

FINAL

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE JANUARY 18, 2024
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

MEMBERS PRESENT:

Gary H. Stone, Chairman
Laura Tessier, Member
Leigh Shemitz, Member
Todd Gambino, 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 at 7:30 p.m.

➤ **MINUTES:**

December 21, 2023 (Regular Meeting)

The Board considered the minutes of the December 21, 2023 Regular Meeting. Members who were present at that meeting and eligible to vote were Mr. Stone, Ms. Tessier, Mr. Romas, and Mr. Schneider. No modifications were recommended.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Schneider, the Board voted to **ACCEPT** the Regular Meeting Minutes of December 21, 2023.

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

January 4, 2024 (Regular Meeting)

The Board considered the minutes of the January 4, 2024 Regular Meeting. Members who were present at that meeting and eligible to vote were Mr. Stone, Ms. Tessier, and Mr. Schneider. No modifications were recommended.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Schneider, the Board voted to **ACCEPT** the Regular Meeting Minutes of January 4, 2024.

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

➤ **APPLICATIONS & PERMITS:**

Mr. Stone seated himself, Ms. Tessier, Dr. Shemitz, Mr. Gambino, and Mr. Romas to vote during the remainder of the meeting.

Acceptances/Extensions/Withdrawals

#2024-01 – 175 Blackberry Drive – Paul Sparacino

Install generator and propane tanks (Parcel ID 003-0894)

#2024-02 – Hunting Ridge Road bridge over East Branch Mianus River - Stamford Engineering Bureau

Replace bridge No. 135009

#2024-03 – 83 Camp Avenue – Steve Mickels

Store landscaping materials in flood zone (Parcel ID 001-0553)

Mr. Stone acknowledged receipt of the minimum information necessary to accept EPB Permit Applications #2024-01, 2024-02, and 2024-03.

Motion/Vote: Upon a motion by Mr. Gambino and second by Ms. Tessier, the Board voted to **ACCEPT** EPB Permit Applications #2024-01, 2024-02, and 2024-03.

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

Action Items

#2023-22 – 65 Stanton Lane – Jessica Domiziano

Construct residential additions and drainage system (Parcel ID 002-3687)

No discussion and no action taken by the Board pending receipt of additional information.

#2023-23 – 112 Gun Club Road – Quesited Consulting LLC for Jason & Cynthia Drexel

Construct pool and drainage system (Parcel ID 003-1979)

In Attendance: Bryan Muller, P.E.

The application summary Mr. Clausi presented on behalf of Environmental Analyst Jaclyn Chapman provided details of the project and discussed the impacts to the area from the work that is proposed. Noting the improvements are proposed to be installed in the existing back yard lawn area adjacent to the driveway, Mr. Clausi stated the proper installation and maintenance of the proposed erosion control measures should be sufficient to prevent impacts to the nearby wetland during construction. Since the seasonally ponded area in the northeast corner of the property may be a breeding site for vernal pool obligate species, Ms. Chapman's report includes a best management practice cited in Calhoun and Klemens' 2002 publication *Best development practices: Conserving pool-breeding amphibians in residential and commercial developments in the northeastern United States* to prevent any such migratory amphibians from being trapped in the swimming pool; i.e., install fine wire mesh along the base of the swimming pool fence. Dr. Shemitz stated mesh of a small enough size to block the species of concern should be specified in the conditions of approval.

Mr. Stone asked the applicant's representative, Bryan Muller, if his client had received the Agenda Summary Report and if they had any concerns about its contents or recommended conditions of approval. Mr. Muller responded they have no questions or concerns with the recommendations.

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 Application #2023-23 with the eleven recommended conditions of approval contained in Agenda Summary Report dated January 12, 2024, with the addition of appropriate size mesh being specified in Condition 5.

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

#2023-24 – 0 Studio Road – Redniss & Mead Inc. for Studio 503 LLC

Construct residential addition and modify driveway (Parcel ID 003-4841)

In Attendance: Ted Milone, P.E.

The application summary Mr. Clausi presented on behalf of Environmental Analyst Lindsay Tomaszewski provided details of the project and discussed the impacts to the area from the work that is proposed. Ms. Tessier stated she had provided her comments to Ms. Tomaszewski before the meeting; otherwise, the members had no questions or comments about the application.

Mr. Stone asked the applicant's representative, Ted Milone, if his client had received the Agenda Summary Report and if they had any concerns about its contents or recommended conditions of approval. Mr. Milone responded they have no questions or concerns with the recommendations.

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 Application #2023-24 with the fifteen recommended conditions of approval contained in Agenda Summary Report dated January 12, 2024, with the addition that the updated flood certification required in Condition 8c include the statement that there will be a 0.00' increase in the water surface elevation of the base flood.

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

#2023-25 – 688 Westover Road – Redniss & Mead Inc. for Edward & Yvonne Raboy

Construct residential additions (Parcel ID 003-4194)

In Attendance: Edward Raboy, owner
Ted Milone, P.E.

The application summary Mr. Clausi presented on behalf of Environmental Analyst Jaclyn Chapman provided details of the project and discussed the impacts to the area from the work that is proposed. Ms. Tessier stated her appreciation that the applicant included a discussion of the alternatives they had considered as part of their narrative. Mr. Clausi noted properly installed and maintained erosion control measures that are appropriate for the rocky conditions will be

particularly important to separate the proposed addition at the southwest corner of the house from the steep slope and river below. Mr. Milone pointed out the plans specify that two rows of controls be used in this area.

