



TOWN OF GREENWICH

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Inland Wetlands
and
Watercourses Agency
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Patricia M.P. Sesto
Director of Environmental Affairs

DRAFT MINUTES JANUARY 24, 2022

In attendance: Brian Harris, Chairman, Jay Schondorf, Secretary, Bill Galvin, Norma Kerlin, Peter Linderoth

Also in attendance: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carrol Andrews, Compliance Officer; Sarah Coccaro, Natural Resource Manager

Tom Heagney, Heagney, Lennon & Slane, LLP; Anthony D'Andrea, Rocco V. D'Andrea, Inc.; Larry Liebman, Robert Sandolo, Abed Yacoub, and Hayley DeMarchis, S.E. Minor & Co.; LLC; Robert Zmarzlak, Soundview Engineers & Land Surveyors; Diane Devore, Devore Associates; Matthew Popp, Environmental Land Solutions; William Kenny, William Kenny Associates LLC; Andrew Philipp; George Logan, REMA Ecological Services; Rick Caravan; Sean Reagan and Andrew White, Tighe & Bond; Atul Parakar, Bill Baker, Daniel Jacques, David Chass, Dinyar Wadia, James Hoffman, Sound Beach Partners; Geoffrey Cross, Jason Orlosky, Jeffrey Robbins, Kristin Kallergis, Michelle Murature, Lulia Chiras

7:00 p.m.

1. Call to Order

Brian Harris called the meeting to order at 7:02 p.m.

2. Seating of alternates

No alternates were seated.

3. Review and approval of draft minutes of December 13, 2021 meeting.

Bill Galvin made a motion to approve the minutes of December 13, 2021 as drafted, seconded by Jay Schondorf, and carried 6-0-0.

4. Director's Report

No report.

5. Other business

None.

Public Hearing

1. #2021-132 – [1143 East Putnam Avenue](#) – Heagney, Lennon & Slane, LLP for Frank Currivan, Jr. – Construction of multi-family residence, driveway, and stormwater management system 3' from wetlands.

Robert Clausi identified the new documents in the record and reviewed his staff report and newly submitted information. DPW's position that the building should not be over the existing culvert is based in common practice, not a particular wetland concern. DPW also noted the hydrodynamic separator should be upgraded to achieve greater attenuation of TSS. The CCTV footage of the pipe was of poor quality and Mr. Marucci could not confirm the conclusion of the applicant's engineer that the pipe was of sound shape. Hygenix completed their survey for contaminated soil and those soils have been remediated. The report by George Logan, PWS, Soil Scientist, REMA Ecological Services, conditionally supported the shade analysis by Matthew Popp, noting data gaps that could be of consequence.

Thomas Heagney, Heagney, Lennon & Slane, LLP, addressed the agency. He restated elements of Mr. Clausi's review and added the DPW sewer division has confirmed the town sanitary sewer can service this development.

Matthew Popp, LA, PWS, Environmental Land Solutions, provided the dates he visited the site and vegetation observed. The trees are a mix of non-native invasive and native species and the understory and ground cover is dominated by non-native invasive species. The residential property to the west has thin grass as a ground cover. As mitigation, a planting plan is proposed on the adjacent parcel near the stream and wetland.

Anthony D'Andrea, D'Andrea Surveying & Engineering, P.C., addressed the agency. Mr. D'Andrea reviewed various engineering-based issues and his recently submitted written narrative.

Ms. Sesto contested Mr. D'Andrea's conclusion that describing the components of stormwater quality treatment is sufficient and a pollution renovation analysis is not needed. She stated non-point source pollution is a direct threat to the watercourse and it is essential to know how effective the various BMPs are at removing pollutants.

The applicant's team responded they could not find sufficient guidance on how to conduct a pollution renovation analysis, Mr. D'Andrea's description of the treatment train components was adequate, and the post construction renovation capacity will be better than what is on the parcel now.

Anthony D'Andrea, as part owner of the parcel with the new planting plan, provided his oral authorization to incorporate the planting plan into this application and allowed the Norway maple to be removed. The owner of the other adjacent parcel with the stream, Chiapetta, has not been approached regarding the apparent impending loss of trees on his property or affects of shading. Mr. Heagney stated it is his client's legal right to cut portions of trees overhanging his property, even if it results in the death of that tree.

