

## **MINUTES**

### **GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY**

**January 22, 2018**

Members present: Vice Chairman Elliot Benton, Jo Rogers, Norma Kerlin and Jay Schondorf

Alternates present: Alan Rossi, Peter Linderoth, and Klaus Jander

Staff present: Patricia Sesto, Director; Robert Clausi, Senior Wetland Analyst; Doreen Carroll-Andrews, Compliance Officer

Others present: Tom Heagney, Heagney, Lennon, & Slane, LLC; Jim McManus; Rob Frangione, Frangione Engineering, LLC; Susan Cohen Landscape Architect; Christine Coon; James Martin; Tony D'Andrea, Rocco V. D'Andrea, Inc.; ; Matt Popp, Environmental Land Solutions, LLC; Eric Reinken; Fred Doheny, Greenwich Country Club; Bill Kenny, William Kenny Associates, LLC; Larry Liebman, S.E. Minor & Co., Inc.; Linda Bruno; John Conte, Conte and Conte; Bill Kleinman; Jim McTigue, Joseph F. Risoli, P.E., LLC; Jim Hoffman, SBP Cornelia, LLC; Patrick Sweeney, Kerri Breed, Tracy Chalifoux, Chip Haslum, Craig Studer, John Tesei, Gilbride, Tusa, Last & Spellane, LLC; Annette Perry, Dennis Gregory, Michael Finkbeiner

#### **1. Call to Order**

Elliot Benton called the meeting to order at 7:03 p.m.

#### **2. Seating of alternates**

Alan Rossi, Peter Linderoth, and Klaus Jander were seated.

#### **3. Approval of draft minutes of December 18, 2017**

Jo Rogers made a motion to approve the minutes of both meetings on December 18, 2017, seconded by Jay Schondorf, and carried 7-0-0.

#### **4. Director's Report**

##### **a. Monthly Summary**

Patricia Sesto reported on the progress of the town's new website. The agency will be part of the Land Use page, which will hopefully help users locate their desired information more quickly. The site is scheduled to go live in August.

Mrs. Sesto spoke of two town projects, Cardinal Stadium and the dam at Pomerance Park. Both have notable public interest and the agency has been part of discussions regarding these projects.

Code complying leaching field required by section B100a of the health code will now be consistently reviewed by agency staff to see if the system is in regulated areas. If it is, a permit will be needed. While the system is only a reserve, it would make sense to a property owner to be able to build it should it be needed, without any additional permitting. For the agency, the time to review the potential for impacts from the system is at the time the work which prompted demonstration of a code complying area is being proposed. This will ensure the work is not consuming land that should have been used for leaching fields, or the larger system does not prompt unacceptable regulated activities. Given the health department's 50-foot wetland and watercourse setback, most of these permits are likely to qualify for agent approvals. Mrs. Sesto requested the agency authorize a 5-year life to these permit in recognition of the nature of the work.

Norma Kerlin made a motion to make permits issued for code complying septic systems pursuant to section B100a of the health code, valid for five years, seconded by Jo Rogers, and carried 7-0-0.

## **5. Other Business**

Elliot Benton alerted members to his impending absence, February through the May meeting. To ensure smooth operation of the agency, he suggested appointing Stephan Skoufalos as acting vice chairman and Jo Rogers as acting secretary. With apparent agreement, Elliot Benton made this motion, seconded by Peter Linderoth and carried 7-0-0.

### **I. Public Hearings**

- 1. #2017-156 – 33 Twin Lakes Lane – Rocco V. D'Andrea, Inc. for Barry D. and Helena S. Parkin for construction of a single-family residence with associated activities 5' from wetlands. Tax #05-2680 (first 35 days 1/22/18)**

Bob Clausi read the new information and noted the open issues carried over from the last meeting. New information had been submitted at the last meeting and the agency was not able to review it then. There is documentation regarding the alternatives considered. The house cannot be raised above the flood elevation due its structural deficiencies. A supplemental narrative, dated 1-8-18, details other changes. The retaining wall at the driveway has been extended to provide a strong barrier to the wetland and stream, chain-link fence will be used to create a definitive limit of disturbance during construction. Mr. Clausi concluded, given the site constraints and lower quality wetland and watercourse, there were no feasible and prudent alternatives with a lesser impact to these resources.

