMBERS PRESENT:

Laura Tessier, Acting Chair
Thomas Romas, Alternate Member
Stephen Schneider, Alternate Member

MEMBERS NOT PRESENT:

Gary Stone, Chair
Todd Gambino, Member
Leigh Shemitz, Member

STAFF PRESENT:

Robert Clausi, Executive Director
Courtney Fahan, OSS, Land Use Bureau

Ms. Tessier called the meeting to order at 7:34 p.m. Seated to vote for the meeting were Ms. Tessier, Mr. Romas and Mr. Schneider.

➤ **MINUTES:**

May 16, 2024 (Regular Meeting)

The Board considered the minutes of the May 16, 2024 Regular Meeting. Members who were present at that meeting and eligible to vote were Ms. Tessier, Mr. Romas, and Mr. Schneider. No modifications were recommended.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Schneider, the Board voted to ACCEPT the Regular Meeting Minutes of May 16, 2024.

In Favor: Tessier, Romas, and Schneider
Opposed / Abstaining / Not Voting: None

➤ **APPLICATIONS & PERMITS:**

Acceptances/Extensions/Withdrawals

#2024-12 –648 Westover Road – Aleksandra Moch for 0Westover LLC

Construct single-family residence, driveway, septic and drainage systems

Ms. Tessier noted this application was incorrectly listed as “Application 2024-11” on the meeting agenda and acknowledged receipt of the minimum information necessary to accept EPB Permit Applications 2024-12.

Motion/Vote: Upon a motion by Mr. Schneider and second by Mr. Romas, the Board voted to ACCEPT EPB Permit Applications 2024-12.

In Favor: Tessier, Romas, and Schneider
Opposed/ Abstaining/ Not Voting: None

Action Items

#2024-15 – 0 Wire Mill Road – AECOM for Aquarion Water Company

Modify permit to replace public water supply well pump house.

Ms. Tessier noted that this application has been withdrawn and that no action is required.

#2024-09 – 131 Bentwood Drive– Wayne A. Clarke, ASLA for Taras and Cynthia Kucher

Demolish pool and deck, construct gazebo, site grading and landscaping

In Attendance: Wayne Clarke, Landscape Architect

The summary Mr. Clausi presented on behalf of Environmental Analyst Lindsay Tomaszewski provided details of the project, and discussed the minimal chance this project will result in adverse impacts.

Mr. Romas asked if it is acceptable to install posts in the septic area. Mr. Clark, representing the applicant, said that there are no plans to put new posts in the septic area. Rather, posts that are currently there will either be removed or cut down and left in the ground using hand tools. He noted that he has been in contact with the Health Department regarding this project.

Ms. Tessier asked Mr. Clarke if he had received a copy of the Agenda Summary Report and if he had any questions or concerns about its recommendations. Mr. Clark replied they had received the report and have no objections.

Hearing no further comment from the Board, Ms. Tessier asked for a motion.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Schneider, the Board voted to APPROVE EPB application #2024-09 with the 14 recommended conditions of approval contained in the Agenda Summary Report dated June 13, 2024.

In Favor: Tessier, Romas, and Schneider
Opposed/ Abstaining/ Not Voting: None

#2024-10 – 26 Rising Rock Road– Alejandro and Jill Knopoff

Construct residential addition and designate septic reserve area.

In Attendance: Robert Zmarzlak, Soundview Engineers & Land Surveyors

The summary Mr. Clausi presented on behalf of Environmental Analyst Jaclyn Chapman noted that this work will be done in a special flood hazard area, provided details of the project, and discussed the minimal chance this project will result in adverse impacts. Ms. Tessier asked if the recommended conditions of approval are adequate to cover EPB if the actual cost of this project equals or exceeds 50% of the value of the house, which would trigger the need to flood proof the whole structure. Mr. Clausi said conditions 8 and 10 will allow staff to assess this in the future and take any needed action to insure compliance with the Flood Prone Area Regulations.

Ms. Tessier asked the applicant's agent, Mr. Zmarzlak, if he and his client had received a copy of the Agenda Summary Report and if they had any questions or concerns about its recommendations. Mr. Zmarzlak replied they had received the report and have no objections.