Bill Galvin stated he is ill at ease having the piped watercourse under the building. He lacks confidence in the video, stating its quality is lacking. He then questioned Mr. D'Andrea's past statement that the site will not flood and questioned Mr. Popp citing the report from George Logan, REMA Ecological Services.

Mr. D'Andrea reviewed the facts of the watershed, elevations of the subject parcel and culvert, concluding the 100-year storm tops out at elevation 62. This is four feet lower than the site, thus the site will not flood. Elevation 62 is higher than the discharge point of the storm drainage system, meaning water will not be able to drain from the site in extreme weather events. He confirmed his assessment that the video of the pipe was adequate to determine the pipe is fine.

George Logan reviewed his report, noting the data gaps. Spring ephemerals may be present outside of the dates Mr. Popp visited the site. Mr. Popp's report also focused too heavily on the projected conditions at noon and did not assess the impacts far enough away from the building. Mr. Logan concluded general agreement with Mr. Popp but could not confirm his conclusions.

Brian Harris called for public comment. There was none.

Brian Harris made a motion to close the public hearing, seconded by Elliot Benton and carried 6-0-0.

2. #2021-144 – [14 Fox Run Lane](#) – Rocco V. D’Andrea, Inc. for Andrew Philipp – Construction of single-family residence, driveway, pool, pool house, retaining walls, septic system, and drainage system 10’ from wetlands.

Sarah Coccaro, Natural Resource Manager, read the additional documents into the record and reviewed the staff report. The new information includes two driveway alternatives, a proposal to enlarge the wetland, and the addition of a small wetland delineated by George Logan, REMA Ecological Services, consultant for the agency.

Anthony D’Andrea, D’Andrea Surveying & Engineering, P.C., addressed the agency. The applicant prefers the northern driveway alternative as it is smaller and allows the retaining wall in front of the house to move away from the wetland. The stormwater from galleries will overflow during a 25-year storm event and enter the central wetland via a level spreader. The wetland will be used as a detention basin with shallow pooling for short durations. The northern driveway and small berm will enable the detention. Mr. D’Andrea countered the statement in the staff report regarding grading by the pool house. He maintained his position that the grading would be required regardless of the pool house.

Ms. Sesto stated the record to support the applicant’s preference is lacking. The purpose of exploring the driveway to the north was to facilitate smaller infrastructure and greater preservation of the wetland buffer. The alternative does not support this outcome. Alternatives showing the garage on the south end of the house were requested and not provided. It is insufficient for Mr. D’Andrea to dismiss the alternative with a statement professing a desire to capture solar benefits for the house. This consideration is not the charge of the agency.

Elliot Benton urged the applicant to submit an alternative of a house footprint that is materially smaller, 2/3 the size of the current proposal, to evaluate how the reduction in coverage would reduce the extent of land consumption and tree clearing.

Brian Harris, licensed architect, stated the dwelling principle orientation of north to south belies the intent to maximize solar benefits. The house would need an east-west orientation to achieve the greatest benefit. Placing the garage on the south side would not materially diminish the current solar benefits.

Andrew Philipp, applicant, conveyed his appreciation of the land and wetland and how he and his family look to utilize the site. He expressed a commitment to enhancing the value of the wetland.

William Kenny, William Kenny Associates LLC, described the wetland as one that drains quickly, likely due to past manipulations. In the absence of the driveway to the south of the wetland, this area would be planted, and invasive species management is planned. The wetland expansion would require the loss of one mature tree and would be achieved by excavating the area adjacent to the wetland to intercept groundwater. The proposed plants in the wetland are intended to introduce young trees for greater age diversity and ability to for the forest to recover from wind throws, etc.

Ms. Sesto challenged the conclusion that bringing the driveway through the forested buffer is better than using the existing disturbed area to the south. Mr. Kenny responded the disturbed canopy will close up and cover the new driveway.

Bill Galvin suggested the applicant investigate rotating the house to see if there could be opportunities to save more trees.

Brian Harris called for public comment. There was none.

The hearing was continued to the March meeting of the agency.

