

**ENVIRONMENTAL PROTECTION BOARD
CITY OF STAMFORD
MINUTES OF THE APRIL 16, 2020
REGULAR MEETING
CONDUCTED VIA INTERNET AND CONFERENCE CALL**

BOARD MEMBERS PRESENT:

Gary H. Stone, Chairman
Dr. Leigh Shemitz, Member
Ashley A. Ley, Member
Laura Tessier, Member
David J. Kozlowski, Alternate Member
Thomas C. Romas, Alternate Member

MEMBERS NOT PRESENT:

Louis P. Levine, Member
Stephen J. Schneider, Alternate Member

STAFF PRESENT:

Richard Talamelli, Executive Director/Environmental Planner
Lindsay Tomaszewski, Environmental Analyst

The meeting was called to order by Mr. Stone at 7:30 PM. Seated for the meeting were Mr. Stone, Dr. Shemitz, Ms. Ley, Ms. Tessier, and Mr. Kozlowski.

MINUTES:

Minutes of the EPB Regular Meeting of February 20, 2020

The Board considered the minutes of the February 20, 2020 Regular Meeting. Members present and eligible to vote were Mr. Stone, Dr. Shemitz, Ms. Tessier, and Mr. Kozlowski. No comments or modifications were recommended.

Motion/Vote: Upon a motion by Mr. Kozlowski, and seconded by Ms. Tessier, the Board voted to **APPROVE** the Minutes of the February 20, 2020 Regular Meeting as presented.

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

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 April 9, 2020.

#2020-02 – 264 Cedar Heights Road – Plot A – Fairfield County Engineering, LLC for D. Russell:

To construct a residential addition, attached garage, drainage and other related features within close proximity to wetlands and watercourses and within the base floodplain of the Rippowam River. The property lies along the south side of Cedar Heights Road, approximately 475 feet east of Wire Mill Road, and is identified as Plot A, Card S-043, Account 000-9961, Map 76, Block 359, Zone R-20, and +0.522 Acres.

Reference is made to an EPB Staff Memo, dated April 9, 2020.

In Attendance: None

Discussion: Mr. Stone acknowledged the receipt of correspondence from Wayne D’Avanzo, P.E., dated April 9, 2020 granting the Board extensions of the decision deadlines for EPB Permit Applications No. 1926 and 2020-02. Extensions have been sought to allow for the development of necessary information. Final decisions shall be made on the applications as follows:

#1926	39 Lisa Lane	Parcel “H”	Fairfield County Engineering, LLC for S. Grosso	5/22/2020
#2020-02	264 Cedar Heights Road	Plot A	Fairfield County Engineering, LLC for D. Russell	6/19/2020

Motion/Vote: None

#2020-06 – 136 Breezy Hill Road – Lot 19A – Fairfield County Engineering, LLC for S. and J. Katz:

To construct drainage, grade and implement related activities in and proximate to wetlands and watercourses situated in the non-drinking water supply watershed of Haviland Brook. The property lies along the west side of Breezy Hill Road, approximately 200 feet north of Happy Hill Road, and is identified as Lot 19A, Account 002-2731, Card S-007, Map 15, Block 402, Zone RA-1, and +1.087 Acres.

Reference is made to an EPB Staff Memo, dated March 6, 2020.

#2020-07 – 79 Fawnfield Road – Lot 9 – R. Salvatore for H. Sepowitz: To reconstruct an existing screened porch and to construct a new stoop and small terrace at grade proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (West Branch). The property lies at the northwest corner of Fawnfield Road, approximately 950 feet from Riverbank Road, and is identified as Lot 9, Account 002-0930, Card S-007, Map 74, Block 394, Zone RA-1, and +1.0131 Acres.

Reference is made to an EPB Staff Memo, dated March 19, 2020.

