

MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
January 25, 2016

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Joe Rogers, Jim Carr, Bill Galvin, Norma Kerlin,

Alternates present: Steven Fong

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

Others present: Larry Liebman, Lauren Lockwood, Charlie Mills, Greg Silver, Robert Brehm, John Conte, Bill Kenny, John Tesei, Bob Tucker, Jim McTigue, Peter Finkbeiner, Joseph Risoli, Michael Klein, Tony D'Andrea, Jonathan Hughes, John Ferry, Edwin Burke

1. Call to Order

Chairman Brian Harris called the meeting to order at 7:03 p.m. in the Town Hall Meeting Room on the first floor of Greenwich Town Hall.

With all regular members in attendance, no alternates were seated.

2. Review and approval of draft minutes

Joe Rogers made a motion to approve the draft minutes of December 21, 2015, with no corrections, second by Bill Galvin. The motion carried 7-0-0.

Bill Galvin made a motion to approve the draft minutes of January 4, 2016 with no corrections, second by Elliot Benton. The motion carried 7-0-0.

3. Director's Report

Patricia Sesto reviewed the elements of her monthly report. Assistant Compliance Officer Daniel Berheide tendered his resignation at the start of the year. His contributions to the department will be missed and remaining staff will work to fill the essential gaps. The current intern will be trained to handle some of the straight forward compliance inspections. The job should be posted in the next few days.

The level of inspections and activity within the office was somewhat lower and reflects the holiday schedule and staff time off.

Following an in depth research of a permit and associated permit modification, Ms. Sesto is making two recommendations. First, the use of permit modifications should be avoided. They cause confusion with regards to expiration dates and there does not appear to be a benefit in linking multiple applications for a property this way. Second, in accordance with section 11.6 of the regulations, permits which require a

Planning and Zoning approval are entitled to a five-year permit as opposed to the two years currently used.

4. Compliance Report

Doreen Carroll-Andrews referred to the Compliance Summary sheet that was distributed in the meeting packets, which included a breakdown of bond releases (22 requested, 5 initiated by Staff, 16 released), and deadlines set by the Agency that are upcoming or have passed. 17 Indian Mill Road and 727 Lake Avenue were issued a Stop Work Orders and will be discussed under the Violation section of the Agenda.

5. Other Business -

Chairman Harris noted Mr. Fong has provided notice he will not be seeking reappointment when his term ends in March. Mr. Harris expressed disappointment that Mr. Fong's time with the Agency ended up being so short, as he was sure to be an asset.

Likewise, Mr. Carr will not be seeking reappointment. Mr. Carr was thanked for his many years of dedicated and valued service.

I. PUBLIC HEARINGS

1. #2015-148 – 104 Husted Lane – John and Catherine Robinson – Tax #11-1594 - (Continued)-

Patricia Sesto read the additional information into the record.

Larry Liebman, appeared before the Agency on behalf of the applicant and introduced the other members of the consultant team as being John Tesei of Gilbride, Tusa, Last, and Spellane, LLC, Charlie Mills and Lauren Lockwood of S.E. Minor and Co., Inc., and Robert Brehm of Granoff Architects.

Mr. Liebman made reference to the supplemental staff report and addressed each point. The authors of the S.E. Minor report were Ms. Lockwood and he. The revised site plan pulls the new development away from the wetland and watercourse, with the motor court now 50 feet from the wetland. The rain garden at the eastern side of the property has been relocated outside of the woodline.

Ms. Lockwood distributed two area maps; one showing the watershed of Greenwich Creek and the second showing the development patterns of the extended residential neighborhood as depicted on an aerial photo.

Charlie Mills, P.E. addressed the Agency to speak to points 4 and 5 of the staff report. In response to item 4, a rain garden will be added to the stormwater management plan at the west end of the driveway to ameliorate pollution concerns associated with the yard drains. Mr. Mills reminded the Agency runoff from all impervious areas is treated prior to discharge.