3. #2021-154 – [94 & 96 Porchuck Road](#) – Rocco V. D'Andrea, Inc. for Ave Zaz Development Corporation and Lucianos Utopia Realty Inc. – Construction of common driveway with wetland crossing.

Robert Clausi read the additional documents into the record and described the plan to cross a wetland to access two existing building lots. The wetland delineation was revised, resulting in more wetland to be filled: 0.15 acres. The 1998 subdivision permit requires 2:1 mitigation for wetland loss. Mr. Clausi questioned the location of the level spreader as it is in the newly delineated wetland. Rather than 2:1 mitigation, the applicant is proposing expanding the area of protected buffer, which Mr. Clausi found acceptable.

Anthony D'Andrea, D'Andrea Surveying & Engineering, P.C., addressed the agency and described the elements of the constructing the wetland crossing and water handling. Further details will be worked out once the contractor is selected.

Low profile curbing will be used to accommodate amphibian movement associated with a vernal pool northeast of the site.

There was no public comment.

Elliot Benton made a motion to close the hearing, seconded by Peter Linderoth, and carried 6-0-0.

Following member discussion, it was the consensus of the agency to direct staff to draft a resolution of approval for review at their March meeting.

4. #2021-161 – [1141 King Street](#) - Heagney, Lennon and Slane, LLP for Plaza 200 LLC for designation of 5-lot conservation cluster subdivision, construction of five single-family residences, driveways, pools, septic systems, drainage systems, greenhouse, tennis court, shed, and geothermal wells 45' from wetlands.

Sarah Coccaro read the additional documents into the record and reviewed the staff report. Retaining walls have been incorporated along a portion of the drive to reduce the footprint of disturbance. The alternative to move houses closer to the road was dismissed by the applicant due to unquantified increases in the driveway slope. No alternatives were presented to reduce the extent of buffer consumption however, a boulder delineation was incorporated at the edge of the lawn. The easement area was increased to 50% and information on the geothermal wells was provided. The wells are not almost entirely outside of the upland review area. A wetland east of the site was observed, bringing new areas of upland review area to the site.

Thomas Heagney, Heagney, Lennon & Slane, LLP, addressed the agency, noting a revision to the proposed zoning amendment was submitted to the P&Z Commission to facilitate accessory structures with a setback of 50 feet. This would allow the tennis court, shed, and greenhouse to shift southward.

Andrew White, PE, Tighe and Bond, reviewed the various changes including the driveway retaining walls and geothermal well locations and installation methodology. Moving the houses eastward would present elevation problems with the houses and risk keeping the driveways under a 10% slope. With the newly added wetland, four trees planned for removal would be within the URA. Discussion ensued regarding the cul-de-sac, its grading, and alternatives to reduce or eliminate it in an effort to reduce site disturbance in proximity to the eastern wetland.

Sean Reagan, LA, Tighe and Bond, reviewed the revised planting plan. Seven more trees will be protected, and only native trees will be used in the upland review area. Sesto questioned the configuration of the wetland buffer to be retained. The uniform 30-foot wide strip should be revised to be customized to the needs of each unit. The justification for a uniform reduction by 70 feet to accommodate lawn is missing.

The applicant was directed to explore alternatives to the cul-de-sac and its grading and customization of the buffer to be retained.

Brian Harris called for public comment. There was none.

The hearing was continued to the March meeting.

Elliot Benton left the meeting.

Consent Approvals

1. #2021-166 – [40 Pecksland Road](#) – S.E. Minor & Company, Inc. for Geoffrey and Sarah Cross for construction perimeter fencing, removal of debris, installation of enhancement plantings and a wood chip path in and adjacent to wetlands.
2. #2021-176 – [59 Mooreland Road](#) – Joseph F. Risoli, P.E. for Martha Lam and Frederick Danback – Installation of deer fence in wetlands.
3. #2021-185 – [5 Angus Lane](#) – Jay Fain & Associates, LLC for Daniel Ahern – Construction of a residential addition, patios, and retaining wall, and installation of enhancement plantings in and adjacent to wetlands.

Peter Linderoth made a motion to approve the applications listed for consent approval, seconded by Bill Galvin, and carried 5-0-0.

