

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
January 23, 2017**

Members present: Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Jo Rogers, Bill Galvin, Norma Kerlin, Jay Schondorf

Alternates present: Peter Linderoth

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

Others present: John Nolan, Maggie Honig, Larry Liebman, Denise Savageau, Rob Sandolo, Barry Branfman, Rosanne Berman, Jim Carr, Bill Kenny, Steve Conaway, Rob Frangione, Bryan Muller, Yuriy and Mrs. Shterk, Tony D'Andrea, Tom Heagney, Sue Baker, Jim Hoffman, John Heagney, Matt Popp, Jim McTigue, Louisa Stone, Rene Slobotonik, Mark Kwan, Kevin Solli, Barbara Hertz

1. Call to Order

Vice Chairman Elliot Benton called the meeting to order at 7:00 p.m.

2. Seating of alternates

Mr. Benton welcomed newly appointed alternate, Peter Linderoth. Mr. Linderoth was seated as alternate.

3. Approval of draft minutes of December 19, 2016

Jo Rogers made a motion to approve the minutes of December 19, 2016, second by Jay Schondorf. The motion carried 4-0-2, with Bill Galvin and Stephan Skoufalos abstaining.

4. Director's Report

Patricia Sesto reviewed the contents of her report. Progress is being made on the topical brochures discussed last fall. The department is working the MS4 team to include aspects of the agency's work to meet the reporting requirements. The department is partnering with Save the Sound on a tree-based stormwater retrofit project, with Save the Sound taking the lead. A renewed effort is underway to pursue stale violations. It was the consensus of the agency to authorize staff to refer violations which are not meeting directives and deadlines to the law department. The agency shall be informed of these cases and the violations will stay on the agenda for updates.

5. Other business

None.

In the absence of the applicant's representatives, the agency reordered the agenda.

I. Consent Approvals

1. #2016-185 – 17 Round Hill Club Road – James F.S. Munsell – Tax #10-1750 – for construction of a deer fence through wetlands.

Vice Chairman Benton identified the application recommended for consent approval. No questions were asked.

A motion to approve the application with general and special conditions as proposed by staff was made by Elliot Benton, seconded by Bill Galvin and carried 7-0-0.

II. Pending Applications

1. #2016-156 – 87 Valley Road – Ryan and Marla Kerwin Trustees – Tax #08-1575/s – for installation of a dock.

Doreen Carroll-Andrews reviewed her supplement staff report. This is a clearing violation where invasive plants were removed to re-establish lawn. The property has been in the owner's family for multiple generations and the intent was to clean up neglected portions of the property. The applicant is also seeking a permit to install a dock, however details of materials and anchoring have not been provided. As a portion of this project falls on town owned land, Bruce Spaman of Parks and Rec. will have to authorize the proposed plantings, as well.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Jo Rogers and carried 7-0-0.

III. Public Hearings

1. #2016-138 – 21 Cedarwood Drive – Rosanne Berman – Tax #11-1191

Construction of a single family residence, pool, cabana, patio, driveway, drainage, grading and landscaping 10' from wetlands.

Bob Clausi read the reviewed the contents of his supplemental staff report and changes to the application. The Agency reviewed this application most recently at a public hearing session on December 19, 2016, at the conclusion of which the hearing was left open to give the applicant the opportunity to address outstanding concerns. The public hearing must close at this meeting due to statutory time frames.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency on behalf of the applicant and reviewed the specific changes to the plan expressed through five revised site

plans and the barriers to development this lot presents. Of the 2.2-acre site, only 37,163 s.f. are not within this Agency's regulated areas and outside of the enhanced building setbacks imposed by private deed restrictions. The proposal includes 2,000 of a lawned wetland to be restored. The area of disturbance has been reduced from 60,000 s.f. to 35,000 s.f. and the area of impervious cover has been reduced to 9,000 s.f. from 10,000 s.f. within the upland review area. The 49 trees to be removed, of which 20 are diseased hemlocks, will be replaced by 45 new trees.