#2020-08 – West Hill Road - NA – City of Stamford - West Hill Road Roadway and Drainage Improvements: To implement certain roadway, drainage and other related improvements in and within close proximity to wetlands and watercourses situated in the non-drinking water supply watershed of the Rippowam River. Areas subject to this application affect both public and private properties along a reach of West Hill Road, generally bordered by Roxbury Road to the north and McGregor Drive to the south, including 643 and 682 West Hill Road, Stamford, Connecticut 06902.

Reference is made to an EPB Staff Memo, dated April 13, 2020.

#2020-09 – 0 Mianus Road – Lot 4 – S. and K. Studwell: To install a pool security fence and related features proximate to wetlands, watercourses and special flood hazard areas situated in the drinking water supply watershed of the Mianus River. This property is segmented by the municipal boundary (Greenwich/Stamford). Primary elements of the property lie within the Town of Greenwich at 510 Valley Road, Greenwich, CT 06807. The Stamford property lies along the north side of Mianus Road, approximately 1,170 feet southwest of Westover Road, and is identified as 0 Mianus Road, Lot 4, Account 002-1095, Card N-007Z, Map 107 Block 373, Zone RA-1, and +0.2617 Acres.

Reference is made to an EPB Staff Memo, dated April 13, 2020.

Motion/Vote: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Applications No. 2020-06-2020-09. Accordingly, upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **ACCEPT** EPB Permit Applications No. 2020-06, 2020-07, 2020-08, and 2020-09.

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

Action Items:

#1924 – 72 Briar Brae Road – Lot 2 – K. Quinlan, A.I.A for D. Moskowitz and R. Orenstein: To construct a residential addition, deck and other related features proximate to wetlands situated in the non-drinking water supply watershed of Poorhouse Brook. The property is situated along the south side of Briar Brae Road, approximately 150 feet west of the Briar Brae Connector Road, and is identified as Lot 2, Account 001-3414, Card S-008, Map 16, Block 390, Zone RA-1 and + 1.02 Acres.

Reference is made to an EPB Staff Memo, dated March 13, 2020.

In Attendance: Dr. David Moskowitz
Wayne D'Avanzo, P.E., Fairfield County Engineering, LLC.

Discussion: Ms. Tomaszewski summarized the application for the Board. She reported that the applicant proposes to construct a residential addition, deck and other related features proximate to the identified wetland areas.

The property currently supports a single family residence, drive, subsurface sewage disposal areas, and other related features. The site is characterized by the presence of gently sloping developed lands, wooded wetlands, wetlands maintained as lawn, and several large trees. The regulated areas, which consist of the designated wetlands soil areas and non-watershed buffers of twenty-five (25) feet, are confined to the southern reaches of the property.

Ms. Tomaszewski reported that given the scope and nature of the project, the applicant is expected to demonstrate that impacts upon regulated areas, resources, drainage, and water quality have been minimized. Site disturbance shall be confined to existing areas of lawn with little or no grade change or tree loss. Approximately 250 square feet of the upland review areas shall be affected, primarily with portions of the deck and landscapes. To mitigate potential drainage impacts resulting from the expected increase in impervious surface, the applicant proposes to install a structured drainage system consisting of pipes and a single infiltration unit. The project engineer notes that if constructed in the manner outlined in the design drawings, the improvements will not have an adverse impact on drainage and adjoining properties. Water quality concerns have been addressed with the submission of a temporary /permanent erosion control plan and the use of infiltration. To displace areas of lawn and further enhance the conservation values of the regulated areas, the applicant has supplied a landscape/mitigation plan that provides for the treatment of invasive Knotweed and the installation of numerous trees and shrubs having recognized conservation value.

Ms. Tessier noted that the non-watershed setbacks of twenty-five feet may be insufficient to protect the resources, and that the deck and stair could have been more sensitively designed to further minimize impacts. In addition, the proposed regimen to treat invasive vegetation should be revisited to recognize alternative treatment protocols that are less reliant on the introduction of herbicides.

