

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE JULY 15, 2021  
REGULAR MEETING  
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

**MEMBERS PRESENT:**

Gary H. Stone, Chairman  
Laura Tessier, Member  
Ashley A. Ley, Member  
Joseph Todd Gambino, Member  
David J. Kozlowski, Alternate Member

**MEMBERS NOT PRESENT:**

Dr. Leigh Shemitz, Member  
Stephen J. Schneider, Alternate Member  
Thomas C. Romas, Alternate Member

**STAFF PRESENT:**

Richard Talamelli, Executive Director/Environmental Planner  
Pam Fausty, Environmental Analyst  
Lindsay Tomaszewski, Environmental Analyst

The meeting was called to order by Mr. Stone at 7:30 PM. Seated for the meeting were Mr. Stone, Ms. Tessier, Ms. Ley, Mr. Gambino and Mr. Kozlowski.

**MINUTES:**

**Minutes of the Regular Meeting June 17, 2021**

The Board considered the minutes of the June 17, 2021 Regular Meeting. Members present and eligible to vote were Mr. Stone, Ms. Tessier, Ms. Ley, and Mr. Kozlowski. There were no comments or modifications recommended.

**Motion/Vote:** Upon a motion by Mr. Kozlowski and seconded by Ms. Tessier, the Board voted to **APPROVE** the Minutes of the June 17, 2021 Regular Meeting as presented.

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

**APPLICATIONS AND PERMITS:**

**Acceptances/Extensions/Withdrawals:** None

## Minutes

Regular Meeting of July 15, 2021

Page 2, September 17, 2021

### Action Items:

**#2021-05 – 63/69 Oaklawn Avenue – Lots 13/14 – G. Teitel for Young Israel of Stamford, Inc.** To expand and redevelop an existing synagogue building, parking and other related features in and/or proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Toilsome Brook. The properties lie along the north side of Oaklawn Avenue approximately 200 feet west of Dorlen Road, and are identified as Lots 13 and 14, Accounts 000-4617 and 000-7665, Cards N-010 and N-009, Map 104, Block 352, Zone R-7.5, and  $\pm 1.555$  Acres (combined).

Reference is made to an EPB Agenda Summary Report, dated June 11, 2021 and EPB Agenda Staff Memo, dated July 9, 2021.

In Attendance: Keith Ainsworth, Esq.  
David Ginter, P.E., Redniss and Mead  
Tracy Chalifaux  
Steven Danzer, PhD  
Dr. Leon Hanna

**Discussion:** A brief summary of the application status was offered by Ms. Tomaszewski. She reminded Members that Young Israel of Stamford proposes to construct an addition, parking, driveway, drainage, and related features in and proximate to wetlands situated at 63 and 69 Oaklawn Avenue, Stamford, Connecticut. The properties, which lie along the north side of Oaklawn Avenue approximately 200 feet west of Dorlen Road, currently support a synagogue, dwelling, detached garage, parking, driveways, drainage and other related facilities. The properties are characterized by the presence of gently sloping developed spaces, wooded wetlands, wetlands maintained as manicured space, and several large trees. The wetland is part of a much larger system affecting several properties along the north side of Oaklawn Avenue. Dumping and the spread of invasive vegetation has impacted large portions of the regulated areas. Ms. Tomaszewski reported that the property has history before the agency, with the building, parking lot and other related features the result of EPB Permit Application No. 8462, issued in December 1984.

The Board initially considered this application at the June 17, 2021 meeting. Following extensive discussion with Staff and the members of the development team, the Board determined to **DEFER** Action on EPB Permit No. 2021-05 pending the submission of additional information from the Law Department pertaining to the applicability of the Religious Land Use and Institutionalized Persons Act (RLUIPA) and a discussion of further alternatives having less of a potential impact on the regulated areas (including the “no build” scenario), further data justifying the building size and parking needs, consideration of additional measures to prevent future encroachments into the regulated areas including a demarcation feature and perimeter postings, and review of the invasive management plan to establish if the duration of the treatment and monitoring provisions should be expanded to a minimum of five (5) years to ensure success.