Item 5 questioned the existing yard drain. The piping was inspected via a camera, but they were unsuccessful in reaching the end. Documents filed on the land records confirm the owner's right to

continue to use this off-site drainage. Lastly, Mr. Mills corrected a statement made by Ms. Sesto; the volume of runoff feeding this drainpipe will be reduced by 50-60%, not increased as stated.

Larry Liebman resumed discussion of the report. He spoke to alternatives considered. The latest plan is an alternative which is better than the original submission by virtue of the increased buffer and its restoration, and the elimination of the tennis court. Earlier considerations included creating a new driveway. Additionally, if the existing house was renovated, the opportunity to restore the buffer would be lost.

No pollutant loading calculations were conducted. Statements in the S.E. Minor report regarding increased renovation were made based on known benefits of the various BMP practices proposed.

The tracking pad will be installed in the driveway entrance after the existing pavement is removed. Sediment controls will be extended per staff recommendation and a construction sequence will be submitted following consultation with the contractor, once selected.

In response to member questions, Mr. Liebman confirmed he had no reason to believe the stream overtops the driveway and 61 of 169 trees onsite will be removed. Of the 61, 19 are within 100 feet of the wetland/watercourse.

Hearing no further questions from the Agency or staff, Mr. Harris asked for public comment. No public comments were made.

A motion to close this Public Hearing was made by Elliot Benton, second by Joe Rogers. The motion carried 7-0-0.

After brief comments, it was the consensus of the Agency to approve the application. Ms. Sesto distributed a draft of suggested normal special conditions and recommended the additional special conditions that the drainage plan be revised to show the rain garden at the west end of the driveway, the E&S control plan and details show the removal of asphalt to prep for the tracking pad and the extension of silt fence as requested, and a site specific construction sequence be submitted.

A motion to approve the application, with the conditions proposed by staff was made by Elliot Benton, second by Joe Rogers. The motion carried 7-0-0.

2. #2015-150 – 2 Huntzinger Drive – Gregory and Shaga Sposito – Tax #10-1295/s – (Continued)

Doreen Carroll Andrews read the additional information into the record and provided a recap of the violation and application. At the last meeting the applicant was instructed to provide reasoning for the proposed plan and indicate areas previously vegetated with woods. This information was not provided. The revised plan submitted did remove the plants from the pond and added coir logs to shore up the pond edge. The plan to manage invasive plants is simply to inspect the area annually. The planting plan was also revised and includes fewer plants than originally proposed. For trees, the number proposed dropped from 55 to 40, with only 12 of those used to revegetate the impacted area. The shrub count dropped from 65 to 50 and ferns dropped to 400 from 500.

Inasmuch as the applicant did not provide a plan to restore the violation as directed by the Agency, Ms. Carroll-Andrews recommends the Agency issue an order to restore the area previously shown as

woodlands on the town's 2013 aerial photographs with 41 native canopy trees, 2-2.5 caliper, 65 shrubs, and 500 ferns.

Larry Liebman of S.E. Minor addressed the Agency on behalf of the homeowner and stated there were no objections to staff recommendations. Ms. Sesto confirmed the 41 trees are separate from any screening plantings and a limit of lawn demarcation is included.

Agency members discussed the need to continue the hearing to allow a review of the plan depicting the restoration plan outlined by staff. Mr. Harris expressed his desire to see such a plan before taking action.

Mr. Harris called for public comments and none were made.

A motion to close this Public Hearing was made by Elliot Benton, second by Joe Rogers. The motion carried 6-1-0, with Brian Harris opposing for reasons previously stated.

A motion to issue an Order to Correct, with the conditions proposed by staff was made by Elliot Benton, second by Stephan Skoufalos. The motion carried 7-0-0.

