

DRAFT

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE FEBRUARY 18, 2021
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

MEMBERS PRESENT:

Gary H. Stone, Chairman
Dr. Leigh Shemitz, Member
Ashley A. Ley, Member
Laura Tessier, Member
Joseph Todd Gambino, Member
David J. Kozlowski, Alternate Member
Thomas C. Romas, Alternate Member

MEMBERS NOT PRESENT:

Stephen J. Schneider, Alternate Member

STAFF PRESENT:

Richard Talamelli, Executive Director/Environmental Planner
Pamela Fausty, Environmental Analyst

The meeting was called to order by Mr. Stone at 7:30 PM.

MINUTES:

Minutes of the Regular Meeting of December 17, 2020

The Board considered the minutes of the December 17, 2020 Regular Meeting. Members present and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Tessier, Ms. Ley, Mr. Kozlowski, and Mr. Romas. There were no comments or modifications recommended.

Motion/Vote: Upon a motion by Mr. Kozlowski and seconded by Ms. Ley, the Board voted to **APPROVE** the Minutes of the December 17, 2020 Regular Meeting as presented.

In Favor: Stone, Shemitz, Tessier, Ley and Kozlowski
Opposed: None
Abstaining: None
Not Voting: Romas and Gambino

Minutes of the Regular Meeting of January 7, 2021

The Board considered the minutes of the January 7, 2021 Regular Meeting. Members present and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Tessier, Ms. Ley, Mr. Gambino, Mr. Kozlowski, and Mr. Romas. There were no comments or modifications recommended.

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Motion/Vote: Upon a Motion by Ms. Ley and seconded by Ms. Tessier, the Board voted to **APPROVE** the Minutes of the January 7, 2021 Regular Meeting as presented.

In Favor: Stone, Shemitz, Tessier, Ley and Gambino
Opposed: None
Abstaining: None
Not Voting: Kozlowski and Romas

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#2021-01 – 264 Cedar Heights Road – Plot A – Redniss and Mead, Inc. for D. Russell: To construct a residential addition, attached garage, drainage and other related features within close proximity to wetlands and watercourses and within the base floodplain of the Rippowam River. The property lies along the south side of Cedar Heights Road, approximately 475 feet east of Wire Mill Road, and is identified as Plot A, Card S-043, Account 000-9961, Map 76, Block 359, Zone R-20, and ±0.522 Acres.

Reference is made to EPB Staff Memo, revised February 17, 2021.

#2021-02 – 215 Sawmill Road – Lot A-30 – Environmental Land Solutions, LLC for E. Teitell: To construct a deck and spa proximate to wetlands and a watercourse on property situated within the drinking water supply watershed of the Mianus River (East Branch). The property is situated along the west side of Sawmill Road, approximately 600 feet north of the intersection of Sawmill and Dundee Roads, and is identified as Lot A-30, Account 001-5629, Card N-016, Map 49, Block 394, Zone RA-1, and is + 1.5438 Acres

Reference is made to EPB Staff Memo, dated February 12, 2021.

In Attendance: None

Discussion: Mr. Talamelli acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications No. 2021-01 and 2021-02.

Motion/Vote: Upon a motion by Dr. Shemitz and seconded by Ms. Ley, the Board voted to **ACCEPT** EPB Permit Application Nos. 2021-01 and 2021-02.

In Favor: Stone, Shemitz, Ley, Tessier, and Gambino
Opposed: None
Abstaining: None
Not Voting: Kozlowski and Romas

#2020-25 - 145 Jeanne Court – Lot 18 – M. Arango and F. Caro: Relocate a shed, relocate and/or maintain fences, maintain a play area, maintain lawn, and conduct other related activities in or within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of

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Springdale Brook. The property lies along the cul-de-sac of Jeanne Court, and is identified as Lot 18, List 000-0751, Card E-010Z, Block 382, Map 61, Zone RA-1, and \pm 1.4107 Acres.

Reference is made to an EPB Staff Memo, dated February 16, 2021.