Mr. Liebman spoke of the varied nature of calculating biomass in response to the request to provide a biomass comparison of the trees to be removed and those to be planted. No comparison was submitted. Ms. Sesto reminded the agency this request was made following Mr. Liebman's statement that the replacement plantings would equal what was being cut. Mr. Liebman clarified his statements, noting the newly planted trees would not initially match the biomass of the existing trees, but with time they would.

Ms. Sesto continued by asking questions regarding the consumption of a large majority of the upland review area and what functions did Mr. Liebman attribute to buffers. Mr. Liebman indicated there were no impacts to the wetlands despite the loss of buffer. Ms. Sesto again asked how this could be if the protective attributes of a buffer are being lost to development.

Mr. Benton asked Ms. Sesto what was her particular concern, to which she expressed frustration with the lack of quantitative and qualitative assessment of the resources and the various alternatives. Without this information it is difficult to assess whether the preferred plan is the most feasible and prudent alternative to protect the wetlands.

Bob Clausi listed the additional documents into the record.

The public was asked for comments. None were offered.

A motion to close the public hearing was made by Stephan Skoufalos, seconded by Bill Galvin, and carried 7-0-0.

The Agency entered into discussion regarding the proposal. Several members expressed satisfaction with the plan, noting the numerous iterations and improvements provided. Comments ensued regarding alternatives and the need to avoid assesses success based on the number of alternatives provided and instead examine the potential for further improvements.

Staff were directed to draft their positions for consideration at the next meeting.

IV. Pending Applications

2. #2016-153 – 0 and 500 Lake Avenue – 500 Lake Avenue LLC and Foster Lake LLC – Tax #10-1228, 10-3093 – for a three lot subdivision.

Bob Clausi reviewed the contents of his supplemental staff report. This application was reviewed at the November 21 and December 19, 2016 meetings. Since the last meeting, the wetland on the adjacent Greenwich Land Trust property was examined to determine more

precisely what the boundary was. DPW's engineering division has asked for some modifications, however these are unlikely to affect wetland considerations.

Attorney Tom Heagney of Heagney, Lennon and Slane LLC appeared before the Agency and provided a recap of the proposal to combine two lots and re-subdivide those into three lots. The subject property was originally part of a 1973 10-lot subdivision. At that time, 5.4 acres of land was set aside as open space and eventually given to the Land Trust. Mr. Heagney reviewed the limits of disturbance, noting the broad separating distance between the wetlands and development, and the extensive mitigation of the existing lawned wetland.

Mr. Heagney reviewed various alternatives to the proposed project. If nothing were done, the smaller of the two original lots would be developed as allowed via the 1973 approval and there would be no compulsion to restore the lawned wetland.

The suggested conservation subdivision is not warranted due to the previous dedication of open space and the absence of the ability to get any extra lots a conservation subdivision is supposed to provide. With the primary proposal, building is taking place in previously disturbed areas, the wetlands are being enhanced, and stormwater is being treated.

Upon direct questioning from Mr. Benton, Matt Popp of Environmental Land Solutions, LLC stated not only did this proposal avoid any negative impacts, it provides beneficial impacts to the wetland.

Rob Frangione of Frangione Engineering, LLC appeared before the Agency on behalf of the applicant and reviewed the alternate showing all three houses served by a common driveway off of Round Hill Road. He highlighted the various constraints, noting difficulties with the septic system and grading. This grading would cause the loss of two specimen trees.

Ms. Sesto reviewed her memo to the agency. She questioned subjective language provided in Mr. Frangione's report and sought clarification on referenced driveway standards. Ms. Sesto also presented her vision of what the drive could look like to serve lot three and asked Mr. Frangione why this option wouldn't work. Mr. Frangione discussed various elements and it was concluded this option is feasible, but not prudent.

