

**FINAL**

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

**MEMBERS PRESENT:**

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

**MEMBERS NOT PRESENT:**

David Kozlowski, Alternate Member  
Thomas Romas, Alternate Member

**STAFF PRESENT:**

Robert Clausi, Executive Director  
Courtney Fahan, OSS, Land Use Bureau

Mr. Stone called the meeting to order at 7:30 p.m. Seated to vote for the meeting were Mr. Stone, Dr. Shemitz, Ms. Tessier, Mr. Schneider, and Mr. Gambino (who joined at 7:36).

Mr. Stone introduced the first item on the agenda.

➤ **MINUTES:**

**September 13, 2023 (Regular Meeting)**

The Board considered the minutes of the September 13, 2023 Regular Meeting. Members who were present at that meeting and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Tessier, and Mr. Schneider. No comments or modifications were recommended.

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Dr. Shemitz, the Board voted to **ACCEPT** the Regular Meeting Minutes of September 13, 2023.

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

➤ **APPLICATIONS & PERMITS:**

**Acceptances/Extensions/Withdrawals**

**#2023-20 – 191 Erskine Road (Account 999-0512) – Windermere on the Lake Association, Inc.**

Dredge a pond on a property located within the drinking water supply watershed of the Mianus River (East branch). The pond is located on the south side of Lake Windermere Drive and west of Erskine Road and is approximately 2,800± square feet in size. The property is identified as a condominium association, Account 999-0512, Card N-010, Map 23, Block 400, Zone RD, and is ± 47.9 Acres.

**Discussion:** Mr. Stone acknowledged receipt of the minimum information necessary to accept EPB Permit Application No. 2023-20.

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Dr. Shemitz, the Board voted to **ACCEPT** EPB Permit Application No. 2023-20.

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

### **Action Items**

#### **#2023-11 – 83 Camp Avenue (Lot 22) – Steve Mickels**

Continue to use the property as a storage area for landscaping materials, including gravel, topsoil, and mulch within the special flood hazard area Zone AE (Base Flood Elevation 76 feet, FIRM panel 09001C0507F). The property is situated along the south side of Camp Avenue, and is identified as Lot 22, Account 001-0553, Card S-006, Map 86, Block 319, Zone MG, and is ± 0.508 Acres.

**Discussion:** No discussion pending receipt of additional information

#### **#2023-14 – Lakeside Drive Bridge – City of Stamford**

Replace Bridge No 04069 over the North Stamford Reservoir and within the special flood hazard area on property situated within the drinking water supply watershed of the Rippowam River. The area of work is situated approximately 1,175 feet south-east of the intersection of Lakeside Drive and North Stamford Road and is in Zone RA-3.

**In Attendance:** Tom Weldon, Project Engineer, Close Jensen and Miller  
Greg Gerrish, Hydraulic Engineer, Close Jensen and Miller

**Discussion:** A summary of the application offered by Mr. Clausi on behalf of Lindsay Tomaszewski, Environmental Analyst, provided details of the project and discussed the impacts to the area from the work that is proposed. Mr. Clausi pointed out the project area is within a CT DEEP area of concern for the Bald Eagle. He also highlighted the recommended condition that a site meeting be held with the contractor and others responsible for this project before site work begins.

Dr. Shemitz stated her concern about the length of time for this project. Mr. Clausi noted the standard city contract includes a clause that requires the contractor to pay if they exceed the construction period spelled out in the agreement. Mr. Weldon stated in this case the contractor will have to pay \$1,200 liquidated damages for every day the project remains incomplete beyond the contract term. The project designers have also included a cushion at the beginning of the project timeline for procurement of materials, which they hope will limit delays due to supply chain bottlenecks.

Ms. Tessier commented that the current bridge floods and hopes the new bridge will resolve this condition. Points raised in the ensuing discussion included the facts that the center of the bridge is the high point so water will drain off the bridge, the bridge approaches will also be raised, and no flooding is expected.

