

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE APRIL 16, 2015  
REGULAR MEETING**

**Members Present:**

Gary H. Stone, Chairman  
Louis P. Levine, Member  
Stephen Wayne, Member  
Bradford Spaulding, Alternate Member  
Ashley A. Ley, Alternate Member

**Members Not Present:**

Dr. Leigh Shemitz, Member  
Richard Rosenfeld, Esq., Member  
Nathanial Bowler, Alternate Member

**Staff Present:**

Richard H. Talamelli, Environmental Planner  
Pam Fausty, Environmental Analyst

The Regular Meeting, which was called to order by the Chairman at 7:30 PM, was held in the Cafeteria, 4<sup>th</sup> Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was both audio and video recorded.

**MINUTES**

**Minutes of the March 19, 2015 Regular Meeting of the Environmental Protection Board:**

The Board considered the minutes of the EPB's March 19, 2015 Regular Meeting. No changes or alterations were recommended or discussed. Accordingly, upon a motion by Mr. Levine, the Board voted to **APPROVE** the Minutes of the March 19, 2015 Regular Meeting as presented.

In Favor: Stone, Levine, Wayne, Spaulding, and Ley  
Opposed: None  
Abstaining: None  
Not Voting: Bowler

**APPLICATIONS AND PERMITS**

**#1427 – 255 West Lane – Lot 19 – T. and J. Daniel:** To maintain pool fencing, a propane tank and concrete pad, construct an improved concrete pad for existing pool equipment and a fenced enclosure, and restore and/or enhance areas in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Toilsome Brook. The property lies along the

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south side of West Lane, approximately 1,250 feet north and east of Toilsome Brook Road, and is identified as Lot 19, List 002-3668, Map 104, Block 216, Card N-015, Zone R-20, and  $\pm 1.0086$  Acres.

Reference is made to an Agenda Summary Report, dated April 10, 2015.

**In Attendance:**

Tamir Daniel  
Matthew Klein, Esq.  
Dr. Steven Danzer  
Traci Chalifoux, LA  
Harold Bernstein, Esq.  
Meryl Meiteles  
Larry Meiteles  
John Zelinsky, Representative (11th District)

**Discussion:** Staff Member Fausty summarized the application for the Board. Ms. Fausty reminded that Board that the applicant seeks the Board's permission to maintain an above ground propane tank, concrete pad and pool fencing, construct a concrete pool equipment pad and a chain link fence tank enclosure, and implement certain actions to remedy or mitigate the impact of certain unauthorized encroachments into the regulated areas. It was noted that these mitigative actions included the removal/regrading of wetland fill, the removal of debris, the removal of piping, the addition of boulders and rip rap, and the installation of both stabilizing groundcovers and other related plantings.

At the February 19, 2015 meeting, the Board determined to defer from further action on this application pending the submission of revised plans and support documents to better define all the changes and alterations that have occurred within the wetlands, watercourses and adjoining uplands. The submitted plans and documents were expected to provide an accurate chronology of events and address specific matters including the size and location of the propane tanks/pool equipment, the limits and depth of fill, the location of boulders, the location and details of fences/enclosures. Essential to any submittal would be a discussion of potential alternative locations for the propane tank, and alternative planting proposals to better restore the functions/values of the regulated areas to the pre-alteration condition. Ms. Fausty acknowledged the applicant's efforts to address the Board's requests, noting that several of the encroachments have been reduced or eliminated. She noted, however, that the Board may consider additional planting or other suitable measures to further restore the natural screening functions of the regulated areas.

Attorney Matthew Klein read a brief written statement into the record. He reiterated that no actions taken by his clients were made in "bad faith." He further noted that his clients have sought to address the Board's stated concerns, and if the permit application is endorsed, would move forward promptly to implement all the proposed corrective actions. Mr. Klein deferred to his environmental and landscape professionals to provide a description of the revised plans.

Dr. Steven Danzer and Traci Chalifoux described the details of their revised development/restoration plan. Dr. Danzer noted that the applicant had put forth a "good faith effort" to address all the issues

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raised by the Board during the prior discussions, by reducing the size of the concrete pads, removing portions of the rip rap, removing both recent and historically placed fills, curing an erosion threat, and augmenting the planting plan to further restore the regulated areas. Dr. Danzer stated that it is his opinion that the activities will have a “de minimus” impact on regulated areas, and in fact, shall serve to restore and enhance wetland function. He further noted that in his view, there are no alternative plans having less of an impact on the regulated areas. Ms. Chalifoux then described both the details of the planting/restoration plan and the process that drove the design.