Ms. Tomaszewski noted that in response to the Board’s request for information, the applicant provided revised site development, grading, and wetland mitigation plans along with correspondence from the applicant’s legal representative.

## Minutes

### Regular Meeting of July 15, 2021

#### Page 3, September 17, 2021

Attorney Ainsworth then requested time to address the Board. He noted that the proposed development carefully balances the current needs of congregation with the sensitivities of the property and the environment. He reported that the congregation has grown and the expansion is necessary to offset current conditions where “standing room only” in the designated worship space is common and classroom space is deficient and unable to adequately serve the +150 children that utilize the facilities for teaching and youth groups. A parking expansion has not been proposed, noting that the congregation takes advantage of the religious requirement of walking to services in lieu of driving. He reminded the Board that the EPB previously permitted the filling of wetlands to allow construction of the synagogue, parking and other related features in 1988. He also noted that enforcement of the “no build alternative” may force the congregation to relocate and would certainly disrupt the member families that have purchased and maintained homes within a short walking distance to the synagogue. That action may be contrary to the laws applicable to land use regulations, such as RLUIPA, and the placement of overly restrictive conditions that may overly burden the exercise of religion. The relevance of RLUIPA was summarized in correspondence from Mr. Ainsworth to the Board, dated July 9, 2021. However, Mr. Ainsworth contends that the wetlands application can be granted given the merits of the development proposal and robust mitigation plan which includes nearly a 3:1 replacement and enhancement of wetlands, the excavation of asphalt and soil, extensive relandscaping with native plants, invasive species management activities extended over a number of years (5 years), a viable and permanent demarcation feature, and postings along the perimeter of the development to prevent future dumping and encroachment. In this instance, the benefits of implementing the development/mitigation plan far outweighs the benefits of the “no-build” scenario. It was reported that the project, if carefully implemented, shall result in a net gain of 1,455 square feet of wetlands, and the addition of more than 184 native trees and shrubs. The actual impact summary reports the creation/restoration of approximately 2,305 square feet of wetland created/restored and the loss of 885 square feet of wetland. Mr. Ainsworth further noted that there are not only clear environmental gains, but gains realized in terms of public safety with the addition of the loop road for firefighting response and site drivability.

In response to comments by Ms. Tessier concerning the number of parking spaces and the necessity of overflow parking, Mr. Ainsworth reiterated that there would be no increase in parking under this proposal, that in rare occasions, the capacity of the lot may be exceeded and the overflow of vehicles may be directed to alternative areas, but overwhelmingly, parking is not an issue given the religious requirement to walk to services and other related events held on the property.

Additional questions concerning the placement of a viable, and permanent demarcation feature between the edge of pavement and the wetland were fielded by Ms. Chalifoux. She noted that the plans have been revised to provide for a split rail fence sited approximately 6-8 feet from the curb/pavement line to allow for the maneuverability of large vehicles. Planting shall fill the void between the fence and curb/pavement line to reinforce the barrier. Ms. Tessier noted that she would be happier if the fence was sited closer to the pavement. Mr. Ginter added that “vehicle simulations” applied to the site confirmed the need for the 6-8 foot setback to conservatively accommodate the largest ladder truck used by the Fire Department.

In response to questions pertaining to the use of porous pavement to further reduce the overall impervious surface, Mr. Ginter noted that in his opinion, porous pavement would not be suitable for the loop road given the anticipated use, configuration, and the forces that may be applied by the largest of vehicles projected to use the surface. In addition, the presence of high groundwater in the area would necessitate the use of a pond liner or other impervious barrier under the requirements of the City’s Drainage Manual. Finally, porous pavers or similar measures in and along the drive would have been

## Minutes

Regular Meeting of July 15, 2021

Page 4, September 17, 2021

given further consideration if the runoff were directed to the wetland. As the drainage design now stands, the runoff is not routed to the wetland, but is directed to the system that drains back towards Oaklawn Avenue. Mr. Ginter stated, and Ms. Tomaszewski confirmed, that porous pavers/pavement shall be utilized in the parallel parking spaces in the restructured parking lot.