#2020-28 – 35 Bird Song Lane – Lot 4 - City of Stamford Engineering Bureau for G. Moore – Bird Song Lane Roadway and Drainage Improvements: To implement certain roadway and drainage improvements in and proximate to wetlands situated in the non-drinking water supply watershed of Poorhouse Brook. The activities lie within both a portion of Bird Song Lane and a proposed drainage easement on property situated at 35 Bird Song Lane, Lot 4, Account 000-6588, Card N-022Z, Map 44, Block 386, Zone RA-2, and +1.025 Acres.

Reference is made to an EPB Staff Memo, dated February 12, 2021.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Leonard C. D'Andrea, P.E., D'Andrea Surveying and Engineering, P.C. (February 12, 2021) and Frank Vonella (February 11, 2021) granting the Board extensions of decision deadlines for EPB Applications No. 2020-25 and 2020-28 in order to develop necessary information.

Motion/Vote: None

Action Items:

#2020-24 - 81 Malvern Road – Lot 56 – J. F. Risoli, P.E., LLC. for D. Melchionne: Removal of an existing patio, relocate and/or maintain a fence, grade and landscape proximate to wetlands situated in the non-drinking water supply watershed of Toilsome Brook. The property lies along the east side of Malvern Road, approximately 250 feet south of Club Road, and is identified as Lot 56, Account 000-3619, Card E-010, Map 84, Block 379, Zone R-20, and \pm 0.612 Acres.

Reference is made to an EPB Agenda Summary Report, dated February 12, 2021.

In Attendance: Jim McTigue, P.E., Joseph F. Risoli, P.E., LLC

Discussion: Ms. Fausty summarized the application for the Board. Ms. Fausty reported that the applicant seeks the Board's permission to maintain a fence, lawn and play area that were installed within close proximity to wetlands without a prior permit. The parcel, which lies along the east side of Malvern Road, south of Club Road, currently supports a single family, drive, patios, walkways, fences and other related features. The property is served by both sanitary sewers and public water. The site is characterized by the presence of gently sloping developed lands to the west and a large, densely wooded wetland to the east. She reported that based on a review of available City aerial photos, portions of the twenty-five (25) foot wide wetlands buffer were altered with the cutting of trees and the installation of new lawn, fence and playscape. The fence generally parallels the designated wetland areas. The activity apparently occurred sometime between 2016 and the present. It is estimate that approximately 900 square of the wetland buffer had been affected by the

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development. Ms. Fausty reported that no further site disturbance has been proposed, and to mitigate potential wetland impacts, the applicant has determined to restore an estimated 72% of the regulated areas by removing the lawn grass and installing a dense and diverse collection of native plantings along the fence line. Board members offered no questions or comments.

Motion/Vote: Upon a motion by Ms. Ley and seconded by Ms. Tessier, the Board vote to **APPROVE** EPB Permit Application No. 2020-24 with the conditions outlined in the Agenda Summary Report, dated February 12, 2021.

In Favor: Stone, Shemitz, Ley, Tessier and Gambino
Opposed: None
Abstaining: None
Not Voting: Kozlowski and Romas

#2020-27- 200 Southfield Avenue – Lot 7 – Stantec Consulting Services, Inc. for the City of Stamford, Phase I Final Design at John J. Boccuzzi Park: To construct vehicular accessways, parking, walkways, utilities, drainage, and a commercial building, grade, landscape, and implement other related activities in and within close proximity to wetlands and special flood hazard areas in the non-drinking water supply watershed of the Southwest Shoreline. The project includes both general improvements to John J. Boccuzzi Park and construction activities associated with the Soundwaters Education Center.

Reference is made to an EPB Staff Memo, dated February 12, 2021.

Note: Dr. Shemitz determined to recuse herself from the discussion/vote on EPB Permit Application No. 2020-27 given her affiliation with Soundwaters, Inc. Mr. Stone noted that Mr. Kozlowski would be voting on this application.

In Attendance: Peter W. Radar, AIA, Jones Lang LaSalle Americas, Inc.
Gary Sorge, Stantec Consulting Services, Inc.
Joseph Fuller, AIA, Fuller and DeAngelo
Philip J. Katz, P.E., Stantec Consulting Services, Inc.