Harold Bernstein, Esq., representing the adjoining property owners, Larry and Meryl Meiteles, stated that the applicant’s response to the Board’s request for additional information was lacking. He noted that applicant failed to reasonably address the issue of alternatives, particularly with regard to the propane tank, and that the record was devoid of evidence documenting the size and configuration of both the old and new tanks, supporting the position that the pool equipment and other related features existed prior to the onset of the wetland regulations, and establishing that all the trees removed to date were dead or diseased. Mr. Bernstein stated that if the tank and the concrete base needed to be reconstructed to comply with the provisions of zoning, it could be relocated to avoid regulated areas. Mr. Bernstein noted that the process confirmed the applicant’s general disregard for the process and regulations. Mr. Bernstein concluded his testimony by stating that if the Board determines to approve the application, the applicant, at a minimum, should be required to increase the screen between adjoining parcels, and ensure the success of all mitigation planting with a standard, City of Stamford Landscape Maintenance Agreement.

John Zelinsky, a member of the Stamford Board of Representative (11<sup>th</sup> District) provided comments. Following discussion with the affected parties and a review of the prior meeting minutes, agenda summary report, and other pertinent documents, Mr. Zelinsky concluded that the applicant showed great indifference for the City’s rules and regulations. He further celebrated the actions of ordinary citizens for reporting “violations” to the appropriate regulatory/enforcement agencies when observed. Mr. Zelinsky respectfully requested that the Board deny the application.

Significant discussion ensued among the applicant’s representatives and Board Members. When surveyed, the members established that additional information pertaining to tank alternatives and the screening functions of the mitigation proposal were warranted to render a clear and proper decision on this application.

**Motion/Vote:** Upon a Motion by Mr. Levine, the Board voted to **DEFER** Action on EPB Permit Application No. 1427 pending the submission of additional information concerning alternative locations for the propane tank and alternative mitigation proposals to restore wetland screening functions.

In Favor: Stone, Levine, Wayne, Ley, and Spaulding.  
Opposed: None  
Abstaining: None  
Not Voting: None

**#1506 – 10 Brodwood Drive – Lot 10 – L. Wise:** To construct a fence within close proximity to wetlands situated in the drinking water supply watershed of the Mianus River. The property lies along the east side of Brodwood Drive, just north of Bartina Lane, and is identified as Lot 10, List 001-6601,

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Card E-001, Map 108, Block 368, Zone RA-1, and  $\pm 1.2116$  Acres.

**#1507 – 31 Cascade Road – Lot 2 – L. Bianco, Pease Installation Company for North Stamford Congregational Church:** To construct portions of a replacement subsurface sewage disposal system within close proximity to wetlands situated in the non-drinking water supply watershed of Poorhouse Brook. The property lies along the north side of Cascade Road, approximately 200 feet east of North Stamford Road, and is identified as Lot 2, List 002-6718, Card N-002, Map 36, Block 388, Zone RA-1, and  $\pm 0.4$  Acres.

Reference is made to an Agenda Summary Report dated April 13, 2015.

**In Attendance:**

None

**Discussion:** Mr. Stone acknowledged the receipt of the minimum information necessary to initiate the permit application review process for EPB Permit Application Nos. 1506 and 1507.

**Motion/Vote:** Upon a Motion by Mr. Levine, the Board voted to **ACCEPT** EPB Permit Application Nos. 1506 and 1507.

In Favor:	Stone, Levine, Wayne, Ley, and Spaulding
Opposed:	None
Abstaining:	None
Not Voting:	None

**SITE PLAN REVIEWS:**

**SUBDIVISION REVIEWS:**

**ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:**

**OTHER BUSINESS:**

**ADJOURN:**

**Adjourn the Regular Meeting of April 16, 2015.**

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of April 16, 2015.

In Favor:	Stone, Levine, Wayne, Ley, and Spaulding
Opposed:	None
Abstaining:	None
Not Voting:	None

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Meeting adjourned at 8:41 PM.

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Gary H. Stone, Chairman  
Environmental Protection Board

Meeting Minutes Assembled from Notes Prepared By Richard Talamelli, Environmental Planner