3. #2015-170 – 27 Khakum Wood Road – William and Mayling McCormick – Tax #10-1155 – (Continued)

Bob Clausi read the additional information into the record and reviewed the project and changes. The addition has been reduced in width by 12 feet, allowing the separating distance between the motor court and wetland to increase to 27 feet. The tributary to the on-site watercourse previously omitted has been added to the plan and a cross section of the house has been submitted. The cross section provides a greater understanding as to the extent of disturbance required if the addition were relocated to the south end of the house. A biological assessment and mitigation plan was also submitted.

Outstanding questions remain. Mr. Clausi inquired if the force main can be relocated closer to the motor court to tighten up the limit of disturbance. The construction sequence needs to be discussed as do the alternatives. The newly submitted information indicates the preferred alternative would have a net fill of 855 cy, as opposed to the net 1,300 cy to be excavated with the alternative.

Mr. Risoli will need to address the comments by staff engineer, Scott Marucci. Mr. Marucci's report calls attention to inconsistencies regarding the area of the rain garden as described on the plan and in the report. The permeable pavement was also eliminated from the motor court.

Mr. Clausi stated the biological assessment provided by Michael Klein was thorough in its review of existing conditions and proposed mitigation. Mr. Clausi also sought a discussion of why coir logs were not proposed as a means to help correct the streambank erosion.

Joseph Risoli of Risoli Planning and Engineering, LLC appeared before the Agency on behalf of the applicant and offered few objections to staff comments. The force main will be moved as requested. The construction sequence is problematic when devised at this point in the planning process. It is better to be flexible to allow the contractor the freedom to respond to emerging conditions.

The description of the rain garden is not inconsistent. The larger surface area noted describes the area of the rain garden if measured from the outer rim of the berm. The smaller number reflects the surface area of the bottom of the basin. Despite the reduction in the size of the addition, the size of the rain garden did not change. With the untapped capacity, the pervious pavement of the motor court was changed to a more cost effective treatment.

Members asked if sleeving the force main where it parallels the watercourse is prudent. Mr. Risoli responded that it was not needed. If there is a break it will be readily identifiable at the surface and the homeowners can quickly address the problem. Joe Rogers asked about smaller leaks, which are hard to detect. Mr. Risoli stated he had no objection to sleeving the force main.

Michael Klein spoke to the Agency. He too agrees with staff recommendations. The detailed planting plan for the rain garden is forthcoming and peat moss will be removed from the final specifications. Peat moss can be a source of invasive plant seeds and can be harvested from sensitive wetland systems.

Like Mr. Clausi, Mr. Klein also thought about using coir logs to help stabilize the stream banks. This option was dismissed because the channel is too narrow and there are numerous roots which cross the channel and would have to be eliminated. The plant stakes proposed are fast growing and should be an improvement.

The alternative to move the addition to the south side of the house was deemed too destructive by Mr. Klein and would cause the loss of several mature trees. The preferred proposal only impacts lawned areas.

Jim Carr asked about the planting plan and if it takes away lawn. The current planting plan only lists species to be used and does not show where they go. The lawn area between the proposed parking court and the existing ornamental planting along the stream will remain as lawn. Mr. Clausi asked if plantings were proposed along the stream west of the driveway. There is some slumping and lawn right up to the water. Mr. Klein stated this was possible but inconsistent with the aesthetic his client would prefer.

Elliot Benton questioned why Mr. Clausi did not include a recommendation for a planting bond. Mr. Clausi replied plantings in rain gardens have previously been considered optional, with grass being the minimal treatment. Mr. Klein interjected that although stormwater renovation from rain gardens is highly dependent on the underlying soil medium, the inclusion of deep rooting vegetation provides a higher level of renovation than lawn.

With no further questions from the Agency, Brian Harris called for public comments. None were offered.

A motion to close this Public Hearing was made by Elliot Benton, second by Bill Galvin. The motion carried 7-0-0.

A motion to approve the application, with the conditions proposed by staff was made by Joe Rogers, second by Jim Carr. The motion carried 7-0-0.