Ms. Tessier questioned the wisdom of allowing cars to park and travel on pavement situated up to the limits of wetlands and the precedent an approval may set for future developments. She urged the Board to hold the synagogue to the same high standards for setbacks applied to other applicants, to look beyond the illustrative qualities of the planting plan to ensure that the proposed creation/restoration will result in a functional and sustainable wetland, and to recall that the statutes require the Board to consider alternatives that prioritize avoidance over minimization and mitigation.

Ms. Ley found that the applicant's responses to matters concerning the use of porous pavement and a permanent demarcation feature appealing, but remained concerned by the location of the fence and the potential damages the planted space between the fence and curb/pavement may incur if large vehicles were to swing beyond the projected limits. Mr. Ainsworth noted that the planting could be easily restored, and the likelihood of a ladder truck accessing the loop road to fight a fire, relatively insignificant.

In response to a question by Mr. Gambino, Mr. Ginter responded that the local fire department has yet to review the proposed site and traffic plans to confirm the purported access standards. Mr. Ginter noted that his firm's familiarity with the applicable fire codes and other requirements drove the design. CAD based templates were utilized to assist the engineers in the design of parking/roadways to ensure that emergency vehicles, tractor trailers and other large vehicles can safely access and move about the property. Mr. Gambino stressed the importance of consulting with the local fire authorities to establish if the apparatus needs and applicable design assumptions are accurate, and if further reductions in pavement widths and wetland encroachments could be achieved.

Mr. Ainsworth noted that there are relatively few religious institutions in Stamford and fewer religious institutions linked to property with the same environmental constraints. Accordingly, there is little or no likelihood that a precedent shall be set by an approval of this application.

Mr. Stone reaffirmed his position that the "no-build" alternative may actually result in a less valuable resource, and that the proposed re-development, at first appearance, seems advantageous.

Extensive discussion ensued between Board Members and the development team on matters concerning the necessity of further information and study, decision deadlines, and any potential conditions of an approval to ensure that the remaining questions/concerns are adequately addressed.

**Motion/Vote:** Upon a motion by Ms. Tessier and seconded by Ms. Ley, the Board voted to **APPROVE** EPB Permit No. 2021-05 with the conditions outlined in the EPB Staff Agenda Summary Report, dated June 11, 2021, modified to include an additional condition requiring the applicant to hold discussions with the Stamford Fire Department to evaluate the possibility of diminishing the overall width of the access drive given the Board's encroachment concerns. If the drive cannot be diminished, an elevated curb, to the maximum height extent feasible, shall be installed, subject to EPB Staff approval.

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

## Minutes

Regular Meeting of July 15, 2021

Page 5, September 17, 2021

Opposed: None

Abstaining: None

Not Voting: None

### **#2021-06 - Pheasant Lane and Briarwood Lane – NA – City of Stamford - Pheasant Lane**

**Drainage Improvements:** To construct certain drainage improvements in and within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of the Rippowam River. The project affects both public and private properties generally situated between Briarwood Lane (northeast) and Pheasant Lane (southwest). The private properties include the following:

| Address           | Lot | List     | Card   | Map | Block | Zone | Area              |
|-------------------|-----|----------|--------|-----|-------|------|-------------------|
| 30 Pheasant Lane  | 1   | 001-4257 | N-003  | 75  | 377   | RA-1 | <u>±</u> 1.24 Ac. |
| 36 Pheasant Lane  | 2   | 001-2908 | N-004  | 75  | 377   | RA-1 | <u>±</u> 1.15 Ac. |
| 75 Briarwood Lane | 1   | 003-7661 | W-008Z | 75  | 377   | RA-1 | <u>±</u> 1.05 Ac. |
| 79 Briarwood Lane | 3   | 002-4769 | E-011Z | 75  | 377   | RA-1 | <u>±</u> 2.40 Ac. |

**In Attendance:** Joseph Canas, P.E., Tighe and Bond

**Discussion:** Mr. Talamelli summarized the application for the Board. He reported that the City of Stamford seeks the Board's permission to construct certain drainage improvements in and within close proximity to wetlands and watercourses as the means to better manage storm water and correct long standing drainage, erosion and water quality issues that have affected both public/private properties and regulated areas.

