

**FINAL**

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
MINUTES OF THE JANUARY 19, 2023  
REGULAR MEETING  
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

**MEMBERS PRESENT:**

Gary H. Stone, Chairman  
Joseph Todd Gambino, Member  
Laura Tessier, Member  
Leigh Shemitz, Member  
Stephen Schneider, Alternate Member

**MEMBERS NOT PRESENT:**

David Kozlowski, Alternate Member  
Thomas C. Romas, Alternate Member

**STAFF PRESENT:**

Robert Clausi, Executive Director  
Pamela Fausty, Environmental Analyst  
Lesley Capp, OSS, Land Use Bureau

Mr. Stone called the meeting to order 7:30 p.m. Seated to vote for the meeting were Mr. Stone, Mr. Gambino, Ms. Tessier, Dr. Shemitz, and Mr. Schneider.

Mr. Stone introduced the first item on the agenda.

**➤ MINUTES:**

**December 15, 2022 (Regular Meeting)**

The Board considered the minutes of the December 15, 2022 Regular Meeting. Members who were present at the meeting and eligible to vote were Mr. Stone, Mr. Gambino, Ms. Tessier, Dr. Shemitz and Mr. Schneider.

There were no comments or modifications recommended.

**Motion/Vote:** Upon a motion by Dr. Shemitz and second by Mr. Gambino the Board voted to **ACCEPT** the Regular Meeting Minutes of December 15, 2022.

In Favor: Stone, Gambino, Tessier, Shemitz and Schneider.  
Opposed / Abstaining / Not Voting: None.

**January 5, 2023 (Special Meeting)**

The Board considered the minutes of the January 5, 2023 Special Meeting. Members who were present at the Special Meeting and eligible to vote were Mr. Stone, Ms. Tessier, and Mr. Kozlowski.

In the absence of a quorum of the member who were present, consideration of the January 5, 2023 minutes was **TABLED** to the February 16, 2023 meeting

## APPLICATIONS & PERMITS:

**Acceptances/Extensions/Withdrawals:** None

### **Action Items:**

**#2022-21 - 235 Woodbine Road-Lot 9 - Quesited Consulting, LLC for Rittereiser:** To install a new septic system within portions of the Upland Review Area on property situated within the drinking water supply watershed of the Rippowam River (Upper Reach). The property is situated along the north side of Woodbine Road, at the northeast intersection with Cedarwood Road, and is identified as Lot 9, Account 001-5996, Card E 018, Map 18, Block 190, Zone RA-1, and is ±1.054 Acres.

**In Attendance:** Wayne D'Avanzo, P.E., Fairfield County Engineering

**Discussion:** Ms. Fausty summarized the application and provided details of the project and impacts to the area from the work proposed.

Mr. Stone asked if there was a representative for the applicant or if the applicant was present.

Wayne D'Avanzo stated he was present and representing the applicant.

Mr. Stone asked the Board members if they had any questions or concerns.

Dr. Shemitz stated she agreed that there was no other viable location for the septic.

Ms. Tessier asked Ms. Fausty to speak about the berm and the shed the applicant has requested permission to retain. Ms. Fausty confirmed the ~100 square foot shed was installed without a permit. She noted one of the applicant's environmental consultants had determined the berm did not have an adverse impact to the wetland and that it is to be planted as part of the mitigation proposed by the applicant.

In response to a question from Dr. Shemitz, Ms. Fausty confirmed the non-native plants, including pachysandra, that are growing in the wetland will be removed and replaced with native plants.

Ms. Tessier commented that approval to retain this particular berm on this specific site should not be construed by future applicants to indicate the Board is in favor of berming along watercourses or in wetlands.

Hearing no further comments, Mr. Stone asked Mr. D'Avanzo if he had any questions or concerns about the recommendations contained in the Agenda Summary Report. Mr. D'Avanzo replied he had no questions or concerns.

Mr. Stone asked for a motion from the Board.

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to **APPROVE** EPB Permit No. 2022-21 subject to the 12 conditions outlined in the Agenda Summary Report dated January 13, 2023.

In Favor: Stone, Tessier, Gambino, Shemitz and Schneider  
Opposed / Abstaining / Not Voting: None

**#2022-25 - 146 Minivale Road-Lot 3 - John Mallozzi, PE for Nestor Muralles:** Legitimize above-ground pool and deck within upland review area on property situated within the non-drinking water supply watershed of Springdale Brook. The property is identified as Lot 3, Account 002-2622, Map 78, Block 380, Zone R-20, and is ±2.82 acres.

**In Attendance:** John Mallozzi, P.E.

**Discussion:** Mr. Clausi summarized the application and provided details of the project and impacts to the area from the work proposed. He noted this application has been submitted in response to the Board's instructions that the property owner must seek formal EPB approval to maintain this pool and deck.

Mr. Stone asked if there was a representative for the applicant present.

John Mallozzi stated he was present for the applicant and that he agreed with Mr. Clausi's description of the application and the recommended conditions of approval in the Agenda Summary Report.

Mr. Stone asked the Board members if they had any questions or concerns.

Ms. Tessier asked about pool drainage and Mr. Mallozzi replied the water is left in the pool over the winter. Mr. Stone added that CT DEEP regulates the manner in which pool wastewater may be discharged.

Dr. Shemitz commented that she was not sure she would have approved this pool if it had been brought to the Board in a before-the-fact application. Ms. Tessier noted that this is another example of the issues the Board is confronted with on lots where development is allowed in such a confined space.