Matt Popp again addressed the Agency. He spoke about the trees along Round Hill Road which would be removed to develop the common driveway. This work will not impact the Greenwich Land Trust wetlands and none are town trees.

Jo Rogers questioned the stormwater calculations and if they take into account not just the driveway surface, but the alterations to the vegetation, too. Mr. Frangione confirmed this was the case.

Bob Clausi questioned the erosion and sediment control plan and stormwater management plan for the driveway during construction. Mr. Frangione stated the driveway will not be built until the houses are complete. This sequence eliminates the impact from compaction to the soils intended for infiltration post construction. A detailed plan for e&s and stormwater management for the period of construction was requested.

Discussion ensued regarding the alternative to service the three homes from Lake Avenue, including installing a culvert under the drive to facilitate wildlife movement. Mr. Frangione responded the driveway is nearly level with the surrounding wetlands and would have to be raised up to accommodate a culvert. Between the height of the culvert itself and the depth of fill needed to cover it, an unacceptable hump would be created. Further, it is not feasible to construct the driveway on the east side of the site's drainage divide and still comply with the town's drainage manual; the soils are poor. Bill Galvin questioned this level of assuredness and requested Mr. Frangione substantiate his conclusion with the appropriate exhibits.

Denise Savageau, Director of Conservation, Town of Greenwich, spoke on behalf of that commission. Ms. Savageau provided an oral representation of her credentials as a natural resource manager. The Agency's own regulations afford it the opportunity to regulate clearcutting in areas which may impact a wetland, regardless of its distance to the wetland. With this in mind, the Agency was encouraged to examine the potential for impacts to the Allen Preserve from the proposed driveway. While a driveway off of Lake Avenue may be closer to the eastern wetland, that wetland is not nearly as valuable as the one in the Allen Preserve, which includes Horseneck Brook. Horseneck Brook is a high quality watercourse at this point in its watershed and this needs to be protected as downstream areas already are suffering degradation.

The Drainage Manual states the first method of managing stormwater is to avoid generating it. This project has not demonstrated its inability to avoid generating additional runoff. It is also not reasonable to expect the driveway will not be built and stormwater management features installed until both houses are built. What happens if one house is built and the other isn't. Is it the applicant's position the homeowner will live without a driveway until the other house is built? There is no accommodation for sediment basin or its back up during time the driveway is unstable.

This application is missing documentation describing and comparing the two affected wetland areas. If the lesser wetland to the east is needed to manage stormwater in order to protect the highly valued wetland in the Allen Preserve, the Agency should be open to such a discussion. The applicant needs to provide the information to allow such an evaluation.

A conservation subdivision as an alternative is likewise germane to the Agency. No reports have been submitted regarding the interconnectivity of the Allen Preserve and eastern wetland, although as depicted by the Natural Diversity Data Base both areas are highlighted as potential box turtle habitat. A conservation subdivision could retain the terrestrial connectivity between the wetlands.

Stephan Skoufalos sought confirmation that the Allen Preserve wetland and watercourse are sufficiently more valuable than the eastern wetland to warrant preferential protection. Can the potential impacts be mitigated to further minimize the risk? Ms. Savageau clarified the potential impacts to the eastern wetland from a Lake Avenue common drive are not significant. Elliot Benton worked to elicit a more definitive description of what the impacts to the Greenwich Land Trust's Allen Preserve wetland would be.

Sue Baker restated her opposition to the Round Hill Road driveway and the 23 large trees that would need to be cut. The erosion and sedimentation control plan is inadequate to protect the wetland from the clear cut slope.

James Carr spoke on behalf of the Greenwich Land Trust and identified his credentials as a biologist, field leader for the Land Trust, and previous member of this agency. The management plan for the Allen Preserve identifies this area as a high quality wetland and the proposed driveway will alter the hydrology of the meadow, impeding maintenance. Mr. Carr confirmed the area to be altered for the driveway is a small portion of the overall watershed for the Allen Preserve wetland.