Ms. Tessier shared that she has seen eagles nesting to the north of the bridge so she would like EPB staff to be informed of the results of the survey that will be done just before the start of the project. In response to a question about the modified rip rap proposed on the wildlife shelves under the bridge and around the abutments, Mr. Weldon stated this 18" thick layer of stone is needed to retain the steep embankment and thereby minimize filling and grading impacts to the reservoir. Plantings could be made in the rip rap area, but this is beyond the

scope of the project and would be up to the city to implement.

Mr. Stone asked the project representatives if they had received the Agenda Summary Report and if they had any concerns about its contents or recommended conditions of approval. After they acknowledged receipt of the report, Mr. Gerrish stated that the project should be described as a total replacement of the bridge and Mr. Clausi agreed to use that description on the permit. Otherwise, no concerns were raised.

Hearing no further comments, 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. 2023-14 subject to the 9 conditions outlined in the Agenda Summary Report dated October 13, 2023, with an additional condition that the results of the preconstruction survey to find any Bald Eagle nesting and or roosting sites in the vicinity of the bridge will be provided to EPB staff.

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

#### **#2023-15 – 0 Wire Mill Road – AECOM for Aquarion Water Company**

Replace a public water supply well pump house within the special flood hazard area on a property within the non-drinking water supply watershed of the Rippowam River. The property is located approximately 750 feet west of the intersection of Wire Mill Road and High Ridge Road, and is in Zone RA-1.

**In Attendance:** Maureen Crowley, Project Engineer, AECOM

**Discussion:** A summary of the application offered by Mr. Clausi provided details of the project, and discussed the impacts to the area from the work to be performed. The revamped facility will produce raw water as opposed to the finished water that is currently produced and Mr. Clausi noted the applicant therefore states the project is exempt from the wetland regulations per section 3.1.e. Mr. Clausi advised the members that they need to determine whether all the activities are exempt, some are exempt, or none are exempt.

Regardless of the determination about the wetland exemption, Mr. Clausi noted this project does need a flood prone area permit, which will be handled through the Board's standard process. Mr. Clausi reviewed the features that have been incorporated into the new pump house and stated the design is flood compliant.

Mr. Gambino asked if the design team had considered using precast components to build the pump house rather than poured-in-place concrete to minimize the project duration. Ms. Crowley responded that precast components could be used and would result in a project on the shorter end of the 4-6 month estimated timeframe. Mr. Gambino stated a shorter duration project is preferable in this sensitive area and precast components should therefore be given priority.

Mr. Stone asked for a motion from the Board at the conclusion of some general discussion during which several board members voiced concerns about the limitation the section 3.1.e exemption places on the EPB oversight powers.

**Motion/Vote:** Upon a motion by Ms. Tessier and second by Mr. Gambino, the Board acknowledged by a vote of 5 in favor and none opposed/abstaining/not voting that all of the

work being done is exempt from the wetland regulations per section 3.1.e of the Stamford Inland Wetlands & Watercourses Regulations.

Upon a separate motion by Ms. Tessier and second by Mr. Gambino, the Board voted to **APPROVE** EPB Flood Prone Area Permit No. 2023-15 subject to the 10 conditions outlined in the Agenda Summary Report, dated October 17, 2023 with an additional condition that precast components rather than poured-in-place concrete be used to build the pump house in order to shorten the duration of the project in this sensitive flood prone area.

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

**#2023-16 – 94 Bentwood Drive – John Mastera for David & Hildi Todrin**

Replace a deck, and install a generator and a propane tank within the upland review area of wetlands and watercourses on a property within the drinking water supply watershed of the Mianus River (West Branch). The property is located along the south side of Bentwood Drive, approximately 1,100 feet southwest 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 ± 2.001 Acres.

**In Attendance:** John Mastera, Architect

**Discussion:** A summary of the application offered by Mr. Clausi on behalf of Lindsay Tomaszewski, Environmental Analyst, provided details of the project and discussed the impacts to the area from the work that has been performed.

The only comment offered by board members was from Ms. Tessier, who questioned why the planting plan the applicant has submitted to restore the wetland area in front of the house that has been covered in woodchips consists of strictly herbaceous species. Mr. Clausi noted Ms. Tomaszewski's report indicates some shrubs appear to have been removed from the area, but trees and large shrubs remain.