Pending Applications

Elliott Benton rejoined the meeting.

1. #2021-146 – [4 Chasmar Road](#) - Rocco V. D’Andrea, Inc. for 4 Chasmar Road LLC – Two-lot subdivision, demolition of single-family residence, construction of two single-family residences, driveways, and retaining walls 7’ from wetlands.

Robert Clausi reviewed the changes to the site plan. The development has been revised to create a 20 foot separating distance to the brook. The request to investigate feasibility of a common drive was submitted and was determined to be too awkward with little, if any benefit to reducing impervious area. Three trees by the stream will be retained and more trees planted. The requested alternative of only home was not submitted. Mr. Clausi provided suggested conditions of approval.

Bill Galvin made a motion to approve IWWA#2021-146 with the normal general conditions and special conditions as provided by staff. The motion was seconded by Elliot Benton and carried 6-0-0.

2. #2021-149 – [4 Highgate Road](#) – S.E. Minor & Company, Inc. for Kristin and Henry Rowland – Construction of pool, patio, shed, retaining walls, driveway modifications, and drainage system 7' from wetlands.

Robert Clausi described outstanding issues raised by DPW that the applicant has not responded to. Likewise, the subsurface drainage is not shown on the plans and may be in conflict with the proposal. A revised planting plan was submitted showing a majority of the wetland being restored.

Larry Liebman, S.E. Minor & Co., will be submitting more information.

William Kenny, soil scientist, William Kenny Associates LLC, addressed the agency to explain the various wetland boundaries attributed to the parcel. Two of the three delineations were conducted by Mr. Kenny. The soils were described as disturbed, leading to a disruption of the soils true color and making it difficult to determine the wetland boundary.

Bill Baker, neighbor, stated the wetland is part of a fragile area that floods. He suggested a smaller pool as a means to limit any potential impacts to his property from exacerbated flooding.

Sujan Patel, 11 Cherry Tree Lane, expressed his concern about flooding, as did Jason Orlosky of 7 Cherry Tree Lane.

The agency delayed taking action on the application.

3. #2021-152 – [50 North Porchuck Road](#) – S.E. Minor & Company, Inc. for Gregory & Anna Browne – Demolition and construction of single-family residence, driveway, detached garage, terraces, septic system, and drainage system 25' from wetlands.

Robert Clausi reviewed the staff report and plan revisions. The plan was responsive to reducing the development envelope, with impervious coverage being reduced by 37%. The reserve leaching area cannot be use as the primary due to lesser soil conditions. An arborist will be retained to assist in protecting notable trees in/near the development envelope.

Special conditions provided by Mr. Clausi were amended to modify #3 and 6 to eliminate the additional 30% of the planting cost for the bond requirement and add a condition requiring the arborist.

Brian Harris made a motion to approve IWWA#2021-152 with general conditions and the special conditions proposed by staff, as amended. The motion was seconded by Bill Galvin and carried 6-0-0.

4. #2021-163 – [39 Lockwood Lane](#) – Sound View Engineers and Land Surveyors, LLC for Agustin Sicouly for construction of roofed deck, pool, retaining walls, and drainage system 25' from wetlands.

Robert Clausi described the project, noting outstanding issues have been addressed.

Robert Zmarzlak, PE, Sound View Engineering, inc., described the relationship between the pool, deck and retaining wall to justify the wall's configuration.

Bill Galvin made a motion to approve IWWA#2021-163 with general conditions and the special conditions proposed by staff. The motion was seconded by Peter Linderoth and carried 6-0-0.

5. #2021-168 – [28 Montgomery Lane](#) - S.E. Minor & Company, Inc. for Randy Maultsby for demolition and construction of single-family residence, driveway, patios, pool, pool fence, retaining walls, septic system, drainage, and boardwalk, and designation of septic reserve area in and adjacent to wetlands.

Robert Clausi described the plan revisions. The rain garden has been moved to the inside of the retaining wall, resulting in a 30-foot separating distance to the wetland, with plantings proposed between the retaining wall and wetland. The requested alternative to show the driveway in its existing location was not provided.