Louisa Stone RTM Representative of District 10 appeared before the Agency and requested the Agency work to strike a balance between tree preservation and wetland protection.

Tom Heagney sought direction on the concept of using a wetland for stormwater management. Discussion ensued. While it is generally inappropriate to use wetlands for stormwater quality management, wetlands which are already substantially degraded may be potential candidates for such use.

A motion to delay the application was made by Stephan Skoufalos, seconded by Jo Rogers and carried 7-0-0.

3. #2016-170 – 105 Conyers Farm Drive – Joel M. Kaye, Trustee – Tax #11-3055 – for demolition of the existing residence and pool cabana and construction of a single family residence, pool house, patio, drainage, grading and landscaping 60' from wetlands.

Patricia Sesto provided an overview and assessment of the project. With the newly submitted restoration plan, the project is approvable. She recommends the shrubs be revised to stipulate 3-4 foot sized plants, except for the low bush blueberry.

Tony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the Agency on behalf of the applicant and was in agreement with the staff report. He continued by adding some additional information, including calling attention to the swap of conservation land, resulting in a slightly larger conservation area. This realignment will need approval by P&Z/Conservation Commission.

Bill Kenny of William Kenny Associates appeared before the Agency on behalf of the applicant and agreed to the recommendation to call for larger shrubs.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Bill Galvin and carried 7-0-0.

2. #2016-172 – 21 Lia Fail Way – Nayden Florida Family Trust – Tax #08-2422 – for construction of a single family residence, porch, patio, pool, septic, driveway, drainage, grading and landscaping 35' from wetlands.

Bob Clausi reviewed the contents of his supplemental staff report, highlighting the revisions to the plan.

Bill Kenny of William Kenny Associates appeared before the Agency on behalf of the applicant. He noted the driveway has been modified to eliminate the connecting portion, the leaching field will be moved to a point more than 100 feet from the wetland, and work previously proposed on the abutting property has been eliminated.

Rene Slobotonik appeared before the Agency.

There were no further comments from the public.

It was the consensus of the agency to continue the application review at the next meeting.

V. New Applications For Review

1. #2016-173 – 12 Byfield Lane – Gerald and Edwina Musano – Tax #11-1750 – for construction of patio and retaining wall, drainage, grading and landscaping adjacent to wetlands.

Doreen Carroll-Andrews reviewed the comments of her staff report. The violation stems from the construction of a patio and stairway without a permit and within areas previously restored following a 2016 order to correct. The demarcation feature required in that order is no longer present. DPW comments state the current plans are not acceptable.

Larry Liebman of S.E. Minor & Co., Inc. LLC appeared before the Agency on behalf of the applicant. He noted this is a new owner and they are prepared to take corrective action consistent with Ms. Carroll-Andrews' recommendations.

There were no comments from the public.

A motion to delay was made by Stephan Skoufalos, seconded by Jo Rogers and carried 7-0-0.

2. #2016-180 – 249 Bedford Road – Felix & Miosotis Cabrera – Tax #10-2871 – for construction of a new driveway, driveway modifications, drainage, grading and landscaping adjacent to wetlands.

Patricia Sesto reviewed her staff report. This property was before the Agency in 2016, when the owners were seeking a permit for this driveway realignment and additions. The driveway portion of the application was withdrawn and permit was issued for the remaining work. During the review of the previous application, a discrepancy was noted between two versions of the wetland boundary. Since then, Curt Welling and William Kenny met at the site and agreed the area previously filled to create a wood-road crossing is not wetlands. This application seeks a permit to construct a driveway on this old crossing.

The project would cause substantial removal of vegetation within the upland review boundary and the applicant's assessment of alternatives is incomplete.

Bryan Muller of Sound View Engineers & Land Surveyors, LLC appeared before the Agency on behalf of the applicant. He would like the Agency to continue the review at the next meeting to allow him to respond.