Hearing no further comment from the Board, Ms. Tessier asked for a motion.

Motion/Vote: Upon a motion by Mr. Schneider and second by Mr. Romas, the Board voted to APPROVE EPB Permit Application #2024-10 with the 10 recommended conditions of approval contained in the Agenda Summary Report dated June 14, 2024.

In Favor: Tessier, Romas, and Schneider
Opposed/ Abstaining/ Not Voting: None

#2024-11 – 68 Deep Valley Trail – John Landrum Bryant

Maintain an accessory structure, gravel walkway, and handrail

In Attendance: Leonard D’Andrea, D’Andrea Surveying & Engineering

The summary Mr. Clausi presented on behalf of Environmental Analyst Jaclyn Chapman noted that the applicant seeks an after-the-fact permit for these relatively minor regulated activities which were implemented without EPB prior approval. Mr. Clausi went on to provide details of the project, noted the work done required no tree removal or grading, and discussed the minimal chance use of the accessory structure or path will result in adverse impacts in the future. No questions or concerns were voiced by the members of the Board.

Ms. Tessier asked the applicant’s agent, Mr. D’Andrea, if he and his client had received a copy of the Agenda Summary Report and if they had any questions or concerns about its recommendations. Mr. D’Andrea replied they had received the report and have no objections.

Hearing no further comment from the Board, Ms. Tessier asked for a motion.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Schneider, the Board voted to APPROVE EPB Permit Application #2024-11 with the 6 recommended conditions of approval contained in the Agenda Summary Report dated June 14, 2024.

In Favor: Tessier, Romas, and Schneider
Opposed/ Abstaining/ Not Voting: None

➤ **SUBDIVISION REVIEWS:** None

➤ **SITE PLAN REVIEWS:** None

➤ **ENFORCEMENT:**

19 Twin Brooks Drive – Mohamed Mahdi – Show Cause Hearing

Unauthorized soil stockpile and construction of stone wall

In Attendance: Mohamed Mahdi, Owner

Mr. Clausi summarized the violation that is described in detail in the Enforcement Update Report dated June 17, 2024. Mr. Clausi noted that he went out to the site in April to look at trees planted to correct a previous violation and found a stockpile of soil to the east of the driveway entrance in the conservation easement area and in close proximity to the brook. Because Mr. Mahdi told him that this soil would soon be used to do some minor grading to improve the drainage around the house (for which Mr. Clausi instructed Mr. Mahdi to give him a plan ahead of doing the grading), Mr. Clausi gave him the choice of either immediately installing erosion controls to separate the stockpile from the brook or move the pile out of the conservation easement area. After passing by the site several times in the subsequent months and finding neither the erosion controls nor stockpile relocation had been done, and after Mr. Mahdi sent photographs of a wall that had been installed in this area (e.g., east of the driveway, close to the brook, and in the conservation easement area), Mr. Clausi obtained the Board’s

approval to issue a new Cease & Desist Order and schedule this Show Cause Hearing. Mr. Clausi concluded by recommending the Board maintain the Cease & Desist Order and approve the other enforcement measures laid out in the Enforcement Update Report.

Mr. Mahdi then explained he did this work to solve a problem in this area where his children sometimes play and hurt themselves on the rocks. Mr. Mahdi added to a rough stone wall that he says was already there, he thought he had received verbal permission to do this work from Mr. Clausi, and he would like to apply for permit to maintain what he has done.

Mr. Clausi replied that the only "wall" he had discussed with Mr. Mahdi during the April site inspection was little more than a line of stones located along the edge of the conservation easement area behind the house (i.e., not the location where the new wall was recently built). Mr. Mahdi had stated he wanted to relocate some of these stones so they would run in a straight line and Mr. Clausi replied he was not allowed to do so because that would run straight through the pocket wetland in the southwest corner of the property.

Mr. Romas recommended Mr. Mahdi be allowed to make an application to seek the Board's permission to maintain the new wall. Ms. Tessier noted that there is no guarantee that such an application will be approved. Mr. Clausi added that mitigation, such as enhancement of the conservation easement area with plantings, would be expected of someone making a before-the-fact application to build this wall and Mr. Mahdi should keep this in mind as he prepares his application.