Hearing no further comments from the members, Mr. Stone asked the applicant's agent, Mr. Mastera, if he had any questions or concerns about the recommendations contained in the Agenda Summary Report. Mr. Mastera 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. 2023-16 subject to the 11 conditions outlined in the Agenda Summary Report dated October 12, 2023.

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

**#2023-17 – 1349 Newfield Avenue – Sterling Farms Golf Course**

Hydrorake two ponds on a property within the non-drinking water supply watersheds of Springdale Brook, Ayers Brook, and the Noroton River. The property is located along the east side of Newfield Avenue, approximately 50 feet east of the intersection of Newfield Avenue and Newfield Drive, and is identified as Lot A, Account 002-6063, Card E 073, Map 78, Block 380, Zone P, and is ± 132.500 Acres.

**Discussion:** No discussion pending receipt of additional information

**#2023-18 – 50 West Main Street – The Mill River Collaborative**

Replace a playground on a property within the non-drinking water supply watershed of the Rippowam River. The property is located on the east side of West Main Street just north of Tresser Boulevard.

**In Attendance:** Michael Stake, Vice President, Mill River Collaborative

**Discussion:** A summary of the application offered by Mr. Clausi provided details of the project and discussed the impacts to the area from the work to be performed. Mr. Clausi highlighted several important issues related to this project that remain unresolved, including the outstanding requirement that the applicant submit a hydraulic report to demonstrate that the project will not cause any (i.e., 0.00-foot) rise in the base flood elevation and the proposed expansion of impervious playground surface and a drainage pipe with outfall into the isolated wetland with no mitigation offered.

Ms. Tessier voiced her concern about these outstanding issues, noted there is a qualitative difference between the current 650 square feet of wood chip and gravel playground surface that encroaches into the isolated wetland vs. the 1,025 square foot encroachment of rubber poured on a base of gravel and cement that is proposed, and questioned whether the area set aside for a food truck will be impervious.

The other members agreed with these comments. Dr. Shemitz questioned whether the proposed control of peak runoff flow rates and volumes through the 50-year storm is adequate and asked that subsequent submissions include only updated plans rather than the entire plan set. Dr. Shemitz also asked what the design life is for the new playground.

Mr. Stake stated the report on the hydraulic analysis of the project's impact on the flood elevation has been done, was meant to be submitted with this application, and will be submitted right away. The cement base for the poured in place rubber and the paved pad for the food truck have been included as impervious coverage in the drainage calculations. Regarding the proposed drainage pipe, Mr. Stake said the pipe needs to be in this location due to flow lines, existing elevations, and the designers' attempt to minimize grading in the floodplain/floodway. Mr. Stake went on to describe the need for a new playground and some of the considerations that went into the proposed design. Mr. Stake also stated the Collaborative would prefer to continue to maintain turf grass in the portion of the isolated wetland that will not be utilized for the playground and the rest of the area between the playground and the rough riparian fringe of the river. In answer to a question from Mr. Gambino, Mr. Stake clarified that the application narrative was produced by Mill River Collaborative staff.

In response to a comment from Ms. Tessier that additional impact to the isolated wetland could be avoided if the new playground were to be built on the footprint of the existing playground, Mr. Stake noted the proposed playground has been designed to allow it to be used by children with handicaps and the clearance areas around the various play equipment is required by current safety standards. Mr. Stake concluded by acknowledging the design team will consider how best to address the comments made by the members.

Hearing no further comments 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 **DEFER** rendering a decision on EPB Application No. 2023-18 pending receipt of additional

information.

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

**#2023-19 – Wire Mill Road Bridge – City of Stamford Engineering Bureau**

Replace the Wire Mill Road bridge over Haviland Brook and within the special flood hazard area in the non-drinking water supply watershed of the Rippowam River. The bridge is located approximately 1,350 feet west of the intersection of Wire Mill Road and High Ridge Road.

**In Attendance:** Tom Weldon, Project Engineer, Close Jensen and Miller  
Greg Gerrish, Hydraulic Engineer, Close Jensen and Miller

**Discussion:** A summary of the application offered by Mr. Clausi, provided details of the project, and discussed the impacts to the area from the work to be performed. Mr. Clausi noted the hydraulic study prepared by the applicant indicates the new bridge will not increase the elevation of the base flood and the slightly elevated roadway will not be inundated during the 100-year storm. No work is proposed in the brook and the protective measures laid out in general terms in the application will be finalized once a contractor is selected.