Tom Heagney of Heagney, Lennon, & Slane, LLC, addressed the agency restated and added to Mr. Clausi's project description.

Elliot Benton called for public comment. None was offered.

Klaus Jander made a motion to close the hearing, seconded by Jay Schondorf, and carried, 7-0-0.

Jo Rogers made a motion to approve IWWA Application #2017-156 with the standard conditions and special conditions proposed by staff, seconded by Jay Schondorf, and carried, 7-0-0.

**2. #2017-168 – 19 Doubling Road – Rocco V. D’Andrea, Inc. for Greenwich Country Club for removal of trees and creation of meadow habitat in and adjacent to wetlands. Tax #11-1137/S (first 35 days 1/22/18)**

Bob Clausi read the new information into the record and reviewed his staff report. The submitted solar analysis substantiates that the tee and green at times, do not achieve the minimum amount of sun exposure. However, the deficit is not big. The wind analysis was unsophisticated, taking only two measurements. The analysis is insufficient to demonstrate the applicant’s position.

Information regarding the negative qualities of invasive Norway maples was submitted, highlighting the maples’ ability to outcompete native vegetation, suppress growth of understory species, and foster erosion and sedimentation. The applicant has offered to girdle the trees in the wetland, rather than remove them. Otherwise, no alternatives were offered. Based a recent meeting with the country club and Mrs. Sesto, it was Mrs. Sesto’s opinion the scope of the project to rework the greens did not provide opportunity to resolve the purported problems of the subject tee and green. Lastly, the erosion control plan for the stream banks of the East Brothers Brook has been revised to include erosion control blankets and seeding. Mr. Clausi concluded by stating there are too many outstanding questions to deem the tree removal justifiable.

Matthew Popp, Environmental Land Solution addressed the agency. He stated the agency is showing an undue bias against removing the Norway maples. If this were being reviewed in a restoration context, the agency would not be objecting to the tree cutting. Under the project revisions, the trees would only be cut and their roots left in place. In the wetlands, the trees would be girdled and where safe, the standing deadwood left in place. The eight black gums previously proposed have been replaced by 25 flowering dogwoods.

Mr. Popp proceeded to review a publication from the New Hampshire Department of Agriculture, which details the detrimental effects of Norway maples on native vegetation and soil stability. In the subject area of this project, no erosion was observed. The maples have low habitat value, and the loss of shading is not consequential, as the trees are on the north side of the watercourse. Should invasive species start to take hold, they would be dealt with by grounds maintenance. Mr. Popp was asked if the tee and green could be relocated to alleviate the problem. The response was no; the locations are fixed as the hole is already short. Another alternative offered by Mr. Popp was to leave the trees in the wetland as is.

Fred Doheny, superintendent for Greenwich Country Club, spoke to the solar and wind analysis. The sun analysis was derived using the “Sun Seeker” program. The result shows the green and tee are only receiving the minimum amount of light and insufficient sun in the

late fall and early spring. Bob Clausi questioned why it mattered that the extent of daylight in these shoulder seasons; the grass is dormant and play is substantially reduced. Mr. Doheny responded there is a fair amount of activity provided the weather holds and if favorable, the weather can extend the growing season. Mr. Clausi recommended the Sun Seeker analysis use the location of the tee and the Mr. Doheny should specify exactly which trees are at issue.

Elliot Benton noted the prevailing winds come from the west-north-west, which doesn't correspond to the location of the proposed tree cutting. He asked if there were other grass species considered. Mr. Doheny responded any type of grass will need light. Shade tolerant grasses under perform in golf course settings.

Alan Rossi reiterated the solar analysis demonstrates the amount of sunlight is at or near the target number of hours and sees the issues described as attributable to ventilation, not sun exposure.

Patricia Sesto questioned Mr. Popp's assertion that the agency is opposing the tree removal inconsistent with other restoration plans. She clarified this is not a restoration plan. If it were, the values of the Norway maples would have been evaluated and restorative plantings would seek to replicate and enhance those values. The handout provided by Mr. Popp correctly details why one would head off new Norway maples, but it does not speak to the pros and cons of removing an established stand. The wind analysis is inadequate and neither it or the solar analysis justifies the extensive removal of trees.