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the City of Stamford seeks the Boards permission to construct vehicular accessways, parking, walkways, utilities, drainage, and a commercial building (Education Center), grade, landscape, and implement other related improvements in and/or proximate to wetlands, special flood hazard areas, and other areas of resource.

The property, which lies along the east side of Southfield Avenue, in the general vicinity of Congress Street, currently supports facilities associated with Boccuzzi Park and Soundwaters, Inc. including ball fields, tennis/basketball courts, playscapes, trailers, decks, a comfort station, accessory buildings, access roads, walkways, parking areas, utilities, docks, and other related features. The site is characterized by the presence of gently to moderately sloping developed lands and the following coastal resources: "Shorelands," "Freshwater Wetlands," "Tidal Wetlands," "Coastal Flood Hazard Area," "Beach," and "Modified Escarpment." Mr. Talamelli reported that given the circumstances of this project and property, local permits/approvals are required under the terms of both the "Inland Wetland

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and Watercourse Regulations,” and “Coastal Area Management Regulations.” The agenda summary report had been generated to summarize issues pertinent to both the EPB and Zoning Board.

Inland wetlands lie in two (2) separate portions of the property. To the south, a narrow “pocket” parallels the property boundary. Surface waters accumulate in the wetland, infiltrate, with any overflow entering an existing catch basin and storm system before discharging to Stamford Harbor to the north and east. This space is marked by the presence of several large trees and heavy thicket of shrub and vine. Further to the north, in the approximate center portion of the site, lies a second wetland “pocket.” Surface waters accumulate in the wetland, infiltrate, with any overflow appearing to drain overland to the east through an existing parking lot and eventually Stamford Harbor. This space is primarily held as managed turf. Soil scientists that have evaluated the property have classified the wetlands as Aquents - meaning soils having at least two (2) feet of their original soil surface altered by excavation or grading but still show the variations in groundwater typically associated with wetland soils. The special flood hazard areas occupy the northern and eastern limits of the property, with the more turbulent flood waters (VE, Elevation 15 feet NAVD-88) confined to areas closest to Stamford Harbor (east) and the more placid waters (Zone AE, Elevation 12 feet NAVD-88) closest to Southfield Avenue (west). Flood zone designations and elevations are reflected on the Flood Insurance Rate Map 09001C0516G, dated July 8, 2013.

Mr. Talamelli noted that the applicant proposes to renovate portions of the park and build a new facilities to support Soundwaters, Inc. including a new, floodproof, education building, access drive, parking, walkways, drainage, utilities and other related facilities. Important resource based improvements include the replacement of some of the site’s more urbanized spaces, such as paved parking, the seawall and manicured lawn space with an “eco-friendly” shoreline, dune environment, and naturally vegetated wetland areas. The primary structure and portions of the supporting infrastructure shall be confined to a “lease area” previously negotiated with the City. The regulations (IWW and CAM) generally require applicants to demonstrate that the project seeks to avoid or minimize impacts on regulated areas/resources, mitigates adverse drainage impacts, preserves and/or enhances water quality, ensures consistency with the requirements of the “Flood Prone Area Regulations,” enacts measures to limit flood impacts on persons and properties, and employs measures to enhance or limit negative visual/aesthetic impacts or enhance the overall conservation values of the property. The coastal regulations go on to encourage both access to the waterfront and enhanced recreational opportunities.

Mr. Talamelli reported that the project affects approximately ± 4.75 acres of the ± 11.7 acre parcel including 1,166 square feet of wetlands and 10,900 square feet of the non-watershed upland review area (25 feet). Grade change over the site is expected to lie in the low to moderate range with the anticipated cuts/fills not expected to exceed three (3) feet. As currently proposed, the applicant reports that up to twenty-five (25) of the larger trees situated on the parcel shall be lost as a result of the development.

