

FINAL

ENVIRONMENTAL PROTECTION BOARD CITY OF STAMFORD MINUTES OF THE APRIL 20, 2023 REGULAR MEETING CONDUCTED VIA INTERNET AND CONFERENCE CALL

MEMBERS PRESENT:

Gary H. Stone, Chairman
Laura Tessier, Member
Leigh Shemitz, Member
David Kozlowski, Alternate Member

MEMBERS NOT PRESENT:

Joseph Todd Gambino, Member
Thomas Romas, Alternate Member
Stephen Schneider, Alternate Member

STAFF PRESENT:

Robert Clausi, Executive Director

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

Mr. Stone introduced the first item on the agenda.

➤ MINUTES:

March 27, 2023 (Special Meeting)

The Board considered the minutes of the March 27, 2023 Special Meeting. Members who were present at the meeting and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Tessier, and Mr. Kozlowski.

There were no comments or modifications recommended.

Motion/Vote: Upon a motion by Mr. Kozlowski and second by Dr. Shemitz, the Board voted to **ACCEPT** the Special Meeting Minutes of March 27, 2023.

In Favor: Stone, Shemitz, Tessier, and Kozlowski.

Opposed / Abstaining / Not Voting: None.

APPLICATIONS & PERMITS:

Acceptances/Extensions/Withdrawals:

#2023-06 – 208 Fishing Trail – Lot 6 – Moch for Cabrera: To restore filled area adjacent to wetlands and watercourses on property situated within the non-drinking water supply watershed of the Poorhouse Brook. The property is situated along the north side of Fishing Trail, approximately 1,500 feet south east of the intersection of Fishing and Short Trails, and is identified as Lot 6, Account 000-7992, Card E-020, Map 26, Block 390, Zone RA-1, and is \pm 1.001 Acres.

#2023-07 – 94 Bentwood Drive – Lot 11 – Mastera for Todrin: To replace a deck, install a generator, and a propane tank within the upland review area of wetlands and watercourses on property situated within the drinking water supply watershed of the Mianus River (West Branch). The property is situated along the south side of Bentwood Drive, approximately 1,100 feet south west of the intersection of Bentwood Drive and Erskine Road, and is identified as Lot 11, Account 000-7700, Card S-004, Map 39, Block 400, Zone RA-3, and is \pm 2.001 Acres.

Discussion: Mr. Stone stated the minimum information necessary to accept EPB Permit Applications No. 2023-06 and 2023-07 has been submitted.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Kozlowski, the Board voted to **ACCEPT** EPB Permit Applications no. 2023-06 and 2023-07.

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

Action Items:

#2023-01 – 0 Cherry Hill Road – 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 Lot 15, Account #002-1313, Map 30, Block 400, Zone RA-3, and is \pm 2.37 acres.

In Attendance: Richard Regan, P.E., D'Andrea Surveying & Engineering
Matthew Popp, Landscape Architect, Environmental Land Solutions

Discussion: Mr. Clausi summarized the application on behalf of Environmental Analyst Jaclyn Chapman, provided details of the project, and discussed impacts to the area from the work to be performed. Mr. Clausi stated development of this vacant, forested site will entail extensive tree removal.

Ms. Tessier asked if it is possible to use plantings rather than rip rap to stabilize the watercourse channel. Mr. Regan, speaking on behalf of the applicant, stated this ditch-like intermittent watercourse exhibits signs of erosion and said the proposed stone armoring would limit its continued erosion. Mr. Popp, also representing the applicant, stated grey dogwoods and/or pussy willows can also be planted between the rocks along the edges of the channel. Ms. Tessier voiced her support for the planting.

Ms. Tessier then asked what measures will be put in place to ensure the future maintenance of the stormwater management system. Mr. Regan noted the catch basins that will direct much of the stormwater to the subsurface chambers are designed with deep sumps and outlet traps, which will limit the amount of sediment that will reach the chambers. The drainage maintenance agreement owner will also be required to file a on the Land Records will apply to all subsequent owners of the property.

Discussion then ensued regarding what would happen if the erosion controls failed to prevent the release of sediment from this site during construction. Mr. Clausi described the compliance options available to staff, which include issuing stop work orders. Mr. Clausi also suggested the contractor can be required to keep an erosion and sedimentation control log to document their inspections and that EPB staff should inspect this site on a regular basis, especially before and after heavy rains. There was general support for these two suggestions by the members.