Mr. Talamelli stated that the project affects both public and private properties generally situated between Briarwood Lane (northeast) and Pheasant Lane (southwest). The project area is characterized by the presence of gently to moderately sloping developed space, moderately to severely sloping woodlands, wooded wetlands, an intermittent watercourse, stone walls and a few large trees.

Currently, storm water is collected in a network of catch basins/yard drains in the vicinity of Briarwood Lane. Storm flows are directed through a series of pipes, shallow swales and open watercourses northeast to southwest to a structured system situated in Pheasant Lane. The Pheasant Lane system discharges under the road to a channel and wetlands system to the south and west. Deterioration of the receiving structures, an influx of sediment/debris, and other factors have disabled the system, resulting in the storm water being "widely broadcast" down the steeply sloping hillside causing soil erosion, flooding that affects several residences (and other related features), and downstream water quality impacts. An analysis prepared in advance of this application further confirmed that the pipes, swales, and other related facilities are dramatically undersized and are ill equipped to properly collect, route, and treat storm water by current engineering design standards.

To mitigate the impact, the project engineer has determined to collect and manage the stormwater by constructing a new structured drainage system consisting of new/upgraded catch basins, pipes, manholes, headwalls, rip rap outfall protection, and other related features. The runoff would be piped continuously down the slope to eliminate a "high maintenance" swale and portions of the stone lined watercourse. In select areas, existing leak offs shall be eliminated in favor of deeply sumped catch basins with outlet controls. New facilities shall be upgraded to convey flows associated with a 25-year storm. All work space shall be covered by temporary and/or permanent easements for the

## Minutes

### Regular Meeting of July 15, 2021

#### Page 6, September 17, 2021

purpose of access, constructions, grading and/or maintenance. These easements shall be secured in advance of the construction.

Mr. Talamelli stated that the applicant is required, through the permit process, to minimize resource impacts, utilize measures to preserve water quality and effectively address potential drainage impacts. When encroachments into the regulated areas are unavoidable, mitigation may be offered to offset the potential impacts. A detailed site development plan has been provided by the project engineer/surveyor. It was reported that approximately 114 square feet of wetlands, 243 linear feet of watercourse, and 4,430 of the non-watershed setback will be temporarily or permanently affected by the construction. Most of the temporary impacts have been associated with access and the temporary dewatering activities proposed as part of this project. Overall grade change is expected to be in the low to moderate range, several short lengths of stone wall shall be removed, and approximately twenty-three (23) trees may be lost as a result of this project. Given the wooded nature of the sloping hillside, a greater number of lesser trees may be lost as well.