Jo Rogers suggested the applicant phase their approach and remove a few trees, then reevaluate.

Fred Doheny responded to questions of members, stating the raising the green would create an even higher steep slope around it. The green and tee will be rebuilt as part of a separate project, but the better soil and underdrains will not solve the problems associated with poor ventilation.

With no further questions from the agency and Elliot Benton called for comments from the public. None were offered.

Mr. Popp requested the agency consent to an extension of time to complete the public hearing. Jay Schondorf made a motion approve the request to extend the public hearing for up to 65 days more, seconded by Norma Kerlin, and carried, 7-0-0.

The public hearing was continued to the next meeting on February 26, 2018.

**3. #2017-169 – 9 Cornelia Drive – Rocco V. D'Andrea, Inc. for SBP Cornelia, LLC for redevelopment of single-family residence with associated activities 10' from wetlands. Tax #11-1905 (first 35 days 1/22/18)**

Bob Clausi identified the additional information submitted for the record and reviewed the revisions to the site plan. The pool has been move away from the ditched watercourse, as was the house. The mature trees at the limit of the existing lawn will be retained. Trees and the

ledge east of the house will be lost to the driveway, taking away the natural barrier between the wetland and current development.

Tony D'Andrea of Rocco V. D'Andrea, Inc. spoke to the agency regarding the plan revisions to protect additional trees pursuant to staff comments.

Mrs. Sesto asked if an arborist would be consulted, given the proximity of disturbance and the intolerance of oaks to disturbance. Mr. D'Andrea agreed to do so.

Elliot Benton called for public comment. None was heard.

Hearing none, Klaus Jander made a motion to close the public hearing, seconded by Jay Schondorf, and carried, 7-0-0

Jo Rogers made a motion to Approve IWWA Application #2017-169 with the standard conditions and special conditions proposed by staff, and the additional special condition to have consult with an arborist as discussed, seconded by Jay Schondorf, and carried, 7-0-0.

**4. #2017-170 – 0 Hemlock Drive – Rocco V. D'Andrea, Inc. for Frank Cortese for construction of a single family residence, driveway, pool, drainage, and landscaping 27' from wetlands. Tax #07-2217/s (first 35 days 2/26/18)**

Patricia Sesto read the list of documents into the record. She informed the agency the applicant has made substantial changes to the previously submitted site plan, however the revised plan has not yet been submitted. The applicant has requested the hearing be continued.

Norma Kerlin, Jo Rogers, Alan Rossi, and Jay Schondorf were identified as having visited the site.

Elliot Benton called for public comment. There was none.

The public hearing was continued to the next meeting on February 26, 2018.

**5. #2017-175 – 120 Perkins Road – Frangione Engineering, LLC for Burning Tree Country Club, Inc. for replacement of existing culverts and repair of existing roadway in and adjacent to wetlands and a watercourse. Tax #11-2504 (first 35 days 2/26/18)**

Patricia Sesto read the list of documents into the record and described the project. Three culverts installed in 1995 have sunk and no longer convey flows properly under a roadway. This causes flooding, even in smaller storms. The plan is to reset the culverts and use Geogrid to prevent them from sinking again. The plan also includes raising the north side of the road by ½ a foot or so, to keep flood water from overtopping the road. She stated her only reservation is the plan to divert water around the work area. The proposed pumps can handle only a ½ rain event, which is too common. Either the work can be conditioned on a clear forecast or more pump capacity be used.

Rob Frangione of Frangione Engineering, LLC appeared before the Agency. He described in greater detail the problems of the road and flooding. This presents a real safety issue as the road is one of two access points to the site. The plan to use Geogrid to underlay the culverts and road will spread the load of traffic. This system was not available when the culverts were last installed.

Elliot Benton called for public comment. None was heard.

Norma Kerlin made a motion to close the public hearing seconded by Jo Rogers, and carried, 7-0-0.

Jo Rogers made a motion to Approve IWWA Application #2017-175 with the standard conditions, special conditions proposed by staff, and the additional special condition to limit the window of work to when no storms are forecast or increase the pumping capacity, seconded by Norma Kerlin, and carried, 7-0-0.

