

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JUNE 16, 2016
REGULAR MEETING**

Members Present:

Gary H. Stone, Chairman
Louis P. Levine, Member
Dr. Leigh Shemitz, Member
Richard Rosenfeld, Esq., Member
Ashley A. Ley, Member (arrived 7:42 PM)
Bradford Spaulding, Alternate Member

Members Not Present:

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 Chair at 7:30 PM, was held in the Cafeteria, 4th Floor, Stamford, Government Center, 888 Washington Boulevard, Stamford, Connecticut, 06904-2152. The meeting was video recorded.

MINUTES

Minutes of the May 19, 2016 Regular Meeting of the Environmental Protection Board: The Board considered the minutes of the EPB's May 19, 2016 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 May 19, 2016 Regular Meeting as presented.

In Favor:	Stone, Levine, Rosenfeld, and Spaulding
Opposed:	None
Abstaining:	None
Not Voting:	Shemitz

APPLICATIONS AND PERMITS

#1604 - Clinton Avenue, Division Street, West Main Street, and Greenwich Avenue – NA - City of Stamford/Land Use Bureau – Mill River Park, Phase II, Middle Corridor Project: Construction of pathways, boardwalks, scenic overlooks, fishing piers, walls, drainage and other related facilities in and within close proximity to a reach of the Rippowam River and associated wetland and floodplain areas. The project affects both public and private properties on both sides of the river from Main Street to Richmond Hill Avenue along the east bank, and Main Street to the West Stamford Cemetery along the west bank.

Reference is made of an EPB Staff Memo, dated June 9, 2016.

In Attendance: None

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Discussion: Mr. Stone acknowledged the receipt of correspondence from Norman Cole, Land Use Bureau Chief, dated June 9, 2016 withdrawing EPB Permit Application No. 1604 from further consideration.

Motion/Vote: None

#1606 - 38 Westover Avenue - Parcel A - K. and J. Bitzonis: Construction of residential additions and install/maintain other related facilities within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the south side of Westover Avenue, approximately 480 feet west of Westover Road, and is identified as Parcel A, List 002-0617, Card S-002, Block 366, Zone RA-1, and ± 1.184 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated June 9, 2016.

In Attendance: John Pugliesi, P.E., E.J. Frattaroli, Inc.
James Bitzonis

Discussion: Staff Member Fausty summarized the application for the Board. She stated that the applicant seeks the Board's permission to construct a residential addition along the rear plane of the dwelling, replace the front entry, and to maintain both a shed and deer fencing in and/or proximate to wetlands on property located within the drinking water supply watershed of the Mianus River. The property supports a small open water pond, drainageways, and extensive wetland areas. With the exception of the space to the south and west, wetlands on this site have historically been maintained as lawn or landscaped space. Staff concerns relating to water quality and resource impact, particularly on the less disturbed areas of wetland, have been addressed with the submission of both a detailed sediment and erosion control plan, and a mitigation plan that includes provisions for the removal of landscape debris and the application of certain landscape enhancements in select portions of the site. It was noted that an existing storage shed shall be relocated to ensure Zoning compliance.

Representing the applicant, John Pugliesi, P.E., Edward J. Frattaroli, Inc., acknowledged the receipt of the Agenda Summary Report, and objected to certain recommended conditions that required Zoning approval for both the deer fence and relocated shed, and prohibited the storage of hazardous materials in the shed. James Bitzonis indicated that the shed is currently used to store no more than three (3) gas cans to serve his lawn and garden equipment. Extensive discussion ensued between Board members, staff, the engineer and applicant. As a compromise, Dr. Shemitz recommended that the applicant install a secondary form of containment within the shed to reduce the potential for spills or leakage.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1606 with the conditions outlined in an EPB Staff Agenda Summary Report, dated June 9, 2016, modified to include a condition requiring the use of containment to prevent the spillage of stored gasoline and other similar products.

In Favor:	Stone, Levine, Shemitz, Rosenfeld, and Spaulding
Opposed:	None
Abstaining:	None
Not Voting:	None

#1607 - 193 Shelter Rock Road - Lot N-30 - R. Wordell for K. Lubash: Construction of a shed and other related features within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the west side of Shelter Rock Road,

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approximately 480 feet north of Riverbank Drive, and is identified as Lot N-30, List 001-0045, Card W-016, Block 394, Zone RA-1, and ± 1.0002 Acres.

Reference is made of an EPB Staff Memo, dated June 14, 2016.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Robert S. Wordell, dated June 14, 2016 withdrawing EPB Permit Application No. 1607 from further consideration.