Dr. Moskowitz acknowledged the prior receipt of the agenda summary report and offered no objection to any of its findings or recommended conditions of approval.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Dr. Shemitz, the Board voted to **APPROVE** EPB Permit Application No. 1924 with the conditions outlined in the EPB Agenda Summary Report, dated March 13, 2020, modified to include a new

condition requiring an alternative treatment protocol for invasives that is less reliant on the use of herbicides.

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

#1928 – 166 Minivale Road – Lot 6 – T. Benson and K. Benson: To maintain fencing installed proximate to wetlands on property situated within the non-drinking water supply watershed of Springdale Brook. The property is situated along the west side of Minivale Road, approximately 535 feet north of the Bouton Street West, and is identified as Lot 6, Account 000-0022, Card W-023, Map 78, Block 380, Zone R-20, and is + 0.64 Acres.

Reference is made to an EPB Staff Agenda Summary Report, dated April 8, 2020.

In Attendance: Timothy Benson

Discussion: Staff Member Tomaszewski summarized the application for the Board. She stated that the applicant seeks the Board's permission to maintain several lengths of fence that had been installed within close proximity to wetland areas without prior written authorization of the Board. The property was recently redeveloped under a Staff level Site Plan Review, in which an existing dwelling was demolished, and a new residence, pool, drive drainage, and other related features were added to the property. Under the Staff approved development concept, all activities had been confined to uplands more than twenty-five (25) feet to a "wetland pocket" located on the property, and an intermittent watercourse found on adjoining parcels. Subsequent compliance inspections by Staff revealed the fence encroachment and other site disturbances that resulted in the filing of this permit application. Ms. Tomaszewski reported that the applicant seeks permission to maintain the approximate 92 square foot encroachment into the upland review area, offering an extensive and professionally developed restoration/enhancement plan that provides for the removal of excess fills, fine grading, invasive species management, and the installation of numerous conservation valued trees, shrubs and groundcovers.

Extensive discussion ensued between Board members, Staff and the homeowner, Timothy Benson, concerning the drainage conditions leading to the creation of the "wetland pocket," the struggle to limit the spread and impact of "Running Bamboo" from the abutting parcels, and the applicant's commitment to implement and maintain the elements outlined in the submitted landscape restoration plan.

Mr. Benson acknowledged the receipt of the agenda summary report and offered no objection to the findings or recommended conditions of approval.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Mr. Kozlowski, the Board voted to **APPROVE** EPB Permit Application No. 1928 with the conditions outlined in the EPB Agenda Summary Report, dated April 8, 2020.

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

#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 property 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 Agenda Summary Report, dated April 9, 2020.

In Attendance: Leonard C. D’Andrea, P.E., D’Andrea Surveying and Engineering, P.C.

Discussion: Mr. Talamelli summarized the application for the Board. He reported that the Agenda Summary Report was prepared by Environmental Analyst, Pam Fausty. The applicant seeks permission to install a standby generator and related features proximate to wetlands, watercourses and special flood hazard areas. The property, which lies along the terminus of Bend of River Road, currently supports a single family dwelling, drive, septic system, well, and other related features. A reach of the Mianus River parallels the western limits of the site, along with a narrow wetland fringe, and special flood hazard areas. The property lies within a drinking water supply watershed and regulatory setbacks of 50 feet to wetlands and 100 feet to open water are applied.

The applicant seeks permission to install the standby generator along the rear plane of the dwelling in space currently occupied by a paved walkway and lawn. Setbacks in excess of 60 feet to the wetlands and watercourses shall be maintained, and the project area remains unaffected by the special flood hazard area. Implementation necessitates little or no site disturbance, change of grade or vegetation loss. The applicant reported that approximately 15 square feet of the upland review areas will be affected by the development. Mr. Talamelli further noted that the generator shall be served by natural gas, therefore eliminating the leak, spill and overflow concerns typically attributed to systems fueled by diesel.

Mr. D’Andrea acknowledged the receipt of the agenda report and offered no objections to the findings or recommendations contained therein. He further confirmed Staff’s recommendations to repair minor soil erosion attributed to driveway runoff were acceptable to the client, and that an appropriate remedy would be applied under the supervision of his office.