The project engineer has submitted a report assessing the project’s anticipated impact on drainage and water quality. To better control peak flows, volume, and potential pollutant loading, the project engineers have determined to remove or diminish many of the urbanized spaces (i.e. parking lot, driveways, stone bulkhead, etc.) and create/manage several post construction watersheds, grade and install both structural and non-structural elements. Structural elements include deeply sumped catch basins with outlet controls, pipes, manholes, oil/grit separators, infiltrators, and rip rapped outlet protection to

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address the drainage and water quality concerns linked to portions of the new access drive, paved parking areas, some roof, and related space. Non-structural elements include the installation of a biofiltration basin ("rain garden") and enhanced wetland areas to address drainage and water quality concerns associated with portions of the access drive, walkways, the roof of the education center and other related space. Basic maintenance recommendations have been added to the plans. Other design elements to improve water quality include a temporary/permanent sediment and erosion control plan, connection to the sanitary sewer and use of natural gas to both heat the building and provide emergency power. The project engineer has concluded that the project will reduce peak flows and runoff values, and will improve the overall quality of waters leaving the site. Accordingly, the engineer has stated that the proposed improvements have been designed in accordance with the City of Stamford Drainage Manual and will not adversely impact adjacent or downstream properties or City owned drainage facilities. Drainage and water quality concepts have been granted a preliminary endorsement by Engineering Bureau Staff.

Mr. Talamelli further noted that a coastal engineer has evaluated the project, confirming that the proposed construction, grading and other related improvements will not impact flood elevations, alter the dynamics of the flood, or create adverse impacts with respect to flooding to adjacent properties.

The proposed building, related infrastructure and other related features been designed in accordance with the provisions of Stamford's Flood Prone Area Regulations. The Education Center shall be sited within an area only affected by the less dynamic floodwaters associated with the AE Flood Zone, with the first floor raised to Elevation 16.00 feet NAVD-88, which is four (4.0) feet above the projected base flood elevation and three feet above the minimum elevation standard. . The lowest level of the building, which is dedicated to limited storage, lies at elevations ranging from 9.0-11.2 feet NAVD-88 and shall be constructed in accordance with the provisions of "fully enclosed areas below the minimum elevation standard" – meaning that the space includes properly sized, located and elevated wall openings to alleviate hydrostatic pressures, unfinished wall, ceiling and floor surfaces, and no utilities, mechanicals and other related service facilities. Note that any piping electrical, plumbing, fire protection, and other related elements situated at the crawl space level shall be elevated above the minimum elevation standard. Any vertical elements shall be contained in floodproof conduit affixed to the wall with stainless steel strapping. A proposed traction elevator has been designed in accordance with FEMA Technical Bulletins with all mechanical elements situated in the upper levels of the building above the minimum elevation standard. The elevator car never descends below the first floor level. All mechanical, electrical and fire service rooms have been situated at the first floor level. Important floodproof elements situated to the exterior of the building include, but are not limited to AC condenser units and a natural gas powered generator installed at the roof level, new underground utilities, including electric, cable, water and sanitary contained in floodproof conduit/trenches, sanitary manholes equipped with bolted covers, and the fences, timber guiderails, the pedestrian bridge, "eco-friendly shoreline" and other related features designed to withstand the impact of a major storm event. All elements exposed to flooding, including the building, have been designed in accordance with Section 15B of the Zoning Regulations ("Flood Prone Area Regulations of the City of Stamford") and have been certified to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood.

A basic "draft" flood preparedness plan has been developed for the subject property. The plan provides a description of the extent of flooding over the site during the base flood, outlines the structural floodproofing measures incorporated into the design of the building, shows a likely route of

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vehicular/pedestrian evacuation and describes general measures to ensure the safety of residents and limit property damages during the time of flood. Signage has been added to the first floor egress and other space to confirm the flood hazard and the potential evacuation route. Signage has been added to the lower level entrance to the crawl confirming the flood hazard, and prohibiting the storage of hazardous materials. Site stockpiles, fuel storage, sanitation stations, construction trailers and other related features have been sited to avoid resource rich areas and the potentially flooded spaces during a storm. Contractor parking shall be staged in the existing asphalt parking area in the eastern reaches of the site during the initial stages of development, but can be readily moved in advance of a storm, with adequate warning.

