

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE FEBRUARY 20, 2020
REGULAR MEETING**

BOARD MEMBERS PRESENT:

Gary H. Stone, Chairman
Dr. Leigh Shemitz, Member
Laura Tessier, Member
David J. Kozlowski, Alternate Member
Thomas C. Romas, Alternate Member
Stephen J. Schneider, Alternate Member

MEMBERS NOT PRESENT:

Ashley A. Ley, Member
Louis P. Levine, Member

STAFF PRESENT:

Richard Talamelli, Executive Director/Environmental Planner
Pamela Fausty, Environmental Analyst

The meeting was called to order by Mr. Stone at 7:30 PM.

MINUTES:

Minutes of the EPB Special Meeting of January 9, 2020:

The Board considered the minutes of the January 9, 2020 Special Meeting of the Board. Members present and eligible to vote were Dr. Shemitz, Ms. Tessier, Mr. Kozlowski and Mr. Romas. No comments or modifications were recommended.

Motion/Vote: Upon a motion by Mr. Kozlowski, and seconded by Mr. Romas, the Board voted to **APPROVE** the Minutes of the January 9, 2020 Special Meeting as presented.

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

Minutes of the EPB Regular Meeting of January 16, 2020:

The Board considered the minutes of the January 16, 2020 Regular Meeting of the Board. Members present and eligible to vote were Mr. Stone, Ms. Tessier, Mr. Romas, and Mr. Schneider. No comments or modifications were recommended.

Motion/Vote: Upon a motion by Mr. Romas, and seconded by Mr. Schneider, the Board voted to **APPROVE** the Minutes of the January 16, 2020 Regular Meeting as presented.

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

APPLICATIONS AND PERMITS:

Acceptances/Extensions/Withdrawals:

#1926 – 39 Lisa Lane – Parcel H – Fairfield County Engineering, LLC., for S. Grosso:

To construct a detached garage, drive, drainage, and other related features proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River. The property lies along the west side of Lisa Lane, just north of South Lake Drive and is identified as Parcel “H”, Card W-001, Account 000-5383, Map 13, Block 400, Zone RA-2, and ± 2.346 Acres.

Reference is made to an EPB Staff Memo, dated February 10, 2020.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Wayne D’Avanzo, P.E., dated February 7, 2020 granting the Board an extension of the decision deadline for a period of sixty-five (65) days. Accordingly, a final decision shall be made on the subject application on or before April 27, 2020.

Motion/Vote: None

#2020-03 – 25 Bend of River Lane – Lot 5 – C. and J. Albrycht: To install a standby generator and related features proximate to wetlands, watercourses, and special flood hazard areas situated in the drinking water supply watershed of the Mianus River (West Branch). The lies along the cul-de-sac of Bend of River Lane, approximately 360 feet south of West Glen Drive, and is identified as Lot 5, Card W-003, Account 001-5545, Map 107, Block 373, Zone RA-1, and ± 1.0512 Acres.

Reference is made to EPB Staff Memo, dated February 18, 2020.

#2020-04 – 121 White Oak Lane – Lot 2 - Candide Contractor, LLC for M. and J. Capogrossi – To maintenance dredge a pond situated in the non-drinking water supply watershed of Springdale Brook. The property lies along the cul-de-sac, approximately

1,480 feet east of Newfield Avenue, and is identified as Lot 2, Card N-10Z, Account 000-2965, Map 60, Block 380, Zone RA-1, and ±1.0005 Acres.

Reference is made to EPB Staff Memo, dated February 18, 2020.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Application Nos. 2020-03 and 2020-04.

Motion/Vote: Upon a motion by Mr. Kozlowski, and seconded by Ms. Tessier, the Board voted to **ACCEPT** EPB Permit Applications No. 2020-03, and 2020-04.

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

Action Items:

#1927 – 120 Snow Crystal Lane – Lot C – D. Schwartz and S. Schwartz: To maintain a fence installed within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Ayers Brook. The property lies along the west side of Snow Crystal Lane, approximately 320 feet north of Corncake Lane, and is identified as Lot C, Card W-018, Account 000-4723, Map 76, Block 359, Zone R-10, and ±12,909 square feet.

Reference is made to EPB Staff Agenda Summary Report, dated February 10, 2020.

In Attendance: None

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the Agenda Summary Report was prepared by Environmental Analyst, Lindsay Tomaszewski.

He stated that the applicant seeks the Board's permission to maintain a stockade fence that was installed within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of Ayers Brook.

The property, which lies along the west side of Snow Crystal Lane, currently supports a single family dwelling, drive, patio, shed, walls and other related features, and is served by both public water and sanitary sewers. The site is characterized by the presence of gently sloping developed lands, a few small to moderately sized trees, a seventy-five (75) foot reach of Ayres Brook (steeply banked) and narrow "wetland" fringe.