Motion/Vote: Upon a motion by Ms. Ley and seconded by Ms. Tessier, the Board voted to **APPROVE** EPB Permit Application No. 2020-03 with the conditions outlined in the EPB Agenda Summary Report, dated April 9, 2020.

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

#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 1480 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 an EPB Staff Summary Report, dated April 7, 2020.

In Attendance: Dainius Virbickas, P.E., Artel Engineering, LLC.

Discussion: Ms. Tomaszewski summarized the application for the Board. She reported that the applicant seeks the Board's permission to maintenance dredge a pond, landscape and implement other related activities on property situated in the non-public drinking water supply watershed of Springdale Brook.

The property, which is situated along the cul-de-sac of White Oak Lane, currently supports a single family residence, driveway, pool, patios, shed, septic, well and other related facilities. Regulated areas include the small open water pond, wetland fringe, and non-drinking water supply setbacks of twenty-five (25) feet. The pond is fed by roadway runoff, and is piped under the driveway to a wetland/watercourse system found on the abutting parcels. Significant portions of the pond are currently boulder and lawn lined.

Ms. Tomaszewski stated the development issues pertaining to resource protection, drainage and water quality have been addressed through the permit process. An excavator, working from the existing bank, will reach into the pond, remove sediments to a depth of approximately six (6) feet and temporarily store the spoils in the adjoining uplands to dewater. When sufficiently dried, the materials shall be trucked from site. The contractor intends to create a cleanable sump along the inlet to capture sands and silts discharging from the roadway and to reduce the need for future maintenance activities affecting the entire pond. Work shall be conducted during the driest conditions possible. A dewatering plan has been provided. Water quality concerns during and post construction have been addressed with the submission of a detailed sediment and erosion control plan consisting of in-water controls during the dewatering and excavation phase, perimeter controls to contain and filter the excavated materials, and final the application of stabilization measures. To displace existing lawn, filter runoff and enhance

the overall conservation and aesthetic values of the pond, a landscaping plan consisting of numerous native shrubs and groundcovers has been proposed. Plans and reports were transmitted to the Stamford Engineering Bureau, and a statement confirming the absence of impact on drainage, adjoining properties and infrastructure has been secured. In total, the project is expected to affect approximately 2,750 square feet of open water, and 1,625 square feet of the adjoining upland review area.

Extensive discussion ensued between Board Members and the applicant's representatives. Darius Virbickas, the project engineer, stated that the applicant seeks to improve the aesthetic and conservation values of the pond by removing accumulated sands, silts, and leaf litter to an approximate depth of six (6) feet, installing a native, landscaped edge, and creating a plunge pool along the inlet to capture the sands, silts and debris that freely discharge from the road and negatively affect regulated areas. The plunge pool would be accessible and maintainable, therefore reducing the necessity of future maintenance dredging affecting the entire pond. Mr. Virbickas went on the note that in all likelihood, the pond was a man-made feature created at the time of subdivision to accommodate roadway runoff. Given the pond's accessibility, available staging, and the water quality controls and other protections incorporated into the proposal, it was the applicant's position that the project is appropriately scaled for the property, and is relatively straight forward to implement. Board Members determined that before moving forward with the review of this application, that additional information was warranted to establish the origins and functions of the pond, define the potential impacts on regulated areas, and clarify important project details including the depth and suitability of the excavation, the volume and composition of the excavated spoils, and the measures proposed to verify as-built conditions.

Motion/Vote: None

#2020-05 – 11 Hedge Brook Lane – Lot 21 – Fairfield County Engineering for T. Sterling: To install a sports court, expand a patio, and install drainage and other related features within the base floodplain and proximate to wetlands and watercourses situated in the drinking water supply watershed of the Mianus River (East Branch). The property lies along the west side of Hedge Brook Lane, just south of Riverbank Road, and is identified as Lot 21, Account 002-8976, Card W-001, Map 32, Block 398, Zone RA-1, and +1.001 Acres.