Mr. Talamelli further noted that important resource protection and/or enhancement measures have been incorporated into the design as well. Existing urban features, including the stone seawall, paved parking areas, manicured lawn, etc. shall be removed and replaced with more “natural” features including an “eco-friendly” shoreline, a “dune” habitat, and enhanced wetland areas. The landscaped edge has been substantially expanded inland from the harbor. The planting proposed by the applicant is extensive, suitable for the coastal environment, and serves to improve visual qualities, filter runoff, and enhance the overall conservation values of the site. In select areas, a flood resistant timber rail shall be utilized as a wetland demarcation feature. Several trees expected to be incorporated into the post construction landscape shall be protected per the recommendations of the site arborist including the use of construction fencing at drip lines, etc. It was noted that additional opportunities may exist to maintain trees of value, and the applicant has committed to do so as the plans are refined. Waterside access, connections to existing walkways, access to the dock, and other recreational opportunities have been enhanced with an improved system of pedestrian walkways, the removal of hardscapes, and lowering and enhancement of the hardened edge along the harbor.

In response to a question by Ms. Tessier concerning impervious coverage, Gary Sorge indicated that as the advanced phases of the park masterplan are implemented, an overall reduction in impervious coverage will be realized at the park.

Ms. Tessier, although acknowledging the importance and value of the improvements being applied to the park and its environs, questioned the judiciousness of placing new, non-water dependent facilities in the coastal flood hazard zone given the potential for flood damages and the ever growing threats posed by climate change and sea level rise.

Ms. Ley acknowledged the substantial enhancements incorporated into the design of the project, but would encourage the use of additional “eco-friendly” design features, such as porous pavers, to further reduce the areas committed to traditional pavements and promote infiltration.

Mr. Gambino praised the applicant’s efforts to replace the paved parking and other man-made structures along the waterfront with more natural features.

Mr. Kozlowski stated that the long term benefits of the project far outweigh the short term impacts of the construction.

In response to a question by Mr. Stone, Gary Sorge acknowledged the receipt of the Staff agenda summary report and offer no objection to any of the conclusions or recommended conditions of an approval.

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Motion/Vote: Upon a motion by Ms. Ley and seconded by Mr. Kozlowski, the Board voted to **APPROVE** EPB Permit Application No. 2020-27 with the conditions outlined in the EPB Staff Memo, dated February 12, 2021. Ms. Ley cited the overall environmental improvements expected from the project, the importance of the restorative works proposed for a “derelict” wetland environment, and the expanded “naturalized” conditions along the waterfront to promote access, recreational opportunities, and water quality in both wetlands areas and the waters of Long Island Sound.

In Favor: Stone, Ley, Tessier, Gambino and Kozlowski

Opposed: None

Abstaining: None

Not Voting: Shemitz and Romas

#2020-29 – 80 Halliwell Drive – Lot 2 – Quesited Consulting, LLC for A. Hart: To construct a private, replacement driveway bridge in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the south side of Halliwell Drive, approximately 180 feet east of Sycamore Terrace, and is identified as Lot 2, Account 001-9788, Card S-007, Map 113, Block 361, Zone R-10 and \pm 0.42 Acres.

Reference is made to an EPB Agenda Summary Report, dated February 12, 2021.

In Attendance: Leigh DeMarco, Quesited Development, LLC
Audra Hart
Andrew Hart
Joseph Stroll, DB Essentials, LLC.

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the applicant seeks the Board’s permission to replace an existing, privately held, driveway bridge (both vehicular and pedestrian) in and within close proximity to wetlands and watercourses. The property, which lies along the south side of Halliwell Drive, east of Sycamore Terrace, currently supports a single family dwelling, deck, patio, walkways, walls, asphalt driveway, narrow vehicular/pedestrian bridge, and other related features. The dwelling is served by both sanitary sewers and public water. It was noted that a sanitary main bisects portions of the property (north to south).