- 6. #2017-183 – 581 & 585 West Putnam Avenue – Joseph F. Risoli, P.E., LLC for Putnam 600 Acquisition & 585 West Putnam LLC for demolition of buildings and parking lots, and construction of a 4-story building, parking garage, drainage, and associated grading 40' from wetlands. Tax #07-2163, #07-2164 (first 35 days 2/26/18)**

Bob Clausi read the list of documents into the record and reviewed the contents of his staff report. The project consists of combining two lots, demolishing the buildings and parking and redevelop with one large, mixed use building and parking garage. The rate and volume of stormwater runoff will be reduced as compared to current conditions through the 100-year storm event. The Site Development Review prepared by DPW includes several notable revisions.

Mr. Clausi called the agency's attention to the substantial cut in the northwest portion of the site. The cut will be as much as 23 feet and overall 31,000 cy of material will be excavated. The erosion and sedimentation control plan needs to be revised to include anti tracking pads, tire wash, foundation dewatering, and protection of the catch basins. Additionally, the silt fence shown to protect the pond is located off-site. This should be relocated to the northern property line.

The sewer division of DPW has identified the receiving main as having constrictions. Failure of this line would directly impact Tom's Brook.

Mr. Clausi recommended the agency continue the hearing to allow the applicant to address these issues.

John Tesei, Gilbride, Tusa, Last & Spellane, LLC appeared before the Agency. He has been in contact with Richard Feminella of the sewer division and is awaiting a list of information needed by him. Mr. Tesei is also aware of the needs expressed in Mr. Marucci's report.

Mr. Clausi inquired about alternatives considered by the applicant. He went on to clarify the decision to bring this application to a public hearing was based on anticipated public interest.

The project itself is not likely to cause a significant impact to the regulated resources. This alleviates the agency's requirement to find that there are no alternatives with lesser impacts.

Jim McTigue of Joseph F. Risoli, P.E., LLC appeared before the Agency. He spoke to the extensive ledge removal and committed to enhance the construction sequence. The other suggestions by Mr. Clausi are acceptable, although he does not know what the foundation dewatering needs will be.

Elliot Benton called for public comment. None was heard.

The public hearing was continued to the next meeting on February 26, 2018

## **II. Consent Approvals**

Jay Schondorf made a motion to add 2017-180 and 2017-182 to the list of Consent Approvals, seconded by Jo Rogers, and carried, 7-0-0.

1. **#2017-180 – 11 Hycliff Road – Sound View Engineers & Land Surveyors, LLC for Ogden Hammond to correct violations 60' from wetlands. Tax #10-2192 (first 65 days 2/21/18)**
2. **#2017-181 – 31 Hycliff Road – Joseph F. Risoli, P.E., LLC for Anupa Ramakrishnan for proposed plantings to restore areas disturbed in wetlands. Tax #10-2363 (first 65 days 2/21/18)**
3. **#2017-182 – 30 Sumner Road – Joseph F. Risoli, P.E., LLC for Elias Marc & Margot Pinto for construction of residential additions, pool, drainage, and septic system 20' from wetlands. Tax #10-2689 (first 65 days 2/21/18)**

Jo Rogers made a motion to approve the applications listed as consent approvals, seconded by Jay Schondorf, and carried 7-0-0.

## **III. Pending Applications**

4. **#2017-165 – 28 Turner Drive – S.E. Minor & Co., Inc. for Turner Drive, LLC for construction of a single family residence, driveway, garage, pool, pool patio, drainage, and septic system 28' from wetlands. Tax #07-2786 (first 65 days 1/31/18)**

Patricia Sesto reviewed the contents of her supplemental staff report. Since the last meeting, a revised site plan was submitted which reduces the size of the house, eliminates the rain garden, and includes pervious pavement in the motor court and an infiltrator by the pool. The pool was located further north, but does not accomplish reducing the extent of lawn in proximity to the wetlands as hoped. Mrs. Sesto recommended the retaining wall parallel with the northern property line be set 50 feet from the wetland and form the limit of lawn.

Likewise, the pool fence can help define the lawn limit if placed strategically.

A second revised plan was submitted just prior to the meeting, showing a walk-out side door and reconfigured retaining walls. Mrs. Sesto did not see how this retaining wall configuration helps define the limit of lawn, rather the side yard access seems to invite lawn.