Motion/Vote: None

#1608 - 152 Harpsichord Turnpike - Lot 4 - J. Matthews for P. Wong: To reconstruct patios, walkways, and stoops and other related features situated within close proximity to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch) . The property lies along the south side of Harpsichord Turnpike, just east of Riverbank Road, and is identified as Lot 4, List 001-1766, Card S-010Z, Block 398, Zone RA-1, and ± 1.246 Acres.

Reference is made to an EPB Staff Memo, dated June 13, 2016.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from John Mathews, dated June 9, 2016 withdrawing EPB Permit Application No. 1608 from further consideration.

Motion/Vote: None

Note that Board Member Ley joined the meeting at approximately 7:42 PM in advance of the discussion of EPB Application No. 1611.

#1611 – 33 Putter Drive – Lot 14 – Petralar Homes, LLC: To construct residential additions, expand a drive, and implement other related improvements within the base floodplain of Springdale Brook. This property lies in a non-drinking water supply watershed. The property lies along the north side of Putter Drive, approximately 400 feet west of Hope Street, and is identified as Lot 14, List 002-0491, Card N-004, Block 380, Zone R-20, and ± 0.7039 Acres

Reference is made to an EPB Staff Agenda Summary Report, dated June 6, 2016.

In Attendance: Derek Daunais, P.E., D'Andrea Surveying and Engineering, P.C.

Discussion: Staff Member Talamelli summarized the application for the Board. He stated that the applicant seeks the Board's permission to substantially improve an existing single family dwelling, expand a drive, and implement other related improvements proximate to wetlands and watercourses and within the base floodplain of Springdale Brook. The parcel, which lies along the north side of Putter Drive, approximately 400 feet west of Hope Street, is characterized by gently sloping manicured uplands to the south, gently sloping woodlands to the north, a "man- made" intermittent watercourse, light to moderately wooded wetland areas, and lands subject to flooding during a 100-year or base flood event.

Given the nature of the project, the regulations require applicants to demonstrate that resource impacts are

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minimized, that drainage and adjoining properties are not adversely affected, that water quality is preserved, and that the development is consistent with the "Flood Regulations" as it pertains to river rise, compensatory flood storage, the integrity of structures, and flood preparedness.

Mr. Talamelli reported that resource impacts are expected to be minimal. Disturbances shall be confined to uplands no less than 110 feet to the designated wetlands and 120 feet to the intermittent watercourse. Given the extensiveness of the floodplain, there is little or no ability to avoid the projected areas of flooding. Expected grade change is minimal, and no significant individual or groups of trees shall be lost. Approximately 15,950 square feet of the floodplain shall be temporarily/permanently impacted by the project.

The project engineer, in a submitted analysis, confirmed that the development will not alter existing drainage patterns, and will result in only minor increases in imperviousness in each of the watersheds studied. Accordingly, it was concluded that the project will result in an insignificant increase in storm water flows, and given the site's gentle slopes and well drained soils, that the development, as proposed, will not result in any adverse impacts to adjoining properties, infrastructure or the street. Stamford Engineering Bureau Staff confirmed the conclusions and methodology of the analysis.

A statement concerning the project's impact on flood heights and floodplain storage was also submitted. The addition lies in an "ineffective flow area," being shielded from the conveyance portions of the river by other nearby development. Accordingly, the project engineer concluded that the development will not affect the base flood elevation. Flood storage loss resulting from the construction of the additions/porch foundation and deck posts shall be mitigated with additional storage provided by the new crawl space openings and a shallow excavation that implemented along the eastern reaches of the site. In total, approximately 58 additional cubic yard of storage volume shall be provided. Again, Stamford Engineering Bureau Staff confirmed the conclusions and methodology of the hydraulic statement/report.

Mr. Talamelli went on to note that potential water quality issues have been addressed with the submission of a detailed temporary/permanent erosion control plan, and an overall site development plan that provides for a re-connection to the sanitary sewer and new gas service. No new above or below ground fuel oil storage facilities are proposed.

In regards to structural flood proofing, the project engineer/architect provided plans that are consistent with the provisions of Stamford's Flood Regulations. Compliance was achieved by ensuring that the first floor is elevated above the minimum elevation standard of 127 feet NAVD-88, elevating utilities/metering, confirming the integrity of foundation systems, and filling the existing basement to create a crawl space that is consistent with the design requirements for "Fully Enclosed Areas Below the Minimum Elevation Standard." All flood proofing elements have been certified by the design professionals. A flood preparedness plan has been supplied to define the anticipated flood hazards, describe the structure's flood proof design, and outline general preparedness procedures/recommended emergency evacuation routes.