Mr. Talamelli reported that the fence replaces an existing, derelict barrier that sat along the top of bank in the western reaches of the property. The new fence, which was proposed to provide a measure of safety and screening, has been set back 7-15 feet to the top of bank,

and includes reveal along the bottom edge to allow for the continued passage of storm water and wildlife. Mr. Talamelli reported that EPB Staff offers no objection to the project as currently proposed given the minimal site disturbance and impact upon both regulated areas and the existing tree resources. Approximately 100 square feet of the historically altered uplands have been affected by the activities. The Stamford Engineering Bureau has endorsed the project. Additional planting along the wetlands/watercourses is not warranted given the absence of impact upon the existing vegetation. Mr. Talamelli stated that any approval granted by the Board should be conditioned upon the applicant's commitment to remove the remnant fence and brush piles from the setback areas.

In response to question by Dr. Shemitz, Mr. Talamelli reported that the fence installation was observed by Staff during a compliance inspection.

Motion/Vote: Upon a motion by Dr. Shemitz, and seconded by Ms. Tessier, the Board voted to **APPROVE** EPB Permit Application No. 1927 with the conditions outlined in the EPB Agenda Summary Report, dated February 10, 2020.

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

#2020-01 – 212 Barclay Drive - Lot 20 – Anne G. Henderson: To construct a replacement septic system proximate to wetlands and watercourses situated in the non-drinking water supply watershed of the Rippowam River. The property lies along the west side of the cul-de-sac of Barclay Drive, and is identified as Lot 20, Account 001-1524, Card N-013, Map 74, Block 375, Zone RA-1, and ±1.00 Acre.

Reference is made to EPB Staff Agenda Summary Report, dated February 13, 2020.

In Attendance: John Henderson

Discussion: Ms. Fausty summarized the application for the Board. She reported that the applicant proposes to install a new subsurface sewage disposal system to replace a failing septic system proximate to wetlands and watercourses on property situated in the non-drinking water supply watershed of the Rippowam River. The failure has been verified, in writing, by Stamford Health Department Staff.

The property, which lies along the west side of Barclay Drive, currently supports a single family dwelling, drive, deck, walkways, in-ground pool, sheds, fences, footbridge, and other related features. The dwelling is served by both a private well and septic system. The site is characterized by the presence of gently to moderately sloping developed lands, numerous small to moderately sized trees, several watercourses, and wetlands.

The vast majority of the replacement shall occur in non-regulated areas, with the leaching system confined to wooded uplands to the north and west and the new septic tank/pump

chamber installed in the developed upland areas to the south and east. The regulated activities are associated with the temporary bridge/culvert crossing necessary to access the leaching areas, and the excavation/regrading necessary to install a force main. Ms. Fausty noted that the force main will not be installed below the stream channel, but will be permanently attached to an existing foot bridge that crosses the wetland corridor. The temporary bridge and culvert crossing shall be removed upon completion of the project, and the regulated areas shall be appropriately restored. The Stamford Health Department has supervised the execution of test holes and has determined that the proposal is acceptable with only minor modifications. To address potential water quality concerns, the applicant has provided a detailed sediment and erosion control plan, and the applicant has committed to the submission of a professionally developed landscape plan to both stabilize the soil and enhance the value of the space bordering the stream corridor. The applicant was unable to prepare the landscape/mitigation plan in advance of the Board's meeting given the "emergency" nature of the repair. The applicant reports that the project shall impact approximately 20 square feet of wetland and 5,361 square feet of the non-watershed upland review area.

Mr. Henderson addressed the Board. He noted that he was disappointed by the necessity of the proposed crossing and site disturbance, but realizes the importance of curing the failure in what was reported to be the only area on the property suitable for the replacement. He looks forward to moving quickly to resolve the matter.

In response to a questions by Mr. Schneider and Ms. Tessier, Ms. Fausty reconfirmed that the Health Department Staff supervised the excavation of test holes, and the location chosen for the leaching system supports the most suitable soils and conditions for subsurface sewage disposal. The existing septic area was dismissed given the restrictive nature of the soils. Both Dr. Shemitz and Ms. Tessier stated that the proposal may not be ideal for the homeowner, but it alleviates an important water quality issue, and returns functionality to the residence.

Motion/Vote: Upon a motion by Ms. Tessier, and seconded by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 2020-01 with the conditions outlined in the EPB Agenda Summary Report, dated February 13, 2020.

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

Site Plan Reviews:

#4001-1 - Eden Road - Lot 1 - D. Lala - EPB Site Plan Review: To construct a new single family dwelling, drive, drainage, septic, and other related facilities. Development is subject to an EPB Site Plan Review pursuant to the terms and conditions of Planning Board No, 4001. The property is located along the north side of Eden Road, approximately 1000 feet

east of Newfield Avenue, and is identified as Lot 1, Account 004-5457, Card N-008B, Map 69, Block 382, Zone RA-1, and ±1.288 Acres.