To preserve/enhance water quality, the applicant has provided a sediment and erosion control plan consisting of perimeter silt fences, basin protection, swept pavement, designated stockpile areas and final stabilizing groundcovers applied to the disturbed earth surfaces. In addition, all new catch basins shall be equipped with deep sumps and outlet controls to assist in the collection of sands, silt and debris prior to discharge. Existing leak offs shall be replaced with catch basins with outlet controls. Basin to basin connections have been eliminated. Piped outlets shall be stabilized with rip rapped aprons. The pipes situated on the steep slope shall be "shallow" to reduce the disturbance and corrugated along their interior walls to slow velocities. Water stops shall be installed in select locations to prevent seepage. A dewatering plan has been provided to work in the driest conditions as possible including the use of sandbag coffer dams along a reach of intermittent watercourse east of the dwelling at 30 Pheasant Lane. The sandbags have been proposed in two (2) locations, the first to ensure that storm water flowing in the intermittent watercourse from the "north" is fully diverted to an existing 18 inch RCP and second to intercept flows from the "east." Water accumulating in the watercourse shall be collected and pumped by through a stone filter to the same existing 18 inch RCP. The engineer notes that the elevation of the sandbag coffer dams has been establish based on a standard outlined in the CT DOT Drainage Design Manual. The project engineer has certified that if constructed in accordance with the proposed design, deficient drainage shall be appropriately remedied and the project will not result in adverse impacts to drainage, soils, infrastructure or adjoining properties. The Engineering Bureau has reviewed the submittals and has generally confirmed the study methods, conclusion and design. Final approval is pending. To mitigate for the anticipated tree loss, enhance the conservation values of the regulated areas, and replace existing screening, the applicant has supplied a planting plan consisting of numerous trees and shrubs. Expansion of the planting schedule is warranted to appropriately mitigate impacts, stabilize the soil, further screen abutters, and enhance the conservation value of the regulated areas and property. The applicant notes that they expect the planting plan shall be modified during the easement negotiation process. The final plans shall be coordinated with EPB Staff prior to the start of construction. Finally, Mr. Talamelli reported that the applicant examined at least five (5) alternative designs, all of which were dismissed in favor of the full structural response in the alignment offered under this application given the lack of a positive effect on the observed ponded conditions in Briarwood Lane, the lack of a positive impact on the observed soil erosion and flood impacts experienced by downstream properties, the necessity to reconstruct deteriorated piping and expand/reshape/armor the swale on a steeply sloping hillside, substantial maintenance requirements for a swale in woodlands on difficult terrain, excessive site disturbance, and/or projected impacts to the pool, driveways, walls and other features associated with the residences in the area, etc.

## Minutes

### Regular Meeting of July 15, 2021

#### Page 7, September 17, 2021

Joseph Canas, P.E., at the request of the Board, then made a detailed presentation to the Board. The presentation covered the subdivision history, a summary of impacts, and the process by which his firm evaluated alternatives and ultimately deciding upon the full structural response outlined in the application.

Ms. Tessier asserted that there is “nothing green” about this infrastructural improvement. Mr. Canas reiterated that the slope, tree cover, maintenance requirements, ability to access, available rights of way and other factors limited the pursuit of opportunities to put the water into the ground or pursue other, more “green” alternative.

Ms. Ley suggested that the applicant consider a potential “rain garden” or other feature in and/or proximate to the Briarwood median to “green-up” the response.

**Motion/Vote:** Upon a motion by Mr. Kozlowski and seconded by Ms. Tessier, the Board voted to **APPROVE** EPB Permit No. 2021-06 with the conditions outlined in the EPB Staff Agenda Summary Report, dated July 8, 2021, modified to include an additional condition requiring the applicant to investigate the possibility of providing “green infrastructure” in the Briarwood Lane cul-de-sac or other suitable spaces subject to the review and approval of EPB Staff.

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

**#2021-08 – 29 North Ridge Road – Lot 5 – North Ridge Contractors, LLC:** To construct a single-family dwelling and appurtenances proximate to wetlands, watercourses and conservation easement areas on property situated within the drinking water supply watershed of the Rippowam River. The property is situated along the cul-de-sac of North Ridge Road, approximately 400 feet east of Cascade Road, and is identified as Lot 5, Account 004-5918, Card E-002, Map 27, Block 384, Zone RA-1, and  $\pm$  2.4030 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated July 8, 2021.