Larry Liebman of S.E. Minor & Co., Inc. responded to Mrs. Sesto comments. He agreed to keep all retaining walls and pool fencing at least 50 feet from the wetland. The location of the pool can be revised, and given the director's comments, the location will be selected to meet aesthetic desires. Yes, the rain garden is gone and pervious pavement and an infiltrator will be used to process stormwater.

John Tesei, Gilbride, Tusa, Last & Spellane, LLC appeared before the Agency to conclude the presentation and to first question the proposed bond requirement. He contended the \$6,000, plus 30% of the planting plan was onerous. Mrs. Sesto stated the condition should read only the 30% would be held for two growing seasons. Discussion ensued. The consensus of the agency was to reduce the bond amount to just \$6,000 and retain an amount equivalent to 30% of the cost of the planting plan for the two-year hold period.

Mrs. Sesto asked again how the latest version of retaining wall serves to mark the limit of lawn.

Annette Perry, owner and applicant appeared before the Agency. She suggested sunken boulders be placed 50 feet from the wetland to define the limit of lawn.

Jo Rogers made a motion to approve IWWA Application #2017-165 as shown on the progress print dated 1-22-18, with the standard conditions, special conditions presented by staff, except for special condition #2 which will be revised to include boulders and pool fencing set 50 feet from the wetland per the testimony given, seconded by Norma Kerlin, and carried, 7-0-0.

Mr. Tesei asked for clarification the amended bond amount was covered in the motion. This intent was confirmed.

### **New Applications for Review**

- 1. #2017-141 – 89 Loughlin Avenue – Dennis Gregory and Maria LaPutt for construction of retaining wall 0-5' from wetlands and modification of driveway. Tax #08-2975/s (first 65 days 12/27/17)**

Doreen Carroll-Andrews reviewed the contents of her staff report. This application is to correct Order #2017-18. The applicant is asking to maintain the retaining wall and play area above it in exchange for a robust mitigation planting plan. In addition to the grading and retaining wall, the driveway was reconfigured resulting in a net reduction in pavement. A previously issued permit required a 15-foot buffer be planted adjacent to the wetland. This buffer has been compromised by the recent work. On balance, the mitigation plan directly enhances the wetland itself. Ms. Carroll-Andrews concluded the project as a whole is a benefit to the wetland. She also called the agency's attention to special conditions 1 and 4, which call for the removal of the wall, should the agency deem restoration of the impacted areas preferable.

Chip Haslum appeared before the Agency and provided additional information regarding the property and project.

Jim McManus appeared before the Agency and spoke of his first investigation of the site in 2012 to delineate the wetland. He again visited the site in September, 2017. The buffer

required in 1990 was not evident. The level area behind the garage was created by constructing a retaining wall at the toe of the slope and filling behind it. There was no encroachment into the wetland. The planting plan is revised from the original submission pursuant to recommendation from Ms. Carroll Andrews.

Tracy Chalifoux, Landscape Architect, appeared before the Agency to further detail the planting plan. Her clients would like to keep the retaining wall and small play area in exchange for installing a robust planting plan. Additionally, invasive species will be managed

Jo Rogers made a motion to issue an Order to Correct consistent with IWWA Application #2017-141 with the standard conditions and special conditions proposed by staff, excluding conditions #1 and #4, seconded by Jay Schondorf, and carried, 7-0-0.

**2. #2017-147 – 34 Split Timber Place – Rocco V. D’Andrea, Inc. for Outicamannil Sam Jacob and Annie Jacob for construction of a single-family residence on existing slab and stone masonry channel wall 0’ from wetlands. Tax #12-2640-s (second 65 days 3/2/18)**

Bob Clausi reviewed the contents of his staff report. This proposal consists of taking the house down to the slab foundation and reconstructing a home at an elevation above the floodplain. The watercourse on site is largely bound by retaining wall. Subsurface detention is proposed to compensate for the lost flood storage necessary to elevate the house.

As the project was submitted as an application for additions, not a new house, the filing fee is short \$1,500.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency and briefly expanded upon Mr. Clausi’s testimony.

Jo Rogers made a motion to Approve IWWA Application #2017-147 with the standard conditions, special conditions proposed by staff, and require the submission of the balance of the application fee, seconded by Norma Kerlin, and carried, 7-0-0.