Mr. Talamelli stated that the site is characterized by the presence of gentle to upwardly moderate slopes, many surface boulders and stones, stone walls, and a steeply sloping stream corridor. The stream corridor, which emanates from a City storm system to the north and west, drains to the south and east through several residential properties before entering a large swamp and conservation easement area in the vicinity of Coach Lamp Lane. A narrow wetland fringe borders the stream. Vegetation in and along the watercourse ranges from manicured lawn to a more “natural” landscape comprised a few small to moderately sized trees underlain by a fairly dense thicket of shrub/vine. The property lies within the non-drinking water supply watershed of the Rippowam River, and is unaffected by a special flood hazard area.

Mr. Talamelli went on to state that the existing wood/stone bridge, which provides the sole access to the site, has deteriorated and is nearing failure. The project calls for the establishment of water and

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sediment and erosion controls, the removal of the existing bridge, construction of a new, reinforced concrete bridge, repaving of the drive, and implementation of both final stabilization measures and certain conservation enhancements. The hydraulic opening mimics the existing. Grades are not expected to be significantly altered as a result of the project. The applicant reports that the project will temporarily/permanently affect approximately 400 square feet of wetlands, 2,200 square feet of the non-watershed based upland review area and 40 linear feet of watercourse.

Potential impacts upon resources, drainage, water quality and the nearby sanitary main have been addressed through the application process. The applicant intends to implement the plan during the "driest" conditions possible, apply a dewatering system consisting of sandbags, filtered pumping and stabilized outfall controls to divert the flow during the construction, and adhere to a storm monitoring and response plan. A detailed temporary and permanent sediment and erosion control plan has also been developed. The project engineer as confirmed that the activities, given the design, will not impact drainage, soils, infrastructure or adjoining properties or diminish the carrying capacity of the watercourse. An Engineering Bureau Staff endorsement had been secured for the project. The limits of the nearby sanitary sewer have been defined and activities, including the proposed storage and stockpiles, have been excluded from that space with the use of construction fencing. Mr. Talamelli reported that the project engineer has confirmed that although the excavation lies close to the pipe, that sufficient depth of backfill remains to ensure its integrity. It was further noted that shoring may be installed as required. Finally, to stabilize the soil, displace manicured surfaces, and enhance the overall conservation values of the property, the applicant has determined to implement a planting plan that provides for the installation of a variety of conservation valued trees primarily along the existing watercourse. Mr. Talamelli reiterated that the project is necessary to restore the sole access to the existing single family dwelling, that there are that few alternatives having less of a meaningful impact on the regulated areas, and that the design and mitigative measures proposed address specific concerns relating to resource protection, drainage, and water quality. Planting mitigation is appropriate given the scope of the project and anticipated impacts.

Mr. Stroll confirmed receipt of the Agenda Summary Report, and offered no objection to any of the stated findings or recommended conditions of approval.

Motion/Vote: Upon a motion by Ms. Ley and seconded by Mr. Gambino, the Board voted to **APPROVE** EPB Permit Application No. 2020-29 with the conditions outlined in the Agenda Summary Report of February 12, 2021. Ms. Ley, in drawing her motion, cited the importance of providing safe access to the residence, the protective measures employed to diminish impacts upon the regulated during the construction phase, and the value of the mitigative measures proposed.

In Favor: Stone, Shemitz, Ley, Tessier, and Gambino
Opposed: None
Abstaining: None
Not Voting: Kozlowski and Romas

Site Plan Review: None

Other Business: None

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ADJOURN:

Adjourn the Regular Meeting of February 18, 2021:

Motion/Vote: There being no further business, and upon a motion by Ms. Tessier and seconded by Dr. Shemitz, the Board voted to **ADJOURN** the Regular Meeting of February 18, 2021.

In Favor: Stone, Shemitz, Ley, Tessier, and Gambino

Opposed: None

Abstaining: None

Not Voting: Kozlowski and Romas

Meeting adjourned at 8:16 PM.

Gary H. Stone, Chairman
Environmental Protection Board

Minutes prepared by R. Talamelli, based on meeting notes.

Version 1: March 8, 2021 (Draft)
Version 2: March 9, 2021 (Draft to Board)