Mr. Regan requested whether it would be acceptable to conduct the work associated with the driveway crossing outside of the period specified in recommended condition of approval #8. Mr. Clausi responded the last sentence should have stated “EPB staff may authorize this work to be conducted *at other times* as appropriate” which would allow for this flexibility.

Hearing no further questions from the members and no comment from the public, Mr. Stone called for a motion from the Board.

Motion/Vote: Upon a motion by Mr. Kozlowski and second by Ms. Tessier the Board voted to **APPROVE** EPB Permit No. 2023-01 subject to the 14 conditions outlined in the Agenda Summary Report dated April 14, 2023, with a modification to condition 8 so the last sentence reads “EPB staff may authorize this work to be continued at other times as appropriate” and an additional condition to reflect the two site control concepts outlined by Mr. Clausi. Mr. Kozlowski acknowledged the applicant has demonstrated that impacts to resources and regulated areas, drainage and water quality are minimized to the greatest extent possible.

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

#2023-03 – 453 Wire Mill Road – Lot 4 – Laura Martino: To construct an addition and deck within the special flood hazard area and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Rippowam River. The property lies on the south side of Wire Mill Road, approximately 350 feet from Studio Road, and is identified as Lot 4, Account 002-2747, Card S-011, Map 67, Block 378, Zone RA-1, and ~1.272 Acres.

In Attendance: Laura Martino, Applicant

Discussion: Mr. Clausi provided a summary of the application on behalf of Environmental Analyst Lindsay Tomaszewski.

The members of the Board had no questions or comments when called on by Mr. Stone.

Mr. Stone asked Ms. Martino if she had received the Agenda Summary Report and if she had any questions or comments. In response to a question from Ms. Martino, Mr. Clausi read into the record the additional recommended condition of approval regarding compensatory storage certification prepared by Ms. Tomaszewski and sent to the Board yesterday. Ms. Martino stated she was satisfied with this condition and the others contained in the Agenda Summary Report.

Hearing no further questions from the members, Mr. Stone called for a motion from the Board.

Motion/Vote: Upon a motion by Mr. Kozlowski and second by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit No. 2023-03 subject to the 12 conditions outlined in the Agenda Summary Report dated April 13, 2023 plus the additional condition of April 19, 2023, as this project poses minimal environmental impact to resources of concern.

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

#2023-05- 213 Blackwood Lane – Lot A – Environmental Land Solutions. LLC for David

Giambalvo: Fill manmade pond, replace drainpipe, modify driveway, and install mitigation plantings on property situated within the non-drinking water supply watershed of Haviland Brook. The property is situated at the terminus of Blackwood Lane and is identified as Lot 4A, Account 000-2429, Map 59, Block 377, Zone RA-1, and is± 1.34 acres.

In Attendance: Matthew Popp, Environmental Architect, Environmental Land Solutions

Discussion: A summary of the application offered by Mr. Clausi provided details of the project and impacts to the area from the work to be performed. Mr. Clausi noted a clearing violation in 2001 resulted in formal enforcement action by the Board. An application in submitted 2004 to address the violation was approved by the Board but was never implemented and Notice of Violation remains on the Land Records. The current application has been made by a new property owner to conduct similar activities to those approved in 2004 and correct the violation so the NoV can be removed from the Land Records.

Dr. Shemitz asked whether condition 9 can be revised to include a requirement that the fill be certified as being clean and appropriate for use in the wetland. Mr. Popp, speaking on behalf of the applicant, thought this was a good idea

Ms. Tessier asked if the manmade pond is lined and if there is any capability to bring in hydric soil as the fill. Mr. Popp said he believes it is not lined and that it would be difficult to source wetland-type soil.

Hearing no further comments from the members, Mr. Stone called for a motion.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Kozlowski the Board voted to **APPROVE** EPB Permit No. 2023-05 subject to the 12 conditions outlined in the Agenda Summary Report dated March 30, 2023 with a modification of condition 9 to include a requirement that the fill be adequately tested and certified as clean and appropriate for placement within the wetlands. The Board determined implementation of this project as proposed and conditioned will result in minimal environmental impact.

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

➤ **SITE PLAN REVIEWS:**

➤ **SUBDIVISION REVIEWS:** None

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

➤ **OTHER BUSINESS:** None

➤ **ADJOURN:**

Motion/Vote: Upon a motion by Mr. Kozlowski and second by Ms. Tessier, the Board voted to **ADJOURN** the Regular Meeting of April 20, 2023.

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

Meeting adjourned at 8:27 p.m.

Gary H. Stone, Chairman
Environmental Protection Board