**5. #2017-177 – 63 John Street – Rocco V. D’Andrea, Inc. for Doron Sabag & James B. Hoffman for maintaining a deer fence within and around the boundary of the property through wetlands. Tax #10-3115 (first 65 days 2/21/18)**

Doreen Carroll-Andrews reviewed the contents of her staff report. The deer fence was installed without permits and the applicant is requesting to keep it. The fence extends onto three other properties and authorization from those owners has not been submitted. The agency cannot act without these. Once received, an approval with the requirement to leave a six-inch gap along the bottom of the fence in wetlands and within 35 feet of their boundary.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency and stated the authorizations are forthcoming.

It was the consensus of the agency to place this application for consent approval at the next meeting, assuming the authorizations are submitted.

- 6. #2017-178 – 86 Round Hill Road – Rocco V. D’Andrea, Inc. for Edmund & Marie Carpenter for construction of a new residence, patios, septic system, drainage, and associated site grading 50’ from wetlands. Tax #10-1170 (first 65 days 2/21/18)**

Bob Clausi described the project. The driveway will be kept and the house redeveloped, placing it 60 feet from a wetland which is separated from the house site by a ledge outcrop. The leaching field and rain garden will be 70 and 30 feet, respectively, from the watercourse that rings the western part of the parcel.

Mr. Clausi had asked the applicant for alternatives for the rain garden in a wooded buffer. He was told other areas on site were looked at and found not suitable for various reasons. Verbiage is included in Mr. Clausi’s suggested special conditions to protect the trees in the buffer from unnecessary impacts. The turf associated with the nearby stream will be enhanced with plantings to the benefit of the resources.

Norma Kerlin, Elliot Benton, Alan Rossi, Jo Rogers, and Jay Schondorf were identified as having visited the site.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency and provided additional description of the project. The leaching field is located in the only suitable spot.

Jo Rogers made a motion to approve IWWA Application #2017-178 with the standard conditions and special conditions proposed by staff, seconded by Peter Linderoth, and carried, 7-0-0.

In the absence of representatives for 2017-179, the agency reviewed the next application on the agenda.

- 7. #2017-184 – 15 Orchard Hill Lane – Joseph F. Risoli, P.E., LLC for WAMS LLC for construction of a front motorcourt, removal of existing pool, associated landscaping, and to correct a violation 0’ from wetlands. Tax #10-1647 (first 65 days 2/21/18)**

Bob Clausi reviewed and reminded the agency members of a recent application for this site. This proposal addresses a violation identified as part of the previous application review. The filled wetland will have its grades restored and will be replanted. Additionally, the front motor court will be reconfigured and the pool removed.

Jim McTigue of Joseph F. Risoli, P.E., LLC appeared before the Agency and concurred with Mr. Clausi’s comments and recommendations.

Jo Rogers made a motion to approve IWWA Application #2017-184 with the standard conditions and special conditions proposed by staff, seconded by Jay Schondorf, and carried, 7-0-0.

- 8. #2017-179 – 101 Bowman Drive – Michael W. Finkbeiner for Eric L. Reinken to correct violations 1’ from wetlands. Tax #10-2671 (first 65 days 2/21/18)**

Doreen Carroll-Andrews reviewed the application to address a violation. A deck was constructed, with associated removal of trees, and 235 feet of impervious surfaces were added within the regulated area next to a watercourse. The deck placement and the site slopes will make complying with the drainage manual difficult. A hot tub has been placed on the deck and Ms. Carroll-Andrews expressed concern for wetland impacts as a result of hot tub maintenance.

Given the applicant has not provided any justification, Ms. Carroll-Andrews provided conditions for the order that require the area be restored.

Michael Finkbeiner, surveyor and forester appeared before the Agency and expressed discontent with the use of the term “watercourse.” He stated, due to the slope, the actual separating distance between the deck and watercourse is much greater than the horizontal distance shown on the map. Mr. Finkbeiner challenged the applicability of the drainage manual and the health of the trees, suggesting they were all dead. The trees were removed to accommodate the masonry work.