Finally, Mr. Talamelli noted that a plan to mitigate potential impacts or enhance the overall conservation values of the site has been submitted. The plan provides for the protection of trees expected to be maintained in the post construction landscape, and certain maintenance/landscape activities including the removal of landscape debris/litter from both regulated areas and the adjoining woodlands, the removal of invasives from the regulated areas, and the installation of a collection of conservation valued trees in the spaces lying closest to the wetlands and watercourses.

In response to a question by Dr. Shemitz, Mr. Talamelli reaffirmed that the expected flood storage loss would be offset by exposing the crawl space to flooding and creating a shallow excavation in the eastern reaches of the

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property. The total volume of the new storage will exceed the expected loss.

Derek Daunais, P.E. D'Andrea Surveying and Engineering, P.C. acknowledged the receipt of the Agenda Summary Report, and offered no objection to any of the conclusions or recommended conditions of approval.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1611 with the conditions outlined in an EPB Staff Agenda Summary Report, dated June 6, 2016.

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

#1618 - 200 Strawberry Hill Avenue - Parcel B - City of Stamford – Rogers Inter-District Magnet Extension, Phase 3: To construct additions, play areas, parking, access drives, drainage, utilities, and other related facilities in and/or proximate to wetlands and an intermittent watercourse situated in the non-drinking water supply watershed of the Southwest Shoreline. Improvements are related to the creation of a new K-8 Magnet School. The property lies along the west side of Strawberry Hill Avenue, just south of Fifth Street, and is identified as Parcel B, Account 002-6611, Card W-426 , Map 111, Block 223, Zone R-7.5, and ± 10.84 Acres.

In Attendance: Louis Casolo, Jr., P.E., City Engineer
Steven J. Kochis, P.E., Milone and McBroom
Joe Costa, Perkins Eastman
Michael Cegan, Richter and Cegan
Tom Pietras, Pietras Environmental Group
Carolyn Matthews, The Davey Tree Expert Company
Derek Daunais, P.E., D'Andrea Surveying and Engineering, P.C.

Discussion: Staff Member Talamelli summarized the application for the Board. Mr. Talamelli noted that the City of Stamford seeks the Board's permission to implement Phase 3 improvements at the proposed Rogers Inter-District Magnet School on Strawberry Hill Avenue. Proposed activities include the construction of two (2) new, four (4) story additions, parking, accessways, vehicle staging areas, recreational fields/courts, drainage, utilities, retaining walls, and other related facilities.

The property, which lies along the west side of Strawberry Hill Avenue, just south of Fifth Street, currently supports the facilities formerly associated with Sacred Heart Academy including masonry school buildings, a wood framed barn, wood framed cottage, accessways, walkways, parking, recreational fields, fences, and other related facilities. All structures are served by sanitary sewer, public water and natural gas. The property is characterized by gently to moderately sloping developed lands, moderately sloping woodlands, a pocket wetland, intermittent watercourse, stone walls and many large trees. Of value is a moderately sized Oak situated in the eastern reaches of the parcel. Reportedly, the tree has historic significance as a "Constitution Oak" a descendant of Connecticut's original "Charter Oak".

Mr. Talamelli provided the Members with copies of an aerial photograph. He pointed out that more than ninety-nine (99) percent of the site is comprised of upland soils, which range from gently sloping, lightly vegetated, developed lands to the east to moderately sloping, moderately dense woodlands to the west. The wetlands have been confined to a small "pocket" in the western reaches of the site. Wetlands occupy less than one (1) percent of the property. Based on an analysis provided by the consulting environmental professional and confirmed by EPB Staff, the wetlands have been "isolated" and "impacted" by the historic development of properties, have

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been partially drained, have been affected by the placement of shallow fill, and support a collection of non-hydrophytic landscape features including Sugar Maple, Multiflora Rose, Euonymus, and Bittersweet. Mr. Talamelli went on to note that in addition to the wetland soil areas, the "regulated areas" include non-watershed upland review areas or buffers of twenty-five (25) feet, and a "drainage swale" or "intermittent watercourse" that apparently directs flows from a undefined "drain" found in and under filled areas to the north and east to a system of swales and piping located on residentially developed parcels to the west.

The applicant is required to demonstrate that resource impacts are minimized, that drainage is not adversely affected, that water quality is preserved, and that the development will not adversely impact regulated areas. Mr. Talamelli reported that although impacting approximately 115 linear feet of the "swale" or "intermittent watercourse," and 7,400 square feet of the regulatory buffer, there are no direct encroachments upon wetlands. Development shall encroach no less than fifteen (15) feet to the designated wetland. Grade change is expected to range from "low" to "severe", with fills up to seventeen (17) feet in the western reaches of the project area. Long lengths of high retaining wall are necessary to support the expected cuts/fills. Given the extensive change in topography, a significant number of trees are expected to be lost, particularly in the western reaches of the site.