Reference is made to an EPB Staff Summary Report, dated April 7, 2020.

In Attendance: Wayne D'Avanzo, P.E., Fairfield County Engineering.
William C. Langley

Discussion: Mr. Stone acknowledged the receipt of the minimum information necessary to accept EPB Permit Application No. 2020-05.

Motion/Vote: Upon a motion by Ms. Ley, and seconded by Ms. Tessier, the Board voted to **ACCEPT** EPB Permit Application No. 2020-05.

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

Discussion: Mr. Talamelli summarized the application for the Board. He stated that the applicant seeks the Board's permission to install an asphalt sports court (45'x45'), expand a patio, and install drainage and other related features within the base floodplain and proximate to wetlands and watercourses.

The property, which lies along the west side of Hedge Brook Lane, currently supports an existing single-family dwelling, drive, walkways, drainage, in-ground pool, patio, fences, septic, water service, and other related facilities. The site is characterized by the presence of gently sloping urban lands, a 140 foot reach of the Mianus River (East Branch), narrow wetland fringe, special flood hazard areas, and a collection of small to moderately sized trees. Much of the river bank in this area has been historically altered - bordered by long lengths of stone wall and manicured surfaces. Nearly the entire parcel is affected by the base flood.

Mr. Talamelli noted that given the resources, applicants are required to demonstrate that the project minimizes potential resource impacts, mitigates adverse drainage impacts, preserves and enhances water quality, addresses applicable flood rise and storage impact standards, ensures consistency with the structural requirements of the "Flood Prone Area Regulations," and employs measures to mitigate impacts and/or enhance the overall conservation values of the property.

Mr. Talamelli reported that although approximately 7,735 square feet of the floodplain and 7,735 square feet of the upland review area shall be effected, there are no direct wetland or watercourse impacts proposed. Overall grade change is minimal with the anticipated cuts/fills not expected to exceed two (2) feet. Outward limits of the development ranges from 14-25 feet from the walls that define the south/east bank of the river. Two (2) additional trees of size will be lost as result of this development.

The project engineer has submitted a report assessing the project's anticipated impact on drainage and adjoining properties. Construction of the sports court, patio and other features will result in an increase in total site imperviousness by 2,745 square feet. To mitigate the anticipated increase in runoff, the applicant proposed to install a structured drainage system consisting of area drains, pipes, infiltration chambers and a grated overflow. The engineer has concluded that for a twenty-five (25) year storm, the peak rate of runoff would be reduced, and that the project will not adversely impact adjacent or downstream properties. The Stamford Engineering Bureau has confirmed the conclusions of the drainage impact statement and design.

To assist in the protection of water quality, the applicant has provided a temporary/proposed erosion control plan, and a drainage/water quality plan that provides for area drains

equipped with deep sumps/outlet controls and an infiltration system to cool and filter runoff prior to discharge.

Mr. Talamelli went on to note that the project engineer has provided hydraulic impact and flood storage analyses to confirm compliance with the rise and other impact thresholds established in the flood regulations. The engineer notes that based upon a site specific model, the proposed construction will not result in any (0.00 feet) increase in water surface elevations during a base flood event. The engineer further established that based upon the grading plan and volumetric analysis, the project results in a net increase in flood storage of approximately 51.1 cubic feet. Again, Engineering Bureau Staff has confirmed the conclusions of the hydraulic/storage impact statement.

The applicant further sought to address the structural requirements of Stamford's "Flood Prone Area Regulations" by providing a basketball pole and replacement fence detail along with a written statement from a Connecticut Engineer certifying that the structures' ability to withstand flood forces.