Ms. Tessier asked for a motion at the conclusion of the discussion.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Schneider, the Board voted to maintain the Cease & Desist Order and require the immediate installation of erosion controls to protect the brook. The other enforcement measures recommended in the Enforcement Update Report are stayed, pending receipt of an application to maintain the wall no later than September 18, 2024. Failure to submit an acceptable application by this deadline will reactivate the following recommended enforcement measures: 1) issuance of an Order to Correct that requires the removal of the stockpile and wall with restoration of the disturbed area with trees and stabilizing ground cover, and 2) filing a Notice of Violation on the Land Records to be maintained until the required corrective actions have been completed.

In Favor: Tessier, Romas, and Schneider
Opposed/ Abstaining/ Not Voting: None

28 Four Brooks Road – Luis Lopez and Maria Garcia

Update on restoration plan due 6/14/2024

In Attendance: No one

Mr. Clausi briefly summarized the violation and noted that within a day or two of the Show Cause Hearing held in April, Mr. Lopez complied with the immediate steps laid out by the Board and retained a contractor who pulled the limit of fill back and installed erosion controls. Mr. Lopez did not submit the required results of analytical tests on the fill or restoration plan, and has submitted a request that the Board grant him some extra time to do. Mr. Clausi reported that he met with Mr. Lopez and his contractor a week ago and that both are serious about getting the violation resolved. Mr. Clausi concluded by stating that allowing extra time should not affect the wetlands since the erosion controls are up in place and being maintained. Mr. Clausi recommended that the board set a new submission deadline of September 19, 2024.

Hearing no comments from the Board, Ms. Tessier asked for a motion.

Motion/Vote: Upon a motion by Mr. Schneider and second by Mr. Romas the Board voted to extend the submission deadline for a restoration plan and analytical testing results to the September 19, 2024, EPB meeting.

In Favor: Tessier, Romas, and Schneider
Opposed/ Abstaining/ Not Voting: None

71 Wood Ridge Drive – Allan Williams, III

Withdraw Cease & Desist Order and remove Notice of Violation from the Land Records

In Attendance: No one

Mr. Clausi briefly summarized the violation and recommended that the Board lift the Cease & Desist Order issued in 2016 and remove the Notice of Violation that was filed on the Stamford Land Records since the property owners have resolved the violation.

Hearing no comments from the Board, Ms. Tessier asked for a motion.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Schneider the Board voted to withdraw the cease & desist order and notice of violation.

In Favor: Tessier, Romas, and Schneider
Opposed/ Abstaining/ Not Voting: None

➤ OTHER BUSINESS:

Amendment of the Stamford Inland Wetlands and Watercourses Regulations

Ms. Tessier began the discussion of the draft update of the regulations dated June 17, 2024 by asking Mr. Romas and Mr. Schneider if they had familiarized themselves with the draft regulations, supporting documentation, and record of the June 13, 2024 public hearing, which neither had attended. Both Mr. Romas and Mr. Schneider answered they had done so and were recognized by Ms. Tessier as being qualified to participate in the consideration of the proposed regulations.

Hearing no comments from the Board, Ms. Tessier asked for a motion.

Motion/Vote: Upon a motion by Mr. Schneider and second by Mr. Romas, the Board voted to approve the draft regulations dated June 17, 2024.

In Favor: Tessier, Romas, and Schneider
Opposed/ Abstaining/ Not Voting: None

Mr. Clausi concluded the meeting by adding a brief update on restoration work underway on City park property adjacent to 48 Sleepy Hollow Lane, which was the source of the violation over ten years ago. The channel restoration was approved by the Board at its October 2022 meeting, the work is being done by a crew from the City's Stormwater Management Department, and the project should be completed within a few days. The City will assess the cost of the work against the owner of 48 Sleepy Hollow Lane.

➤ **ADJOURN:**

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Schneider, the Board voted to ADJOURN the Regular Meeting of June 20, 2024.

In Favor: Tessier, Romas and Schneider
Opposed / Abstaining / Not Voting: None

The meeting was adjourned at 8:56 p.m.

Gary H. Stone, Chairman
Environmental Protection Board