Mr. Talamelli noted that the project engineer provided a statement and supporting documents assessing potential drainage impacts. Currently, the entire ± 10.84 acre parcel lies within a single watershed that generally drains east to west from Strawberry Hill Avenue to residential properties situated on Strawberry Hill Court. On those parcels, storm water is intercepted and conveyed by a system of existing shallow swales, a headwall and piped drainage system. Implementation of the proposed Phase 3 improvements is expected to increase the overall site imperviousness by approximately 3.82 acres, and if left unmitigated, would result in a substantial increase in the volume and rate of runoff. Accordingly, the applicant proposes to better collect and manage the anticipated flows by creating two (2) post construction watersheds and installing a structured drainage system. In the first watershed, approximately 0.860 acres of wooded lands in the extreme western portions of the site shall continue to flow overland to the south and west to the existing swales and drainage system found on the abutting parcels. In the second watershed, approximately 9.980 acres of redeveloped space to the east shall be routed through the new structured system consisting of numerous yard drains, catch basins, pipes, manholes, oil/grit separators and three (3) underground, systems (8' x 8' Retain-It System in three (3) arrays of approximately 20, 60 units and 400 units). The primary overflow from the systems shall be piped directly to the existing piped drainage system found on the abutting parcels. If constructed per the preliminary design plans, there will be no increase in the post development storm water runoff peak flow rates to neighboring properties or to adjacent storm drainage systems for the 2, 10, 25 and 100-year storms. Mr. Talamelli reported that the Engineering Bureau Staff found that the storm water design methodology to be acceptable, noting that certain items of additional information and modifications to the design will be necessary to conform to the department's requirements.

To preserve/enhance water quality, the applicant has provided a basic sediment and erosion control plan consisting of perimeter sediment fencing, anti-tracking, designated stockpile areas, basin protection and final stabilization measures, drainage collection structures shall be equipped with deep sumps/outlet controls to assist in the collection of silt/debris prior to discharge, swirl type oil/grit separators shall be added in select portions of the drainage system to assist in the collection of pollutants prior to discharge to the infiltration systems, and infiltration structures shall be installed to mitigate drainage impacts and assist in the cooling and treatment of stormwaters prior to discharge.

Finally, Mr. Talamelli confirmed the extensive nature of the measures provided by the applicant to mitigate the anticipated impacts of the development. To further stabilize the soil, improve aesthetics, screen the development, and enhance the conservation values of the property, the applicant has provided an overall landscape plan that provides for the installation of a significant number of trees/shrubs throughout the site. Many have substantial conservation value. In and about the wetland, numerous landscape features expect to be introduced to enhance

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function. Lastly, an arborist conducted an extensive review of trees found on the entire ±10.84 acre parcel. The assessment established the various tree types, assessed condition, provided a rating, and developed a list of actions necessary to protect and preserve valued individual or groups of trees. Arborist guided actions include supervised removals, temporary fence protection, root pruning, mulching of root zone, construction inspection, and other related requirements. It was noted that specific preservation measures have been applied to the "Charter Oak."

In conclusion, Staff reaffirmed the conclusions of the environmental professional's assessment of the wetland finding that the wetland is small by area, isolated, and shows evidence of historic impact due to nearby excavation and/or the placement of shallow fill/debris. The wetland no longer exhibits true wetland hydrology, supports a collection of non-hydrophytic landscape features, and has little functional value. Despite these circumstances, the applicant has determined to preserve the wetland by providing a retaining wall to define the outward edge of the development and applying certain enhancements to improve the aesthetic and wildlife values of one of the site's remaining open areas. Mr. Talamelli further concluded that based on the submittals, that the project will not adversely affect valued regulated areas or conservation resources, impact drainage or adversely affect water quality. Finally, it was stated that the mitigation proposed to date, including the tree protection measures and plantings, are extensive, valued from a conservation perspective, and more than adequately offset the anticipated impacts of the development.

Following an introduction of the development team, Louis Casolo, Jr., City Engineer, provided a detailed summary of project's objectives, history and schedule. He acknowledged the receipt of the Agenda Summary Report and offered no objection to any of the conclusions or recommended conditions of approval.

When queried by the Chair, Mr. Spaulding stated that he had no questions for either the applicant or Staff. Mr. Spaulding went on to comment that the submittals, particularly the tree assessment and landscape plan, were thoughtful and complete.