There were no comments from the public.

A motion to delay the application was made by Joe Rogers, seconded by Bill Galvin and carried 7-0-0.

3. #2016-182 – 22 Close Road, 21 Topping Road & 0 Topping Road – Lars N. Nielsen & Quan Feng Trust – Tax #10-2028, #12-1990, #10-2921 – for demolition of the existing residence and patios and construction of a single family residence, pool, patio, deer fence, drainage, grading and landscaping 10’ from wetlands.

Bob Clausi reviewed the comments of his staff report. This property is a compilation of 3 lots, totaling 27 acres, with a residence and several out buildings. All of the buildings will be razed, except the tennis hut and shed, which will be expanded. A new residence is proposed in the location of the existing house, and landscaping will come to within 15 feet of the wetland and a buffer restoration plan is proposed in between.

The site is highlighted on the Natural Diversity Data Base. There has been no response from DEEP as of yet.

The original survey missed a section of wetland and revised maps are due to the Agency.

Attorney Tom Heagney of Heagney, Lennon and Slane LLC appeared before the Agency. He stated the environmental assessment is underway. He then reviewed the history of permits for the various parcels, dating back to 1983. The intent of the current owner is to redevelop the multiple lots into one estate, including majestic lawns leading from the higher elevations on-site to the lower area.

Mr. Heagney displayed cross section views of the redeveloped house area. The retaining wall will be constructed first as suggested by Mr. Clausi, to assist in managing erosion and sedimentation. Mr. Clausi confirmed the trees and woody vegetation shown in cross section are intended to be installed and requested the landscaping plan showing these be submitted.

Ms. Sesto state members Rogers, Kerlin, and Schondorf visited the site.

Mark Kwan, Landscape Architect, Cummin Associates appeared before the Agency. He clarified Mr. Heagney’s characterization of the extent of lawn. As shown on his plan, the regraded lawn will be vegetated with meadow grasses, not maintained lawn. There are no plans to alter vegetation on-site to establish a view of the pond from the house.

It was the consensus of the Agency to delay consideration of the application until the next meeting.

4. #2016-184 – 8 Buckthorne Lane – Gregory Martino – Tax # 11-1931 – for demolition of the existing residence and patios and construction of a single family residence, patios, drainage, grading and landscaping 20’ from wetlands.

Bob Clausi reviewed the comments of his staff report. This application is for the demolition and reconstruction of a house. The new house will be similar in size and in the same location. The leaching fields will be relocated further from the wetland and under the driveway circle. The proposal also calls for water quality treatment and an extensive replanting of lawned wetlands and bamboo removal.

Kevin Solli of Solli Engineering, LLC addressed the Agency. He has no issues with the report by Mr. Clausi and he confirmed the shed will be removed.

Barbara Hertz, 6 Buckthorne Lane appeared before the Agency and questioned if the proposed work would jeopardize the drain pipe running from her property to the ditch on the subject property. She has an easement which entitles the arrangement.

Mr. Solli indicated there is no work proposed in the area of the pipe as described by Ms. Hertz, so there should be no impact to her drainage.

A motion to approve the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Jo Rogers and carried 7-0-0.

5. #2016-156 – 87 Valley Road – Ryan and Marla Kerwin Trustees – Tax #08-1575/s – for installation of a dock.

Bill Kenny of William Kenny Associates asked the Agency to revisit the terms of their approval. Specifically, his client is seeking relief from the additional after-the-fact filing fee of \$2000. The Agency considered the residual underlying lawn indicative of the historic land use, the property owners’ firsthand knowledge of the site’s prior condition, and the scrub nature of the invasive material removed. In light of this, the Agency reduced the additional after-the-fact application fee to \$500.

