

**ENFORCEMENT REPORT  
ENVIRONMENTAL PROTECTION BOARD**

**Date:** September 10, 2024

**Location:** 38 Westover Avenue

**Owners:** James & Kirsten Bitzonis

**Account:** 002-0617

**Watershed:** Mianus River

**Map/Block/Lot:** 107/366/A

**Flood Map:** 09001C0504F (6/18/2010)

**Flood Zone:** X - Minimal Chance Flood

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**Reference**

- o Plan entitled "Septic Design Plans-James Bitzonis- 38 Westover Avenue, Stamford, CT" prepared by Muller Engineering, LLC - certified by Byran S. Muller, CT PE #29767 - dated August 5, 2024.

**Proposed Regulated Activity**

Replace a failing septic system.

**Property Description**

38 Westover Avenue is a level 1.23-acre parcel developed with a single-family residence, patio, driveway, well, and septic system. Three quarters of the property is wetland. There is a small pond in the front yard, woods in the southern half of the back yard, and turf grass with ornamentals in the rest of the property. Drainage is to the south into a brook that joins the Mianus River about a quarter mile to the west.

**Issues/Discussion/Recommendation**

The Stamford Department of Health recently informed EPB staff that the septic system at 38 Westover Avenue is failing, with instances of effluent breaking out on the surface or backing up into the house. In the subsequent communications with the owners' representatives, EPB staff noted that the October 17<sup>th</sup> meeting would be the earliest an application for a permit could be approved by the Board<sup>1</sup> and the owners representatives therefore agreed with staff's recommendation that the matter be handled through a "friendly" enforcement process to expedite elimination of this health and environmental hazard.

An engineered replacement system that will be installed in a bed of select fill has been designed for the upland portion of the backyard. All components of the system as well as all erosion and sedimentation control measures are shown outside the limit of wetlands.

The Cease and Desist Order sent to Mr. and Mrs. Bitzonis (and copied to the septic installer) on September 10<sup>th</sup> contained information about the Show Cause Hearing that will be held as part of the regularly scheduled EPB meeting on September 19, 2024. Mr. and Mrs. Bitzonis and their contractor will also be sent a copy of this report and the draft meeting agenda prior to the meeting.

Staff recommends the Board issue an Order to Correct with the conditions that are attached.



Robert E. Clausi

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<sup>1</sup> Staff of the Connecticut Department of Energy & Environmental Protection's Land & Water Resources Division have told staff that the emergency approval provision of the EPB Regulations (section 4.5) is invalid. Once the revised EPB regulations are approved by the Board of Representatives, staff will have the ability to quickly resolve situations like this through the agent approval process.

**Order to Correct with conditions**  
**38 Westover Avenue (Parcel ID 002-0617), Stamford CT**

1. The septic system shall be replaced based on the plan entitled "Septic Design Plans - James Bitzonis - 38 Westover Avenue, Stamford, CT" prepared by Muller Engineering, LLC- certified by Byran S. Muller, CT PE #29767 - dated August 5, 2024. Any change in the project design or scope shall be submitted on a revised plan for the review and approval by EPB staff prior to implementation.
2. The original soil scientist signed soils report with sketch of wetlands and watercourses flagged on subject property shall be submitted for the EPB files.
3. A Contractor's Compliance Statement completed by the contractor engaged to perform the regulated activities shall be submitted to EPB staff no less than 48 hours prior to the start of work. ([http://stamfordct.seamlessdocs.com/f/contractors\\_compliance\\_statement](http://stamfordct.seamlessdocs.com/f/contractors_compliance_statement)).
4. Sediment and erosion controls shall be installed by the contractor and shall be inspected and approved in writing by EPB staff prior to the start of any other site activity.
5. All areas that are disturbed during implementation of the project shall be stabilized and restored to their pre-construction condition as approved and accepted by EPB staff.