

**ENVIRONMENTAL PROTECTION BOARD  
CITY OF STAMFORD  
March 13, 2008**

**Present:** Louis Levine, Chairman; Barbara Hicks, Member; Gary Stone, Member; William Morris, Member; Larry Barron, Alternate Member.

**Also present:** David M. Emerson, Director.

The regular meeting convened at 7:30 P.M. and adjourned at 8:15 P. M. and was tape recorded.

**MINUTES:**

Mr. Morris made the motion to approve the minutes of the February 21, 2008 meeting as presented.

The Board members voted on the motion as follows:

APPROVAL – YES – Ms. Hicks, Mr. Levine, Mr. Stone, Mr. Morris, Mr. Barron.

**APPLICATIONS & PERMITS:**

**#2802 – Norvel Lane – Lot 21, J. Povetz.**

The applicant is proposing to construct an addition to an existing garage, and to relocate a gas-service line, proximate to wetland areas on property within the non-drinking water supply watershed of the Ayers Brook at 26 Norvel Lane.

**In attendance was:** John Povetz (owner/applicant).

Mr. Emerson summarized the application for the Board. Mr. Povetz submitted a draft plan for landscaping enhancements.

**Motion By:** Mr. Morris made the motion to adopt the findings and recommendations of staff and to approve the application with the conditions listed in the Agenda Summary Report dated March 3, 2008.

The Board members voted on the motion as follows:

APPROVAL – YES –, Mr. Morris, Mr. Levine, Mr. Stone, Ms. Hicks, Mr. Barron.

**The Board acknowledged receipt of letters granting extensions of time for reaching a decision from the following applicants:**

**#2801 – Westover Road – Lot 3B, J. Gambino.**

The applicant is proposing to construct residential additions, and to maintain a hot tub, within designated flood hazard areas and proximate to wetlands and watercourses on property within the drinking water supply watershed of the Mianus River at 562 Westover Road.  
(Letter dated March 6, 2008.)

**#2803 – Westhill Road - Lot 1, M. Negri.**

The applicant is proposing to maintain and partially restore the unauthorized modification of vegetation, deposition of fill, and grading within and proximate to wetland areas on property within the drinking water supply watershed of the Mianus River at 398 Westhill Road.  
(Letter dated March 6, 2008.)

**The Board acknowledged receipt of the following new application filed in a timely manner with all of the required minimum information.**

**#2806 – Donald Road – Lot 16, Northwind Development Associates, LLC.**

The applicant is proposing to construct a retaining wall, steps, pathway, and other features proximate to wetland areas on property within the non-drinking water supply watershed of the Southwest Shoreline (Long Island Sound) at 57 Donald Road.

**Motion By:** Mr. Stone made the motion to accept the application based upon the determination that all required minimum information had been received.

The Board members voted on the motion as follows:

APPROVAL – YES –, Mr. Morris, Mr. Levine, Mr. Stone, Ms. Hicks, Mr. Barron.

**ENFORCEMENT:**

Show Cause Hearing

**123 North Lake Drive – Lot 6, H. Colindres.**

The cutting and clearing of vegetation, deposition of fill including broken asphalt, installation of fencing, stockpiling of masonry supplies and firewood, and construction of a storage shed within and proximate to wetlands and watercourses on property within the drinking water supply watershed of the Bargh Reservoir and Mianus River at 123 North Lake Drive.

**In attendance was:** Hugo Colindres, Colindres Landscaping, Inc. (owner/respondent).

Mr. Emerson reported the facts and circumstances pertaining to the unauthorized activities on the site including presenting a survey depicting wetland areas, photos of the site, and a description of the observed regulated activities. Mr. Colindres stated that he had begun removing the broken asphalt, and that he had engaged the services of a landscape designer to advise him on restoration plantings.

**Motion By:** Ms. Hicks made the motion to maintain the cease and desist order in effect and modified to require the corrective measures as listed in the staff report dated March 11, 2008, and to direct staff to file a Notice of Violation on the Stamford Land Records.

The Board members voted on the motion as follows:

APPROVAL – YES –, Mr. Morris, Mr. Levine, Mr. Stone, Ms. Hicks, Mr. Barron.

Status Reports --

**143 Belltown Road – Lot 9, J. Milewski (owner).**

For the conducting of regulated activities (construction, alteration, deposition of materials) without the required permits from the Environmental Protection Board including the use of buffer/setback areas as a contractors' storage yard with structures, equipment, materials, and debris scattered and dumped within the rear half of the site.

Status Reports (Cont.) --

**143 Belltown Road – Lot 9, J. Milewski (owner).**

**In attendance was:** No one was in attendance concerning this matter.

Mr. Emerson reported that no significant progress toward cleaning up the site and removing encroachments had been made since the February meeting. The respondent's attorney had been notified of the agenda by mail and telephone.

**Motion By:** Ms. Hicks made the motion to maintain the cease and desist order in effect and modified to refer the matter to Corporation Counsel for legal action.

The Board members voted on the motion as follows:

APPROVAL – YES – Mr. Morris, Mr. Levine, Mr. Stone, Ms. Hicks, Mr. Barron.

**8 Court Street – Lot 7, J. Capone.**

The cutting and clearing of vegetation, deposition of gravel, installation of storage containers, within and proximate to wetlands, watercourses, and designated flood-hazard areas on property within the non-drinking water supply watershed of the Rippowam River at 8 Court Street.

**In attendance was:** No one was in attendance concerning this matter.

Mr. Emerson reported that the barrels, tires, and other materials stored outside along the river had been removed. He further reported that Joseph Capalbo, Esq., representing the respondent, had provided a draft survey as well as photos from the 1950's showing a storage facility on the site. The photos were also submitted to the Zoning Enforcement Officer for a determination as to whether current conditions constituted an expansion of non-conforming uses at the site. In general, Mr. Capone was continuing to cooperate and to make progress in bringing the site into compliance.

There was discussion about the Board's authority to extend its regulations to pre-existing conditions, and what controls may exist for controlling the contents of materials that might be stored within the closed containers on the site.

No additional action by the Board at the current meeting was necessary.

**OTHER BUSINESS:**

**The Board acknowledged receipt of the following requests, filed in a timely manner, for the extensions of the expiration dates for the following permits:**

**#9906 – Bird Song Lane – Lot A, J. Head.**

Request for a one-year extension of the permit until April 20, 2009 pursuant to the provisions of Section 7.4c and 7.4d of the Regulations.

**#2501 – Farms Road Bridge, City of Stamford Engineering Bureau.**

Request for a one-year extension of the permit until June 15, 2009 pursuant to the provisions of Section 7.4c and 7.4d of the Regulations.

**OTHER BUSINESS (Cont.):**

**Motion By:** Mr. Stone made the motion to approve the requested one-year permit extensions with the new expiration dates of April 20, 2009 and June 15, 2009 respectively.

The Board members voted on the motion as follows:

APPROVAL – YES –, Mr. Morris, Mr. Levine, Mr. Stone, Ms. Hicks, Mr. Barron.

**Budget Hearing Dates**

Mr. Emerson reported that the budget hearings were scheduled for March 24<sup>th</sup> at 7:00 P.M. (Fiscal Committee), and March 31<sup>st</sup> at 6:30 P.M. (Board of Finance).

There being no further business, the Board adjourned at 8:15 P.M.

---

Louis P. Levine, Chairman

Minutes prepared from meeting notes taken by David M. Emerson.