VI. Agent Approvals

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

1. #2016-181 – Robert Bryant for grading 90+ feet from the on-site wetland at 295 Taconic Road. Tax #11-1255
2. #2016-186 – Yuriy Shterk for construction of an addition, modification of a driveway, and installation of a subsurface stormwater infiltration system 70 feet from a wetland at 13 Carriage Road is approved with conditions. Tax #08-3484

No questions were presented and no public comments were received. No action by the Agency was required.

VII. Applications To Be Received

Secretary Stephan Skoufalos made a motion to receive the eight applications listed on the agenda and schedule them for discussion or public hearings as appropriate, at the next meeting of the Agency, second by Bill Galvin and carried 7-0-0.

VIII. Old Business

1. Cease & Correct Order #2007-02 – 27 Vineyard Lane – 27 Vineyard Lane LLC. Tax #10-1663

Doreen Carroll-Andrews informed the Agency the conditions of the Order have been met and recommended the release of the Certificate of Violation. No persons appeared before the Agency on behalf of the owner. No Agency comment was received.

The motion to remove the Certificate of Violation was made by Elliot Benton, second by Stephan Skoufalos. The motion carried 7-0-0.

IX. Violations

1. Cease & Correct Order #2016-06 – 1 Reynwood Manor – Steve and Roxanna Wall – Tax #11-2941.

Doreen Carroll-Andrews read the evidentiary documents into the reviewed the Violation Summary for unauthorized removal of trees and other vegetation within wetlands.

Permit #2015-123 was issued in November 2015 for the installation of a stockade fence in and adjacent to wetlands. As part of the approval, the permittee was required to remove piles of organic debris from the wetland and a 50' buffer prior to the end of 2015. The debris had been deposited over many years and was not created by the current owners, Steve and Roxanna Wall, who purchased the property in September 2015.

Staff conducted a site inspection on February 16, 2016 and found that in his efforts to remove the debris timely, Mr. Wall also removed brush and several trees within the wetland. In addition, as a result of removing such a depth of garbage and debris, the few trees in the area were dead, weakened and leaning and they were removed.

An order to correct was subsequently issued to address the extended clearing and tree removal and various deadlines for action within the order have passed without compliance. As such, a new cease and correct order has been issued and it is recommended the matter be upheld and referred to the Law Department.

A motion to uphold the Order with staff recommendations was made by Stephan Skoufakos, second by Bill Galvin. The motion carried 7-0-0.

3. Cease & Correct Order #2016-13 – 84 Hunting Ridge Road – Sonia Hedvat – Tax #11-2248

Bob Clausi read the evidentiary documents into the record and reviewed the Violation Summary for failure to correct unauthorized clearing within a wetland and buffer area. A restoration plan and application were due by this meeting, but have not been submitted.

Larry Liebman addressed the Agency and stated his client is still poised to move forward and it was his schedule which is causing a delay.

4. Cease & Correct Order #2017-01 – 30 Hunting Ridge Road – Jong Won Lee – Tax #11-2182

Bob Clausi read the evidentiary documents into the record and reviewed the Violation Summary for unauthorized filling and grading adjacent to a wetland and watercourse area.

An application for this order was received on January 19, 2017 and accepted earlier in the meeting.

A motion to uphold the Order with staff recommendations was made by Jay Schondorf, second by Bill Galvin. The motion carried 7-0-0.

5. Cease & Correct Order #2017-02 – 21 Birch Lane – Thomas McCloskey – Tax #11-1885

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary for unauthorized clearing of a wetland buffer to create lawn.

This violation dates back to 2009 when workers removed trees and grubbed vegetation within a wetland and wetland buffer and behind a limit of lawn demarcation.

Cease and Correct Order #2012-19 was issued to the property owners on June 18, 2012, and placed a Certificate of Violation on the Land Records, required the submission of an application no later than August 1, 2012. When the conditions of the order were not met the Agency directed staff to refer the matter to the Law Department.