A statement concerning alternatives was provided by the applicant. In that statement, the project engineer noted that the applicant's ability to avoid regulated areas was limited given the extensiveness of the floodplain. Alternative designs were considered, but dismissed given the constraints of the zoning regulations, and the potential impact on the court's basic function. Mr. Talamelli affirmed that during the application process, alternatives were accepted by the applicant that resulted in the removal of a proposed shed and use of an alternative construction access/stockpile area to lessen impacts on the resources adjoining the river.

Finally, to mitigate potential development impacts and further the conservation objectives of the regulations, the applicant has provided a planting plan consisting of numerous native shrubs to displace lawn along the watercourse and enhance the overall conservation and aesthetic values of the property. The shrub planting supplements evergreen screening recently introduced to the parcel. In addition, an arborist's report was supplied to assess the condition of trees in the development envelope and outline recommendations to protect identified trees of value. Written recommendations have been generally incorporated into the plans.

In response to a question posed by Ms. Tessier, Mr. D'Avanzo stated that the low profile galleries proposed to enhance water quality and manage drainage would function properly, and were suitable for the soils and groundwater conditions observed in the area. The design was based on real test hole data.

Mr. Stone acknowledged the receipt of written correspondence from William Langley, dated April 16, 2020, outlining several concerns relating to light, noise, visual impact, and the potential negative effects the project may have drainage, flooding and resources.

Mr. Langley then addressed the Board. He stated that the plan appeared overly aggressive for the property, and that the proposed increase in impervious coverage was substantial and

could potentially exacerbate flooding and harm the environmental resources. Mr. Langley went on to assert that there may be alternative locations and practices available to better protect the river and reduce the potential for impact.

Following extensive discussion, Board Members determined that additional time was necessary to properly review the submitted plans and reports, that the substantial increase in development and imperviousness in the flooded space adjoining the river was concerning, and that the applicant should evaluate possible alternative locations and design practices to minimize the encroachment, reduce imperviousness, and reduce the potential for impact.

Motion/Vote: None

Site Plan Reviews: None

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 April 8, 2020.

In Attendance: Michael Taylor
Kate Throckmorton, Environmental Land Solutions

Discussion: Ms. Tomaszewski summarized the status of the enforcement action for the Board. She reported that since last considered by the agency, the applicant has provided a detailed restoration plan for the site’s regulated areas. The plan includes provisions for the removal of fills, restoration of grades, removal/blockage of temporary roadways, relocation of accessory structures/woodpiles, stabilization of the soils, and implementation of landscaping plan consisting of numerous trees, shrubs and native groundcovers. Trees of reasonable size have been incorporated into the design. Ms. Tomaszewski confirmed that Staff has reached out to the parties who had previously expressed interest in this action, providing copies of both the agenda and restoration proposal. She further reported that the owner, although committed to implement the plan, seeks modification of the recommended completion date to the Fall of 2020 to ensure the availability of appropriate plant material and overcome the personal and economic hardships posed by the on-going pandemic.

Discussion ensued between Board Members on matters concerning the proposed Fall completion date, the necessity of showing progress to remedy the site during the interim, and value of a “guarantee” to ensure the survival of the plantings for a minimum period of three (3) years post installation.

Motion/Vote: Upon a motion by Mr. Kozlowski, and seconded by Dr. Shemitz, the Board voted to **MAINTAIN** the cease and desist order in effect and **MODIFY** the order to **APPROVE** the planting/restoration plan titled “Wetland Mitigation Plan for M. Taylor and J. Hoyt,” 47 Emma Road, by Environmental Land Solutions, LLC, revised March 19, 2020 and requiring full implementation/certification by September 30, 2020. All other terms and conditions of the order remain in full force and effect.

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

Other Business: None

ADJOURN:

Adjourn the Regular Meeting of April 16, 2020:

Motion/Vote: There being no further business, and upon a motion by Ms. Ley and seconded by Ms. Tessier, the Board voted to **ADJOURN** the Regular Meeting of April 16, 2020.

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

Meeting adjourned at 9:36 PM.

Gary H. Stone, Chairman
Environmental Protection Board

V1: May 6, 2020
V2: May 7, 2020