A general discussion ensued regarding what type of approval would be required to remove or replace the pool, and whether to add a condition to the permit stating the applicant or any future property owner must apply for a permit to remove or replace the pool. The members came to the consensus that such a condition would be redundant with the regulations.

Hearing no further questions or comments from the members, Mr. Stone asked for a motion from the Board.

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to **APPROVE** EPB Permit No. 2022-25 subject to the 9 conditions outlined in the Agenda Summary Report dated January 4, 2023.

In Favor: Stone, Tessier, Gambino, and Schneider / Opposed: Shemitz  
Abstaining / Not Voting: None

➤ **SITE PLAN REVIEWS:** None

➤ **SUBDIVISION REVIEWS:**

**#4046 - 29 Intervale Road and 131 & 139 Turn of River Road-Lots A, B, C - TH1, LLC & HB Capital, LLC (*Tabled from the December 15, 2022 Meeting*):** Subdivision of three parcels with a combined area of ~3.96 acres to create eleven single-family lots.

**In Attendance:** Richard Redniss, Redniss & Mead, Inc. and William Kenny, William Kenny Associates, LLC.

**Discussion:** Mr. Clausi reminded the Board that it first reviewed this subdivision proposal at its December 15, 2022 meeting and noted the concerns that were raised by the members and staff. Mr. Clausi then provided a summary of the changes that have subsequently been made to the plans; i.e. modification of the limit of landscaping of the lots that are adjacent to the wetland so as to provide more realistically sized back yards combined with expansion of the proposed conservation easement area, improvement of the erosion and sedimentation control plan, and revision of planting plan to include mitigation in and around the wetland.

Mr. Stone asked the Board if there were any questions.

Mr. Gambino asked about the planting of trees in the conservation easement area. Mr. Clausi replied the trees would enhance the wetland and buffer, and the conservation and landscape maintenance agreements that are conditions the EPB could recommend the Planning Board add to any subdivision approval it might grant specify what future property owners would be allowed to do within the easement.

Mr. Schneider agreed with the statement made earlier by Mr. Clausi that the straight edge of the proposed conservation easement behind Lots 6 - 10 would be more likely to be maintained without encroachments by future property owners, although he also stated he would prefer to see more space between the easement and the back of the houses on Lots 7 - 9. Mr. Schneider went on to say he felt the thin strip of conservation easement around the east, north, and west sides of the subdivision would provide little of conservation value and would be problematic for future compliance staff.

Dr. Shemitz agreed with Mr. Schneider that the easement strip is not practical and should not be counted in the conservation easement area. Dr. Shemitz asked why six lots are proposed on the south side of the road and five lots are proposed to the north. She suggested the burden on the wetland could be lessened by reversing this lot configuration.

Ms. Tessier agreed with the comments made thus far. Ms. Tessier also stated her concern with the large increase in impervious coverage that would result from the proposed development, the compaction of soils during construction, and the adverse effect these would have on the hydration of the wetland. She stated her belief that the offset between the houses along the south side of the road and wetland is inadequate. In summary, she felt this proposal would overdevelop this site to the detriment of the wetland and other natural resources.

Mr. Stone asked if a representative for the applicant or the applicant was present. Richard Redniss stated he was present and asked to share his screen. Mr. Redniss stated alternatives have been considered for this subdivision, but some options, such as cluster development, are off the table because the project area is too small. A zoning change was recently approved which will allow for reduced front yard setbacks in developments such as this. Mr. Redniss shared plans showing the houses on Lots 8 and 9 shifted toward the road to create more separating distance to the edge of the conservation easement and wetland, and said the applicant will implement the project accordingly if the zoning change is not appealed.

A general discussion began focused on ways to further reduce the development pressure on the wetland. Mr. Gambino suggested the southern boundary of the northern lots be shifted five feet north to allow that space to be utilized behind the southern houses. Mr. Redniss was not receptive to Ms. Tessier's request for an alternative plan showing three or four lots on the south side of the road and how that might provide side yard recreational space. Ms. Tessier noted her main concern is with the position of the houses on Lots 8 and 9, and that eliminating one of these lots might be sufficient to relieve her concerns about the wetland. Mr. Schneider expressed his support for seeing an alternative plan with less density to the south of the road.

Mr. Redniss stated his client is prepared to accept a condition that prohibits any structures within 15 feet of the Upland Review Area and might be willing to accept a 20 foot restriction. He said his team would see what they could do to accommodate the members' suggestions.

Mr. Clausi suggested William Kenny, Landscape Architect, comment on the conservation easement strip that was questioned by members earlier in the discussion. Mr. Kenny agreed that the strips along Turn of River and Intervale Roads would provide nothing in the way of habitat or other environmental value. He said the strip along the east side would provide some benefit since it contains some larger trees and would connect to what he recalled is a similar conservation strip on the adjacent property to the east.

At the conclusion of the discussion, it was decided to **DEFER** this application to the February 16, 2023 meeting to allow the applicant time to prepare alternative plans reflecting the Board's concerns about density and setbacks, particularly with the southern lots.

➤ **SHOW CAUSE HEARINGS/ENFORCEMENT:** None

➤ **OTHER BUSINESS:** None

➤ **ADJOURN:**

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Gambino the Board voted to **ADJOURN** the Regular Meeting of January 19, 2023.

In Favor: Stone, Gambino, Tessier, Shemitz and Schneider  
Opposed / Abstaining / Not Voting: None

Meeting adjourned at 9:12 p.m.

Gary H. Stone, Chairman  
Environmental Protection Board