A recent follow up with the Law Department of older violations not yet resolved found that the issue was not in fact received by the Law Department. The applicant was again notified and given the opportunity to rectify the violation in a letter issued by Director Patricia Sesto dated January 4, 2017. A revised Cease and Correct Order #2017-02 has been issued to the property owners via certified and regular mail on January 17, 2017.

The property owner contacted the office and a site meeting is scheduled.

Staff recommends that the Agency maintain Cease & Correct Order #2017-02. Staff also recommends that the Agency refer this matter to the Law Department if the meeting proves unfruitful.

A motion to uphold the Order with staff recommendations was made by Stephan Skoufalos, second by Bill Galvin. The motion carried 7-0-0.

6. Cease & Correct Order #2017-03 – 325 Riversville Road – George Mead – Tax #10-1683

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary for unauthorized deposition of fill and clearing of vegetation adjacent to wetland and watercourse areas.

This application was submitted as a result of a Stop Work Order issued on August 18, 2011. An inspection of the site found that large amounts of fill had been deposited, woody vegetation that had been growing along the slope has been removed or covered by the fill. No erosion or sedimentation controls were installed at the base of the slope. Wetland and watercourse areas appeared to be located at the base of the slope on the property of #327 Riversville Road and the adjacent State-owned land.

An application was eventually submitted, but ultimately denied for insufficient information and a Notice of Violations was filed on the Land Records.

The applicant was again notified and given the opportunity to rectify the violation in a letter dated January 9, 2017. A revised Cease and Correct order #2017-02 has been issued to the property owners via certified and regular mail on January 17, 2017. An appointment to meet on-site has been scheduled.

Staff recommends that the Agency maintain Cease & Correct Order #2017-03. Staff also recommends that the Agency refer this matter to the Law Department in the event the meeting is not productive.

A motion to uphold the Order with staff recommendations was made by Bill Galvin, second by Jo Rogers. The motion carried 7-0-0.

7. Cease & Correct Order #2017-04 – 13 Carriage Road – Yuriy Shterk – Tax #08-3484

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary for unauthorized construction of a low retaining wall, filling, and clearing to expand the back yard seven feet from the wetland and watercourse areas.

A site inspection was made in association with another application for the site. During the inspection, the violation was discovered.

A Notice of Violation was issued on January 10, 2017, with a deadline to submit an application to correct the violation by February 24, 2017. Cease and Correct Order #2017-04 was issued to the property owners via certified and regular mail on January 17, 2017.

Yuriy Shterk, property owner, appeared before the Agency and explained the toll the storm Sandy took on his property and the perceived clearing was just storm damage cleanup. Following this, Mr. Shterk inquired with the building division if a building permit for the retaining wall was needed. He was not aware he needed to check with wetlands separately.

Staff recommends that the Agency maintain Cease & Correct Order #2017-04. 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 24, 2017.

A motion to uphold the Order with staff recommendations was made by Bill Galvin, second by Elliot Benton. The motion carried 7-0-0.

8. Cease & Correct Order #2017-05 – 44 Cutler Road – Jim M^cCarroll – 44 Cutler Road – Tax #10-1860

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary for failure to install demarcation feature and restore the wetland and buffer as required under Permit #2009-065, Application #2009-067.

Permit #2009-065 was issued July 27, 2009 to dredge a pond, grade and to enhance a wooded wetland. It was then modified on June 3, 2010 for the demolition and reconstruction of a residence with driveway, detached garage, pool, pool terrace, septic, drainage, etc. As part of the approval a demarcation feature was required to protect the wetland restoration area on the southern part of the property.

Staff conducted a site inspection, but was asked to leave the site prior to completion. Since then, Ms. Carroll-Andrews has been in contact with the homeowner by phone on several occasions requesting authorization to access the site, but has not been granted approval. As a result, aerial photos have been used to determine the wetland demarcation and plantings have not been installed as approved under the permit. Based on the limited access to the site, additional violations may exist that were not observed.