Eric Reinken, property owner, spoke of his past position with the town as counsel and referenced a several legal principles to support his right to have done the work. Section 22a-36 of the General Statutes states watercourses are for everyone. The statutes state upland activities are only regulated if they affect wetlands and watercourses. Section 22a-42a.e. gives the agency the ability to charge fees necessary to cover the cost of processing and enforcing applications. The fee of \$4,500 for this work is excessive. And, section 22a-40a.d. allows property owners uses incidental to the enjoyment of their residential property.

The deck was built because a new door is being added from the portion of the house with the indoor pool to access the hot tub. The hot tub is managed with enzymes and is chemical free. Mr. Reinken distributed pictures of fallen trees in the woods surrounding his home. He stated his concerns over safety and a recommendation from his landscaper as factors leading to the removal of the trees.

With regards to alternative locations for the hot tub, Mr. Reinken cited the lack of room on the other areas of decking due to the large amount of furniture.

Patrick Sweeney, builder for the homeowner, offered his expertise should the agency have any questions. There were none.

Elliot Benton requested the testimony presented by the applicant and his agents be submitted in written form within two weeks.

## **V. Applications To Be Received**

Jo Rogers made a motion to receive the fourteen applications listed on the agenda, seconded by Jay Schondorf, and carried 7-0-0.

1. **#2018-001 – 45 Husted Lane – LandTech for Yoav Wiegenfeld for construction of a residential addition 62’ from wetlands. #11-3147 (first 65 days 3/28/18)**
2. **#2018-002 – 364 Old Church Road – Rocco V. D’Andrea, Inc. for Greenwich Country Day School for removal of pool and patio 5’ from wetlands. Tax #07-1962 (first 65 days 3/28/18)**
3. **#2018-003 – 341 Valley Road – Sound View Engineers & Land Surveyors for Amanda Juan Lindstrand for construction of a residential addition, deck expansion, and front stoop 30’ from wetlands. Tax #08-1259 (first 65 days 3/28/18)**
4. **#2018-004 – 375 Stanwich Road – Fuller Engineering & Land Surveying for David & Melissa Bennett for construction of an in-ground pool and patio 35’ from wetlands. Tax #08-3548 (first 65 days 3/28/18)**
5. **#2018-005 – 99 Sterling Road – James Sanok for Adam Stobsky for dead tree removal, clearing of understory growth, removal of organic debris 16’ from wetlands. Tax #10-2090 (first 65 days 3/28/18)**
6. **#2018-006 – 19 Doubling Road – Rocco V. D’Andrea, Inc. for Greenwich Country Club for reconstruction of existing greens and tee boxes, and construction of a new gold course irrigation system, associated pump house, and snack shack adjacent to wetlands. Tax #11-1137/s (first 65 days 3/28/18)**
7. **#2018-007 – 39 Hunting Ridge Road – Sound View Engineers & Land Surveyors, LLC for Marc Abrams for replacing a foundation and re-establishing a driveway 6’ from wetlands. Tax #11-2059 (first 65 days 3/28/18)**
8. **#2018-008 – 116 Pecksland Road – Sound View Engineers & Land Surveyors, LLC for Anitka USA LLC for construction of a single family residence, driveway, pool, patios, drainage, and septic system 8’ from wetlands. Tax #10-2209 (first 65 days 3/28/18)**
9. **#2018-009 – 22 The Avenue – Michael Genkerell for Angelo & Joan Cate Genkerell to correct violations 10’ from wetlands. Tax #11-1428 (first 65 days 3/28/18)**
10. **#2018-010 – 181 & 185 Clapboard Ridge Road – Joseph F. Risoli, P.E. LLC for 181 Clapboard LLC & 185 Clapboard Ridge Road LLC for a lot line revision and construction of a residential addition and drainage improvements 74’ from wetlands. Tax #10-1251 & 10-2566 (first 65 days 3/28/18)**
11. **#2018-011 – 1 Smith Road – S.E. Minor & Co., Inc. for Stephen Freidheim for construction of a water feature 35’ from wetlands. Tax #10-2209 (first 65 days 3/28/18)**
12. **#2018-012 – 133 Otter Rock Drive – S.E. Minor & Co., Inc. for John & Ashlee Morningstar for construction of an in-ground pool 16’ from wetlands. Tax #02-1127/s (first 65 days 3/28/18)**
13. **#2018-013 – 5 Meadow Wood Drive – S.E. Minor & Co., Inc. for 5 Meadow Wood Drive, LLC for construction of an in-ground pool and drainage 75’ from wetlands. Tax #02-1165/s (first 65 days 3/28/18)**