**In Attendance:** Robert Rondano, North Ridge Contractors, LLC.  
John Leydon, Esq.  
Bryan Muller, P.E., Muller Engineering  
John Pugliesi, P.E., E. J. Frattaroli, Inc.  
Matthew Popp, Environmental Land Solutions

**Discussion:** The application was summarized by Staff Member Fausty. Ms. Fausty noted that the applicant is proposing to construct a new single family dwelling, driveway, drainage, septic, pool and other related features proximate to wetlands, watercourses and designated conservation easement areas. A permit for the development of this parcel is required by a condition of Planning Board No. 4031.

The property, which is situated along the cul-de-sac of North Ridge Road, approximately 400 feet east of Cascade Road is currently undeveloped and is characterized by the presence of gently to moderately sloping woodlands, wooded wetlands, watercourses, drinking water supply watershed setbacks of 50 feet to wetlands and 100 feet to open water, and a designated conservation easement

## **Minutes**

**Regular Meeting of July 15, 2021**

**Page 8, September 17, 2021**

area. The conservation area was established during the subdivision review.

Ms. Fausty reported that the proposed development closely resembles the concept presented at the time of subdivision. Encroachments into the regulated areas are limited, consisting of a portion of a drainage system outlet and rip rap necessary to mitigate storm and water quality impacts. The disturbance affects approximately 1,189 square feet of the 100 foot watercourse setback and 1,639 square feet of the conservation easement. To preserve water quality, the applicant has provided a detailed sediment and erosion control plan consisting of perimeter controls, anti-tracking, basin protection, pavement sweeping and other associated measures. Drainage impacts have been mitigated with the submission of a structured drainage system, again, mimicking the concept outlined at the time of subdivision. Engineering Bureau Staff has endorsed the findings of the impact analysis and design details. Health Department Staff has endorsed the septic system design. To mitigate for the encroachments associated with the drainage outlet, remedy an encroachment by the adjoining property owner, offset the anticipated trees loss, filter runoff and improve the overall aesthetic and conservation values of the parcel, the applicant has provided a planting/mitigation plan that defines the limits of manicured lawn and landscaping, creates seasonally mowed meadow, and introduces a substantial number of conservation values trees and shrubs. The plan also provides for the protection of select trees and the posting of the designated conservation space.

The Chair asked members of the Board for specific questions/comments that the team could address as part of a brief presentation. Ms. Tessier noted that she had no questions, but would be voting no on this particular application. Similarly, Ms. Ley stated that she had no questions, but would also be voting no on this application. Messrs. Kozlowski and Gambino stated that they did not have specific questions or comments at this time, but welcomed a brief presentation to summarize the development concept and impacts.

Mr. Mueller noted that the plans generally mimic the development concept shown at the time of subdivision, particularly in terms of disturbance limits and drainage impact. However, the plans have been refined and updated to reflect the smaller dwelling unit sought by the owner, a water quality design consistent with the City's "new" Drainage Manual, and an intensification of the planting schedule to mitigate for the existing/proposed encroachments, remedy for the expected tree loss, filter runoff and improve the overall aesthetic and conservation values of the site.

Mr. Leydon reminded the members that the EPB not only endorsed the prior subdivision application, but an individual permit for both the roadway and stream crossing.

Ms. Ley reiterated her position that the subdivision resulted in a disproportionate amount of site disturbance, and excessive encroachments into both regulated areas and a valuable wildlife corridor

Mr. Pugliesi stated that the encroachments into the regulated areas are limited to a single drainage outlet – a feature that was clearly reflected on the concept plans developed at the time of subdivision. A negative vote at the time of subdivision should not influence a Board's member's review of the individual site plan, particularly when the overall site disturbance has been lessened and the mitigation proposal increased.

Ms. Tessier made reference to the prior transcripts prepared for the EPB's subdivision and crossing hearings to provide context to her comments. She reiterated her concerns that the subdivision and subsequent development would significantly impact wetlands, watercourses, and the overall



## Minutes

Regular Meeting of July 15, 2021

Page 9, September 17, 2021

character of the property, which is particularly troublesome given the site's proximity to the reservoir.