Reference is made to EPB Staff Agenda Summary Report, dated February 14, 2020.

In Attendance: John Mallozzi, P.E.

Discussion: Staff Member Fausty summarized the application for the Board. She reported that the applicant proposes to construct a new, single family dwelling, drive, drainage, septic and other related features on the parcel. She reminded Board members that the parcel was part of a three (3) lot subdivision of property that was extensively studied by the EPB and approved by the Planning Board in 2012. Conditions of the subdivision approval required an EPB Site Plan Review for Lot 1 to ensure that the proposed development mimicked the subdivision concept, protected stone walls, preserved trees of value, utilized effective erosion/water quality controls, and properly mitigated potentially adverse drainage impacts.

Ms. Fausty reported that the body of the property is currently “undeveloped” with the exception of a fence, plantings, and portions of a structured drainage system required as part of the subdivision. The site is characterized by the presence of gently to moderately sloping uplands, stone walls and several large trees. Wetlands and watercourses are confined to the southern portions of the site. The regulated activities, including a reconstructed stream crossing, subdivision access, and drainage, were approved and successfully completed under a prior EPB Permit.

Ms. Fausty noted that the dwelling and its attendant facilities have been generally confined to the space depicted on the subdivision plan. Although the dwelling and drive are slightly larger than the original, the project engineer proposes to modify the existing drainage system to fully and properly mitigate the impacts of development. The expanded infiltration system has gained the approval of the Stamford Engineering Bureau. Sediment and erosion controls have been applied, and the Stamford Health Department has offered no objection to the proposed septic system as designed. A Connecticut Arborist has reviewed the remaining trees, and has offered recommendations to preserve and enhance these resources. Measures embraced by the applicant include the relocation certain structures/features, installing/relocating fences to protect critical root zones, prohibiting storage and stockpiles in designated areas, post-construction application of fertilizers, and other related measures.

Both Mr. Kozlowski and Dr. Shemitz recognized the applicant’s strong effort to protect trees of value and to confine the development to the space authorized under the subdivision approval.

Motion/Vote: Upon a motion by Dr. Shemitz, and seconded by Ms. Tessier, the Board voted to **APPROVE** EPB Site Plan Review Application No. 4001-1 with the conditions outlined in the EPB Agenda Summary Report, dated February 14, 2020.

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

Subdivision Reviews: None

Enforcement – Status Reports & Show Cause Hearings:

47 Emma Road – Lot 1 – M. Taylor and J. Hoyt – Enforcement Action: Removal and alteration of indigenous vegetation, importing and depositing fill and grading in and proximate to wetlands, watercourses and designated conservation easement areas without the prior written authority of the Environmental Protection Board in violation of Section 4.1 of the “Inland Wetland and Watercourse Regulations of the City of Stamford.” The property lies along the north side of Emma Road, approximately 630 feet west of High Ridge Road, and is identified as Lot 1, List 004-1022, Card N-008Z, Block 359, Map 90, Zone R-10, and ±1.640 Acres.

Reference is made to EPB Staff Memo, dated February 14, 2020.

In Attendance: None

Discussion: Mr. Talamelli reminded Board members that of the circumstances of the violation. He noted that the modified cease and desist order authored by the Board in December 2019 required submission of necessary survey data and a professionally developed wetland/conservation easement restoration plan by January 31, 2020. Staff recently received correspondence from Leonard D’Andrea, P.E., D’Andrea Surveying and Engineering, PC, dated February 11, 2020 reporting on the status of the response. Mr. D’Andrea indicated that his firm has completed the necessary field work and are currently compiling the data onto a base topographic map. Upon completion of the survey, the firm intends to coordinate the services of the environmental/landscape professionals to develop the necessary restoration plan. Given these circumstances, Staff recommended that the Board consider modification of the order to provide a one-time extension of the submittal deadline.

Dr. Shemitz and Mr. Romas acknowledged the consultant’s efforts to comply, and offered no objection to a brief, one-time extension of the submittal deadline. However, both members emphasized the importance of communicating with the known interested parties and keeping them apprised of the project status.

Motion/Vote: Upon a motion by Mr. Kozlowski, and seconded by Mr. Romas, the Board voted to **MAINTAIN** the Cease and Desist Order in effect, and **MODIFY** the order to grant a one-time extension, requiring submission of both a survey and comprehensive restoration plan by March 5, 2020 in lieu of the January 31, 2020 deadline previously established by the Board. All other terms and conditions of the order remain in full force and effect.

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

Other Business:

ADJOURN:

Adjourn the Regular Meeting of February 20, 2020:

Motion/Vote: There being no further business, and upon a motion by Mr. Kozlowski, and seconded by Ms. Tessier, the Board voted to **ADJOURN** the Regular Meeting of February 20, 2020.

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

Meeting adjourned at 8:08 PM.

Gary H. Stone, Chairman
Environmental Protection Board

V1: March 5, 2020
V2: March 10, 2020 ATB