- 14. #2018-014 – 61 Porchuck Road – S.E. Minor & Co., Inc. for John W. Barr & Penny W. Glassman for installation of utility lines 3’ from wetlands. Tax #10-1023 (first 65 days 3/28/18)**

## **VI. Agent Approvals**

The Agency was provided the legal notices for projects approved by Authorized Agents. The projects are as follows:

- 1. #2017-174 – 11 Lakewood Circle North – John and Patricia Dudzik for driveway expansion 42’ from wetlands. Tax #02-1032**
- 2. #2017-176 – 120 Hunting Ridge Road – Michael Priest for construction of a pool 57’ from wetlands. Tax #11-2184**

There were no questions or comments.

## **VII. Violations**

- 1. Cease and Correct Order #2018-01 – for James and Michelle Martin – 212 Old Mill Road. Sediment and erosion impacts to wetland and watercourse areas and failure to install adequate erosion controls. Tax #10-2289**

Doreen Carroll-Andrews read the list of documents into the record and described the violation as consisting of sediment and erosion impacts to wetland and watercourse areas and failure to install adequate erosion controls.

Alan Rossi, Jay Schondorf, Jo Rogers, Norma Kerlin, and Peter Linderoth were identified as having visited the site.

Permit #2007-004 was issued June 5, 2007 to demolish and reconstruct a single family residence with septic, driveway, swimming pool, guest house, terrace and drainage system. During a recent site inspection to review the erosion controls, it was observed that substantial erosion and sedimentation had directly impacted a stream and pond, in part, due to a hose found dewatering the newly dug foundation hole. In addition, although the silt fencing was located as approved, it was not towed-in along the base, resulting in erosion issues. Christine Coon appeared before the Agency and conceded the erosion and sedimentation controls were inadequate and questioned what the agency wants to see to fix the impacted areas. Mrs. Sesto indicated the accumulated sediment needs to be removed by hand, where feasible.

James Martin, property owner, stated his willingness to address the issues and inquired what needed to be done to allow him to move forward with the construction activities. Mrs. Sesto responded the erosion and sedimentation controls need to be properly installed and a detail needs to be submitted to demonstrate how the foundation will be pumped out without causing further impacts. The violation portion of the project will be handled separately.

Jo Rogers made a motion to uphold the cease and correct order as recommended by staff, with the requirement to submit a corrective action application by February 19, 2018, seconded by Norma Kerlin, and carried 7-0-0.

**2. Cease and Correct Order #2018-03 – for Rama and Selvue Balidemaj – 652 Riversville Road. Unauthorized fill adjacent to wetland and watercourse areas and failure to install erosion controls.**

Doreen Carroll-Andrews read the list of documents into the record and described the violation as unauthorized fill adjacent to wetland and watercourse areas and failure to install erosion controls.

Staff was alerted to a potential filling violation on a property that backs up to Audubon property and Dwight Lane. An aerial review of the site found a very clear and substantial amount of fill installed to the rear of 652 Riversville Road. Initially, according to the google aerial, it appeared as though fill may be outside of the 100-foot upland review area. However, on site, filling appears to have continued and has been pushed back further toward the rear property line, adjacent to wetland and watercourse areas. No sediment or erosion controls were installed.

Cease and Correct #2018-03 was issued to the property owners via certified and regular mail on January 16, 2018.

Staff recommends that the Agency maintain Cease & Correct Order #2018-02. Staff further recommends that a Certificate of Violation be filed on the Land Records if an application to address the subject violation is not submitted by the deadline of February 19, 2018.

No one was in attendance to represent the property owners.

Elliot Benton made a motion to uphold the cease and correct order, with the requirement to submit a corrective action application by February 19, 2018, seconded by Jo Rogers, and carried 7-0-0.

**VII. Other Business**

The agency discussed no other business.

**IV. Adjourn**

With no further business, the meeting adjourned at 10:25 p.m.

Patricia Sesto  
Director