Dr. Shemitz commented on the significance of the project and the quality of both the tree protection and landscaping plans provided. In response to a question posed by Dr. Shemitz concerning drainage impact, Mr. Casolo noted that the drainage design will evolve as discussions continue and the plans are refined. Minor variations are expected. However, the Board should be reassured that prior to implementation, the design will include the systems necessary to ensure that there will be no adverse drainage impacts on downstream properties or the receiving systems.

In response to a question by Mr. Rosenfeld concerning the "Constitution Oak" and the "open space" along Strawberry Hill Avenue, Mr. Casolo stated that the area will be kept as "green space" that the trees shall be maintained in accordance with the proposed tree assessment/enhancement plan developed by the arborist. He further confirmed that his office is amenable to the idea of providing a plaque in the vicinity of the "Constitution Oak" to confirm the historical significance of the tree.

Motion/Vote: Upon a motion by Mr. Rosenfeld, the Board voted to **APPROVE** EPB Permit Application No. 1618 with the conditions outlined in an EPB Staff Agenda Summary Report, dated June 9, 2016.

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

#1620 - 36 Timber Mill Road – Lot F-14 – R. and S. Duckworth: To maintain a pool fence constructed within

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close proximity to wetlands situated in the drinking water supply watershed of the Mianus River. The property lies along the west side of Timber Mill Road, approximately 470 feet north of Dundee Road, and is identified as Lot F-14, List 002-3603, Card N-002, Block 394, RA-1 Zone, and ± 1.00 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated May 11, 2016.

In Attendance: None

Discussion: Staff Member Fausty summarized the application for the Board. She reported that the applicant seeks the Board's permission to maintain a pool fence proximate to known wetland soil areas. The property, which is situated along the west side of Timber Mill Road, is currently developed with a residential dwelling and appurtenances, and is serviced by both a private well and septic system. The fence, which was installed without the prior approval of both Zoning and EPB, was necessary to prevent access to the open water. Other activities Although sufficiently distant to a stream corridor situated on the parcel, the fence encroaches within thirty-two (32) feet to wetlands situated on the adjoining property. The applicant reports that in total that approximately eighty (80) square feet of the upland review area had been affected. Ms. Fausty stated that no plantings or other similar mitigations are necessary given the fact that the fence replaces a prior enclosure that the space has been historically maintained as lawn or planting bed, and the disturbance was minimal.

Motion/Vote: Upon a motion by Mr. Levine, the Board voted to **APPROVE** EPB Permit Application No. 1620 with the conditions outlined in an EPB Staff Agenda Summary Report, dated June 10, 2016.

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

#1625 - Wallenberg Drive - Lot 34 - Wallenberg, LLC: To construct a new single family dwelling with associated septic system, site grading and drainage in and proximate to wetlands, watercourses, and designated conservation/open space areas on property situated within the drinking water supply watershed of the Bargh Reservoir (Mianus River). The property lies along the east side of Wallenberg Drive, approximately 150 feet south of South Lake Drive, and is identified as Lot 34, List 003-7997, Card E-003, Block 400, Zone RA-3, 2.04 Acres.

Reference is made to an EPB Staff Memo, dated June 13, 2016.

In Attendance: Jason Klein, Esq. Carmody, Torrance, Sandak and Hennessey, LLP.

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept a permit application.

Motion/Vote: Upon a motion by Mr. Levine, he Board voted to **ACCEPT** EPB Permit Application No. 1625.

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

SITE PLAN REVIEWS:

SUBDIVISION REVIEWS:

ENFORCEMENT – STATUS REPORTS AND SHOW CAUSE HEARINGS:

OTHER BUSINESS:

Status of Efforts to Review and Enforce the Provisions of EPB Drainage Facility Maintenance

Agreements: Mr. Talamelli reported that the Chair has drafted a letter to send to owners and/or property managers requesting proof of compliance with the maintenance and water quality provisions of both our Drainage Facility Maintenance Agreements and prior EPB permits. It was noted that the functionality and effectiveness of drainage systems continues to be a high priority of the EPB, and that facilities that are not properly maintained may lead to drainage impacts, and the discharge of pollutants/debris to wetlands, watercourses, and the waters of Long Island Sound. Proof of compliance, at least initially, would be in the form of invoices and written compliance certifications submitted to the offices of the EPB. Mr. Stone requested the Board Members review the contents of the letter and provide comments.

ADJOURN:

Adjourn the Regular Meeting of June 16, 2016:

There being no further business, the Board, upon a motion by Mr. Levine, voted to **ADJOURN** the Regular Meeting of June 16, 2016.

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

The meeting was adjourned at 8:41 PM.

Gary H. Stone, Chairman
Environmental Protection Board

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