The rest of the discussion was focused on the seating and landscape lights (11 fixtures, according to Mr. Milone) that were present in the conservation easement area along the river when the applicant recently purchased the property. Mr. Milone conveyed the applicants' wish to maintain these features. The members concluded that the maintaining the existing seating and lights would be acceptable, but any future change to the seating or lights should be submitted for prior review and approval by EPB staff due to the potential for there to be light-averse Northern long-eared bats in the vicinity. Ms. Tessier noted that the Board's conclusion in this case should not be taken as a precedent that can be applied in other cases.

Hearing no further discussion, 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 Application #2023-25 with the fourteen recommended conditions of approval contained in Agenda Summary Report dated January 12, 2024, with the addition to Condition 4 that any proposed future alterations of the seating or lighting must be pre-approved by EPB staff.

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

#2023-26 – 23 Laurel Road – Aleksandra Moch for TGF Holdings LLC
Construct residential additions and drainage system (Parcel ID 001-7689)

No discussion and no action taken by the Board pending receipt of additional information.

#2023-27 – 736 Den Road – Aleksandra Moch for Donald Broggi
Construct residential addition, pool, and drainage system (Parcel ID 003-6993)

The consensus of the Board members was to defer discussion of the materials that were provided to them via email the afternoon of January 17th until they have had time to review them.

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino, the Board voted to **DEFER** consideration of EPB Permit Application #2023-27 until the February 15, 2024 meeting.

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

- **SUBDIVISION REVIEWS:** None
- **SITE PLAN REVIEWS:** None

➤ **SHOW CAUSE HEARINGS/ENFORCEMENT:**

136 Breezy Hill Road – James Banahan

Unauthorized clearing of vegetation and filling within wetland, watercourse, & upland review area

In Attendance: Diane Lord, Esq.

Discussion: Mr. Clausi summarized the background of this violation and noted the Board was sent a restoration plan and an engineer's "Stormwater/Flooding Review" report yesterday afternoon following their receipt by Environmental Analyst Jaclyn Chapman. The consensus of the Board members was to defer discussion of these materials until they have had time to review them.

In response to a question from Mr. Clausi, Attorney Diane Lord spoke on behalf of Mr. Banahan and stated Mr. Banahan did not install the drainpipe that discharges to the gutter line of Breezy Hill Road, Mr. Banahan believes this pipe conveys water from his home's downspouts, and the pipe only became apparent when the City recently repaved and installed new curbing along this portion of the road. Mr. Clausi questioned where the pipe discharged before the paving work and whether the current direct discharge to the street is permitted by the Stormwater Management and/or Highway Maintenance Departments.

Motion/Vote: Upon a motion by Mr. Romas and second by Mr. Gambino, the Board voted to **DEFER** consideration of this matter until the February 15, 2024 meeting.

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

46 Bird Song Lane – Trevor Arthur and Heather Williams

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

In Attendance: Heather Williams and Trevor Arthur, owners
David Lasnick, Esq.

Discussion: Mr. Clausi reviewed the following materials related to this violation that were included in the packets delivered to the members' homes on January 12th:

- Topographic Survey of 46 Bird Song Lane prepared by D'Andrea Surveying & Engineering P.C. dated December 21, 2023 (provided by Ms. Williams and Mr. Arthur per the Board's instructions).
- Composite plan showing 2010 topography and 2012 restoration planting plan on 46 Bird Song Lane plus wetland delineated on 35 Bird Song Lane overlaid on 12/21/23 D'Andrea Topographic Survey (prepared by EPB staff).
- Memorandum from David Lasnick to Pamela Fausty with two aerial photo attachments, dated January 10, 2024.

Mr. Clausi noted that staff have not had the opportunity to revisit the site since the new topographic survey was submitted but plan to do so before the February meeting to assess what remedial measures may be required for rocks and fill that appear to have encroached into the wetland on 35 Bird Song Lane and check the restoration planting to determine if any of these were impacted by the wall and fill. Several members expressed an interest to visit the site and Mr. Clausi invited them to contact him directly to make the arrangements.

Attorney David Lasnick, speaking on behalf of Ms. Williams and Mr. Arthur, said he would like to accompany at least one of the site inspections. He also stated that the new topographic survey shows the drainage improvements recently installed by the City encroach onto his clients' property without any easement and portions of the wall and fill are not on his clients' property but are on 35 Bird Song Lane. Mr. Lasnick questioned why a Cease and Desist Order has not been issued to that property owner.

Hearing no further comments, Mr. Stone moved to the next item on the agenda.

➤ **OTHER BUSINESS:**

Discussion of amendment of the Stamford Inland Wetlands and Watercourses Regulations

Mr. Clausi oriented the members to the materials he sent to them via email on the afternoon of January 17, 2024, which included a first draft of Section 1 of the revised regulations, several suggestions made by Ms. Tessier, and two topics he seeks the Board's input on prior to preparing the next draft of the new regulations. Noting some of the time-consuming notification requirements involved in revising the regulations, Mr. Clausi asked the members to provide their comments within the coming month on the first draft of the regulations that was sent to them in mid-December and the January 17th materials so that a semi-final draft can be compiled for review at the February 15th meeting and, if acceptable to the Board, this draft can be forwarded on for review by the Law Department. No action was taken by the Board.

A general discussion then ensued among the members regarding the status of their appointments to the EPB following David Kozlowski's resignation from the Board earlier this month. Mr. Clausi said he would send out the status list and put the members in touch with the Mayor's staff person who is handling board appointments.

➤ **ADJOURN:**

Motion/Vote: Upon a motion by Ms. Tessier and second by Mr. Gambino, the Board voted to **ADJOURN** the Regular Meeting of January 18, 2024.

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

The meeting adjourned at 9:03 p.m.

Gary H. Stone, Chairman
Environmental Protection Board