Mr. Mueller stated that the applicant was acutely aware of the Board's prior concerns, closely examining alternatives during the design process to further reduce site disturbance, tree impacts, and encroachments into the regulated areas, noting, for example, that the original plans provided for the installation of a "rain garden" in portions of the conservation easement. The design was scrapped in favor of a vegetated swale outside of the regulated areas.

Further discussion ensued between Board Members and the applicant on matters concerning the availability of alternative designs, impacts and subdivision consistency.

**Motion/Vote:** Upon a motion by Mr. Kozlowski and seconded by Mr. Gambino, the Board voted to **APPROVE** EPB Permit Application No 2021-08 with the conditions outlined in the Staff Agenda Summary Report of July 8, 2021.

In Favor: Stone, Kozlowski, and Gambino

Opposed: Ley and Tessier

Abstaining: None

Not Voting: None

**Site Plan Review:** None

**Subdivision Review:** None

**Show Cause Hearings/Enforcement:**

**52 Heming Way – Lot 2 – A. Mallozzi - Enforcement Action:** Enforcement Action (January 1995) for the removal of vegetation and dumping of debris within a designated open space preserve/conservation without a prior permit from the EPB in violation of Section 4.1 of the "Inland Wetland and Watercourse Regulations of the City of Stamford." The property is situated along the north side of Heming Way, approximately 725 feet east of Old Long Ridge Road, and is identified as Lot 2, List 004-0021, Card N-002, Block 402, Map 14, Zone RA-1, and +48,352 square feet.

Reference is made to an EPB Staff Memo, dated July 8, 2021.

**In Attendance:** None

**Discussion:** Mr. Talamelli summarized the action for the Board. He reported that the applicant requests withdrawal of a cease and desist order and the filing of a compliance notice to resolve a long standing enforcement matter.

Mr. Talamelli reported that in January 1995, the EPB issued an order requiring Angelo Mallozzi to Cease and Desist from unauthorized activities and from maintaining conditions on the property affecting a designated open space preserve/conservation easement. Specifically, the owner failed to comply with the site development, erosion control and resource conservation provisions outlined on the plan entitled "Septic Design Plan, Lot 2, Heming Way, Map No. 11895," Prepared for Dr. Angelo Mallozzi, by Edward J. Frattaroli, Inc., revised April 8, 1994. As a result, designated open space

## Minutes

### Regular Meeting of July 15, 2021

Page 10, September 17, 2021

preserve/conservation areas, the storm drain system and the surface of the adjoining streets were impacted. Following issuance of the order, the EPB conducted a Show Cause Hearing in accordance with the regulations, and based upon the information obtained at the hearing, the Board voted to maintain the order in effect and modify the order to require specified corrective actions including the clearing of debris and the submission of a landscaping plan to remedy the loss of naturally occurring trees, shrubs and groundcovers in the open space preserve/conservation easement. The Board further authorized the posting of a Notice of Violation on the Stamford Land Records. Although an initial landscaping/mitigation planting plan was approved by EPB Staff on July 18, 1995, the matter remained unresolved until June 10, 2021 when Environmental Land Solutions, LLC developed and secured Staff approval for an amended mitigation plan, supervised its implementation, and certified its full and proper completion. EPB Staff further verified completion of the corrective actions during a field inspection conducted on June 24, 2021.

No questions were raised and no comments were offered by the Board.

**Motion/Vote:** Upon a motion by Mr. Kozlowski and seconded by Ms. Ley, the Board voted to **WITHDRAW** the Cease and Desist order and file a notice of compliance on the Stamford Land Records upon determination that the regulated areas had been satisfactorily restored.

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

**Other Business:** None

### **ADJOURN:**

#### **Adjourn the Regular Meeting of July 15, 2021:**

**Motion/Vote:** Upon a motion by Ms. Tessier and seconded by Ms. Ley, the Board voted to **ADJOURN** the Regular Meeting of July 15, 2021.

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

Meeting adjourned at 10:12 PM.

Gary H. Stone, Chairman  
Environmental Protection Board