Larry Liebman, S.E. Minor & Co., confirmed the retaining wall will be constructed first to better protect the wetland. The alternative driveway was not submitted as it is not preferred by the applicant. The deer fence was eliminated from the plan.

Discussion ensued regarding the purpose of the requested alternative: to see if more trees in the wetland buffer can be retained. Action of the application was delayed allowing Mr. Liebman another opportunity to provide the alternative.

Mr. Liebman granted a 65-day extension to complete the application review.

New Applications for Review

1. #2021-182 – [23 Smith Road](#) – Rocco V. D'Andrea, Inc. for Wendy Greenbaum, Tr. – Demolition and construction of single-family residence, driveway, pool, sports facility, and drainage system in and adjacent to wetlands.

Robert Clausi described the project to redevelop the property. The delineated wetland is substantially impacted by extensive lawn. A rain garden is proposed in a portion of the lawned wetland and 5,000 s.f. of wetland will be restored with plantings. Grading for the new dwelling and appurtenances will come up to the wetland boundary. Mr. Clausi recommended the wetland boundary be staked prior to construction. Conditions of approval were provided.

Brian Harris made a motion to approve IWWA#2021-182 with the general conditions and special conditions proposed by staff. Peter Linderoth seconded the motion, which carried 6-0-0.

2. #2021-183 – [12 Hillcrest Lane](#) – Devore Associates for Derron Slonecker – Installation of boardwalk and enhancement plantings in wetlands.

Robert Clausi reviewed his staff report for the proposal to install a boardwalk and manage non-native invasive species in the wetland. He conveyed the project was straight forward.

Diane Devore, Devore Associates, addressed the agency. Discussion regarding the length of the permit ensued.

Brian Harris made a motion to approve IWWA#2021-183 with the general conditions, special conditions proposed by staff, and a five year permit life. Peter Linderoth seconded the motion, which carried 6-0-0.

3. #2021-184 – [94 Porchuck Road](#) – Rocco V. D’Andrea, Inc. for Ave Zaz Development Corp. – Construction of single-family residence, driveway, retaining wall, septic system, and drainage 60’ from wetlands.

Robert Clausi reminded members this is the application to develop the lot associated with the common driveway of IWWA#2021-154. The development envelope is tight to the house and additional area of wetland buffer is being incorporated as a no disturbance zone. The means of demarcation and a document to file on the land records is still needed, as is the requirement to use low profile curbing to accommodate amphibian movement.

Peter Linderoth made a motion to approve IWWA#2021-183 with the general conditions, special conditions proposed by staff. Bill Galvin seconded the motion, which carried 6-0-0.

Applications to Be Received

1. #2022-001 – [133 Otter Rock Drive](#) – S.E. Minor & Company, Inc. for John & Ashlee Morningstar – Expansion of back porch over existing terrace, removal of tree house, and modification of driveway ~45' from wetlands. Tax #02-1127/s.
2. #2022-002 – [409 Stanwich Road](#) – S.E. Minor & Company, Inc. for Thomas Messina – Construction of pool, patio, and drainage 3' from wetlands. Tax #08-2583.
3. #2022-003 – [215 Old Mill Road](#) – S. E. Minor & Company, Inc. for Albert & Diana Betteridge – Demolition and construction of single-family residence, driveway, barn, terrace, septic system and drainage 30' from wetlands. Tax #10-1753.
4. #2022-004 – [19 Lower Cross Road](#) – William Kenny Associates, LLC for Zack Paige 19 Lower Cross Road LLC – Construction of garage, modification of driveway, and installation of drainage and wetland enhancement plantings in and adjacent to wetlands. Tax #11-3161.
5. #2022-005 – [369 North Street](#) – Sound View Engineers and Land Surveyors, LLC for Sierra Tobias – Construction of pool, cabana, patio and drainage 64' from wetlands. Tax # 11-1033/s.
6. #2022-006 – [36 Perkins Road](#) – S.E. Minor & Company, Inc. for Dmitri Mirovitski & Olga Troitskaya – Corrective action for unauthorized clearing adjacent to wetlands. Tax #11-2471.
7. #2022-007 – [0 Cherry Valley Road](#) – Conte & Conte, LLC for Greenwich Land Trust – Installation of gravel parking area, observation platform, and drainage, removal of invasive plants, and restoration of meadow 50' from wetlands. Tax #10-2245.