Cease and Correct #2017-05 was issued to the property owners via certified and regular mail on January 17, 2017.

Ms. Carroll-Andrews has been informed Land Tech Consultants has been retained to prepare a corrective action application.

Staff recommends that the Agency maintain Cease & Correct Order #2017-05. 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 24, 2017.

A motion to uphold the Order with staff recommendations was made by Bill Galvin, second by Stephan Skoufalos. The motion carried 7-0-0.

X. Bond Releases

1. Application #1984-087 – Permit #1984-074 for Charles and Carole Zion – 328 Round Hill Road. The \$500 bond is to be returned to Carole Zion.
2. Application #1986-031 – Permit #1986-026 for Alexandra Realty Corporation – 22 Close Road. The \$3,000 bond is to be returned to Whitman Breed Abbott & Morgan LLC, Trustee.

3. Application #2007-085 – Permit #2007-082 for SPJ LLC – 27 Vineyard Lane. The \$3,000 bond is to be returned to SPJ LLC.
4. Application #2007-142 – Permit #2008-085, Agent Approval #2007-043 for John and Debora Rogan – 5 Pheasant Lane Spur. The \$1,000 bond is to be returned to John and Debora Rogan and the \$4,000 bond is to be returned to John Rogan.
5. Application #2009-087 – Permit #2009-084 for Valentina Prouty – 12 Guinea Road. The \$2,000 bond is to be returned to Valentina Prouty.
6. Application #2010-080 – Agent Approval #2010-020, Permit #2012-050, Order 2013-004 for David and Amanda Russekoff – 37 Burying Hill Road. The \$12,000 of the bonds totaling \$24,000 to be returned to Amanda Russekoff.
7. Application #2011-137 – Order 2011-015 for Steve and Joy Metalios and Thomas Carroll – 34 Crescent Road. The \$4,000 bond is to be returned to Steve Metalios and Thomas Carroll.
8. Application #2011-138 – Order 2011-016 for Steve and Joy Metalios and Thomas Carroll – 34 Crescent Road. The \$2,000 bond is to be returned to Steve Metalios and Thomas Carroll.
9. Application #2011-144 – Permit #2012-006 for Warren Lilien – 7 Carriglea Drive. The remaining \$5,925 of the original \$10,000 bond is to be returned to Warren and Lindy Lilien.
10. Application #2014-085 – Agent Approval #2014-09 for Pasquale Vario – 48 Highview Avenue. The \$3,000 bond is to be returned to Pasquale Vario.
11. Application #2014-086 – Permit #2014-073 for Mario Marangeli and Barbara Dalfovo – 17 Davenport Avenue. \$3,200 of the original \$6,000 bond is to be returned to Mario Marangeli and Barbara Dalfovo.
12. Application #2014-159 – Permit #2015-008 for Justine Cerniglia – 19 Pinecroft Road. The \$5,000 bond is to be returned to J. Cerniglia.
13. Application #2015-026 – Permit #2015-034 for William A. and Catherine S. Nietzel – 85 Dingtletown Road. The \$6,000 bond is to be returned to Hobbs, Incorporated.
14. Application #2015-045 – Permit #2015-047 for Fayez and Mira Muhtadie – 28 Leeward Lane. The \$6,000 bond is to be returned to Fayez Muhtadie.
15. Application #2015-130 – Permit #2015-114 for Sunset Holdings, LLC – 57 Park Avenue. \$6000 of the original \$9,880 bond is to be returned to Sunset Holdings, LLC.
16. Application #2016-049 – Permit #2016-049 for Sudip Thakor – 51 Gilliam Lane. \$2,000 of the original \$6,390 bond is to be returned to Sudip Thakor and Joan Button.

A motion to release the bonds was made by Bill Galvin, second by Jo Rogers and carried 7-0-0.

XI. Other Business

None

XII. Adjourn

With no further business, the meeting adjourned at 11:50 p.m.

Patricia Sesto
Director