Mr. Gambino asked if the design team had considered making improvements to the orientation of the roadway in the project area. Mr. Weldon explained that the Federal local bridge program under which this project has been developed is aimed at bringing bridges up to current standards whereas it is the responsibility of the local municipality to implement any changes in roadway alignment. Mr. Weldon noted that any such changes would involve direct wetland/watercourse impacts, additional private property issues, and complications related to the intersection with Gutzon Borglum Road. Mr. Weldon concluded by saying the current bridge is in critical condition and the project as proposed will yield a new bridge in the least possible time.

Hearing no further comments, Mr. Stone asked Mr. Weldon if he had any questions or concerns about the recommendations contained in the Agenda Summary Report and Mr. Weldon replied he had no questions or concerns. Mr. Stone then 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. 2023-19 subject to the 9 conditions outlined in the Agenda Summary Report dated October 10, 2023.

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

**MOD #1911 – 128 North Stamford Road – David Devin**

Dredge a watercourse and reconstruct a weir and retaining wall on property within the non-drinking water supply watershed of Poorhouse Brook. The property is located along the west side of North Stamford Road, across from the intersection of North Stamford and Cascade Roads, and is identified as Lot B, Account 004-2096, Card N-010, Map 36, Block 387, Zone RA-1, and is ± 3.532 Acres.

**Discussion:** No discussion pending receipt of additional information

➤ **SUBDIVISION REVIEWS:** None

➤ **SITE PLAN REVIEWS:** None

➤ **SHOW CAUSE HEARINGS/ENFORCEMENT:**

**46 Bird Song Lane – Trevor Arthur and Heather Williams**

Unauthorized construction of boulder retaining walls with associated fill in wetlands and upland review areas.

**In Attendance:** Trevor Arthur and Heather Williams, Owners  
David Lasnick, Attorney

**Discussion:** Mr. Clausi gave a very quick overview of the October 16<sup>th</sup> Enforcement Report/Status Update on this matter that has been distributed in the meeting packets, described what he and Environmental Analyst Pam Fausty observed when they visited the site on October 13<sup>th</sup>, and ran down the recommended next steps to move this situation toward a resolution.

Mr. Lasnick stated that his clients have no objection to providing the required survey and working with the Board to resolve the wetland issues. He then shared some photos of the condition of his client's backyard taken during the course of the Bird Song Lane drainage project and expressed his hope that the Board will give his clients the time they'll need to deal with their situation. Ms. Williams and Mr. Arthur also addressed the Board.

After some additional discussion on the part of the members, Mr. Clausi, Mr. Lasnick, and the property owners, 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 maintain the Cease & Desist Order and directed the owners to provide an updated topographic survey of the rear portion of 46 Bird Song Lane comparing today's conditions to the "Existing Contour" lines shown on the Rocco V. D'Andrea, Inc. 12/20/2010 survey as found in the EPB files. The Board set a deadline of November 13, 2023 for submission of this updated survey so it can be reviewed at the Board's November meeting, with the understanding that this deadline may need to be extended depending on the surveyor's availability.

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

➤ **OTHER BUSINESS:**

Mr. Clausi told the board members that the second batch of letters to new owners of properties that do or may contain wetlands, watercourses, and/or upland review areas will be mailed out soon. He also reported that an informational GIS map showing the approximately location of wetlands, watercourses, upland review areas, and wetland soil types has been drafted by Andrew Patterson of the city's GIS staff in response to a request made by the Board at a recent meeting. Mr. Clausi stated he hoped to have the map tidied up and ready to share with the members next month. Finally, Mr. Clausi reminded the members of the annual meeting of the Connecticut Association of Conservation and Inland Wetland Commissions, which will be held on November 11<sup>th</sup> in Bristol CT. Mr. Clausi asked members who plan to attend the meeting to let him know within a week so we can take advantage of the early bird registration fee.

➤ **ADJOURN:**

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

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

Meeting adjourned at 9:51 p.m.

Gary H. Stone, Chairman  
Environmental Protection Board