

FINAL

ENVIRONMENTAL PROTECTION BOARD CITY OF STAMFORD MINUTES OF THE FEBRUARY 16, 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 (arrived 7:35 pm)
David Kozlowski, Alternate Member
Thomas Romas, Alternate Member
Stephen Schneider, Alternate Member

MEMBERS NOT PRESENT:

None.

STAFF PRESENT:

Robert Clausi, Executive Director
Courtney Fahan, 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, Mr. Kozlowski, and Mr. Romas.

Mr. Stone introduced the first item on the agenda.

➤ **MINUTES:**

January 5, 2023 (Special Meeting)

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

There were no comments or modifications recommended.

Motion/Vote: Upon a motion by Mr. Kozlowski and second by Ms. Tessier, the Board voted to **ACCEPT** the Special Meeting Minutes of January 5, 2023.

In Favor: Stone, Tessier, and Kozlowski.
Opposed / Abstaining / Not Voting: None.

January 19, 2023 (Regular Meeting)

The Board considered the minutes of the January 19, 2023 Regular Meeting. Members who were present at the meeting and eligible to vote were Mr. Stone, Mr. Gambino, Ms. Tessier, and Mr. Schneider.

There were no comments or modifications recommended.

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

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

APPLICATIONS & PERMITS:

Acceptances/Extensions/Withdrawals:

#2023-01 – 0 Cherry Hill Road – Account #002-1313 – CT Lot Build LLC: Construct single-family residence, driveway with watercourse crossing, cottage, septic system, and drainage. The property is located within the drinking water supply watershed of the Mianus River. The property is located along the west side of Cherry Hill Road approximately 400 feet west of the intersection with East Middle Patent Road, and is identified as Map 30, Block 400, Lot 15, and Zone RA-3.

Discussion: Mr. Clausi stated the minimum information necessary to accept EPB Permit Application No. 2023-01 has been submitted.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Kozlowski, the Board voted to **ACCEPT** EPB Permit Application no. 2023-01.

In Favor: Stone, Gambino, Tessier, Kozlowski, and Romas.
Opposed/ Abstaining/ Not Voting: None.

Action Items:

➤ **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 (Continued from the January 19, 2023 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 members that they reviewed this subdivision proposal at the December 15, 2022 and January 19, 2023 meetings. Mr. Clausi then provided a summary of the changes that have been made to the plans in the past month in response to the board's concern, including a reduction in front yard setbacks and curving the road to increase separating distances between the southerly houses and wetlands, and revisions to the proposed conservation easement.

Mr. Stone stated that the four Members of the board plus Alternate Mr. Kozlowski will be seated to vote on this item and then opened the floor to questions from the board.

Mr. Gambino asked about and received clarification on the increase in separating distances between the southerly houses and protected areas.

Ms. Tessier thanked the applicant for their efforts to respond to the board's input. Ms. Tessier then listed a number of issues about which she remained concerned, including the proposed density of development, the loss of upland review area, the limited room behind the houses for pools and similar amenities, the possibility that the houses ultimately developed will be bigger than what is shown on the conceptual plan and will result in increased pressure on the wetland, and the plan to use chemicals to control invasive plants in and around the wetland.

Mr. Stone held response to Ms. Tessier's issues until the other members had a chance to speak. Mr. Kozlowski asked for and received clarification on what would be involved in decompacting the soil around the houses.

Mr. Romas and Mr. Schneider echoed Ms. Tessier's concerns about Lot 9.

Dr. Shemitz stated she considered the latest plans to be a more reasonable proposal than the prior versions. Dr. Shemitz recently visited the site and noted it might be prudent to test around the 131 Turn of River garage to determine if the cars being repaired on site and the automotive fluid containers scattered about might have contaminated the soil. Ms. Tessier suggested information regarding contamination might have been collected as part of a Phase I assessment of the property. Mr. Redniss, speaking on behalf of the applicant, could not confirm whether such an assessment has been done.

Mr. Redniss went on to highlight some of the features of the revised plan and touch on some of the issues the members had raised.

Mr. Kenny then shared photographs of the wetland and explained it includes a sediment-filled pond that provides an open space where trees are proposed to be planted to diversify the habitat and shade out invasives. After some discussion, Mr. Kenny agreed that mechanical, not chemical, means will be used in the related invasives control effort, which has a planned duration of three years.

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

Motion/Vote: Upon a motion by Mr. Gambino and second by Mr. Kozlowski the Board voted to have **NO OBJECTION**, to Subdivison Application No. 4046 subject to the eleven (11) conditions outlined in the Supplemental Agenda Summary Report dated February 9, 2023, with three additional conditions to cover soil decompaction, mechanical removal rather than chemical treatment of invasive species, and withholding of EPB endorsement of building permits for any of the lots until the conservation easement is executed, the edge of the easement is demarcated, and the wetland enhancement planting is done.

In Favor: Stone, Gambino, Shemitz, and Kozlowski

Opposed: Tessier

Abstaining/ Not Voting: None

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

➤ **OTHER BUSINESS:** None

➤ **ADJOURN:**

Motion/Vote: Upon a motion by Mr. Kozlowski and second by Mr. Gambino, the Board voted to **ADJOURN** the Regular Meeting of February 16, 2023.

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

Meeting adjourned at 8:19 p.m.

Gary H. Stone, Chairman
Environmental Protection Board