Brian Harris made a motion to receive the applications listed, seconded by Bill Galvin and carried 6-0-0.

Agent Approval Permits

1. #2021-175 – [95 Richmond Hill Road](#) – Sound View Engineers & Land Surveyors, LLC for Louis Berrick – Construction of pool, patio, and drainage system, and designation of septic reserve area 52' from wetlands. Tax #10-3648
2. #2021-177 – [2 Midwood Road](#) – S.E. Minor & Company, Inc. for 2 Midwood Road, LLC – Demolition of a single-family residence 26' from wetlands. Tax #07-1807/s.
3. #2021-178 – [126 Parsonage Road](#) – S.E. Minor & Company, Inc. for Michael and Charlene Bego – Designation of a septic reserve area 57' from wetlands. Tax #11-1571.

4. #2021-179 – [226 Riversville Road](#) – S.E. Minor & Company, Inc. for Stephen and Marion Ryan – Elevation of single-family residence, installation of septic system and drainage, and modification of driveway 20' from wetlands. Tax #10-2544.
5. #2021-180 – [47 Birch Lane](#) – S.E. Minor & Company, Inc. for West of North, LLC – Construction of pool and drainage system, designation of septic reserve area, and installation of buffer enhancement plantings 43' from wetlands. Tax #11-1945.
6. #2021-181 – [8 Wyckham Hill Lane](#) – S.E. Minor & Company, Inc. for Chenguang Zhu – Construction of pool, cabana, patio, and drainage system, and designation of septic reserve area 101' from wetlands. Tax #11-3120.

Violations

None

Application Ready for Review cont'd

5. #2021-132 – [1143 East Putnam Avenue](#) – Heagney, Lennon & Slane, LLP for Frank Currivan, Jr. – Construction of multi-family residence, driveway, and stormwater management system 3' from wetlands.

Elliot Benton and Jay Schondorf began the discussion expressing an inclination to approve the application.

The missing pollutant renovation analysis was addressed. Discussion ensued regarding what such an analysis would add to the discussion, the importance of non-point source pollution, and the need to understand the level of pollutants entering the watercourse. Ms. Sesto stated that without quantifying the pollutant attenuation capacity of the various stormwater management features, the agency can't determine the impacts of this direct discharge to the stream. Mr. D'Andrea's description of how each piece works is insufficient. Ms. Sesto was questioned as to why Mr. D'Andrea and Mr. Heagney were unable to find guidance on the internet. Ms. Sesto responded Mr. D'Andrea referenced the beginnings of the analysis pieces when he cited the renovation capacity of the catch basin inserts and the TSS removal of differing hydrodynamic separators. Norma Kerlin stated this topic is quite important and the analysis is needed to understand the impacts of the project. The report was requested at each of the last two agency meetings and the absence of the analysis could quality the application as incomplete.

The shade analysis was subsequently discussed. Members acknowledged Mr. Logan accepted Mr. Popp's conclusion, but that acceptance was qualified. Failure to assess impacts to vegetation

further away from the building meant native mature trees along the stream bank and 35 feet from the building could be compromised. Mr. Popp's assertion that non-native invasive species would recolonize any voids in the canopy was not acceptable in regard to the time it would take to again shade the stream and stabilize the slopes and the quality of the vegetation. Trees closer to the building would be in deep shade for longer than indicated by evaluating just the noontime shadow profile. It is better for the resource to retain the mature trees than compensate for their loss with new plantings.

Brian Harris reminded members he had asked for a building alternative designed as a ziggurat. The stepped-back profile could provide better sun exposure. No building alternatives were provided.

Staff was directed to draft a resolution of denial without prejudice to reflect the application review and deliberations. A special meeting of the agency will be held on February 8, 2022 at 7:00p.m. to review the document.

Adjourn

With no further business, the agency adjourned at 1:06 a.m.



Patricia Sesto
Director

The Town complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for persons with disabilities. If you require an accommodation to participate, please contact the Commissioner of Human Services at 203-622-3800 or demetria.nelson@greenwichct.org as soon as possible in advance of the event.