4. #2015-176 – 47 Valley Drive – 47 Valley Drive, LLC – Tax #07-2135 (Continued)

A delay of this application and extension of the public hearing were requested by the applicant. Chairman Harris invited public comment, noting the hearing will be heard again in February. No public comment was made

5. #2015-174 – 18 Lake Drive – 18 Lake Drive, LLC – Tax #05-1970/s

Bob Clausi read the information into the record for the demolition of the existing house and construction of a new house 10 feet from wetlands. Mr. Clausi reviewed the site conditions noting the values of the wetlands have been compromised in this long established neighborhood. There are two pocket wetlands and the original proposal showed a detached garage 10 feet from the smaller of the two. Two alternate site plans were submitted. Mr. Clausi favors Alt. 1 as this alternative provides a better backyard for residential use.

The application also includes an extensive replanting of the wetland. The poor quality of the wetland will be enhanced. Additionally, landscaping debris dumped in the wetland should be removed.

Peter Finkbeiner of Sound View Engineers & Land Surveyor LLC spoke to the site plan, stating his clients still prefer the original submission. The neighborhood was likely built in a wetland many decades ago. The resulting pond discharges to a pipe that runs alongside the house to the north. Additionally, flows from the South Lake Ave side are likewise piped. The onsite wetland has been starved of water and the stormwater management plan seeks to rehydrate it.

Regarding the alternatives, Mr. Finkbeiner described the original submission and Alt 1 as being very similar. Alt 1 incorporates the detached garage into a 3-car garage. Alt 2 is not as functional for the family. There were many designs considered but were discarded for various reasons. Alt 1 and 2 are the best of those examined.

Bob Tucker of Huestis Tucker further elaborated on the different alternatives and reasons for not pursuing them.

Norma Kerlin, Brian Harris, Bill Galvin all indicated they visited the site.

Bill Kenny of William Kenny Associates reviewed the planting plan. He concurred with Mr. Finkbeiner regarding the lack of water contributing to the wetland and although wetland soils persist, there is little to distinguish the wetland from the surrounding upland.

The vegetation in the wetlands is dominated by a red maple canopy with an understory of Norway maple saplings. English ivy is prevalent and threatens the red maples as it grows up them. If the red maples die, the Norway maples will take over. The enhancement plan proposes to remove the Norway maples and English ivy and replant with 22 different species. A demarcation fence is included.

Brian Harris thanked the applicant for providing true alternatives. He expressed his preference for Alt 1, stating the wetland will be less likely to sustain dumping if the side of the property is in clear view and concurs with Mr. Clausi's assessment of a usable backyard.

No public comments were made.

A motion to close this Public Hearing was made by Elliot Benton, second by Bill Galvin. The motion carried 7-0-0.

A motion to approve Alternate one of the application, with the conditions proposed by staff was made by Stephan Skoufalos, second by Elliot Benton. The motion carried 7-0-0.

6. #2015-181 – 25 Flagler Drive – Sophia Hartch – Tax #11-1221 – (CONTINUED)

Bob Clausi read the information into the record for construction of a motor court and rain garden 10 feet from wetlands and residential additions 80 feet from wetlands. He conveyed his concerns regarding the steep slope with moderately erodible soils. The drain replacement project implemented at the southern property line last year is still not stable. The project proposal includes razing the detached garages and the southern end of the residence. Additions would be constructed as a southern extension of the house on the steep hillside immediately to the rear of the house. The driveway serving the cottage would be reworked to create a gentler slope.

Additional information needed includes catch basin outlet locations, an enhanced E&S plan, means to divert water around the work area, a site specific construction sequence, and plans to stabilize the eroding drainage project.

Since the original submission, the parking court for the cottage has been relocated as it was proposed in a wetland not identified on the base map. This wetland will also be enhanced via debris removal and plantings.

Norma Kerlin, Bill Galvin, and Elliot Benton indicated they visited the site.

John Conte of Conte & Conte appeared before the Agency on behalf of the applicant. In addition to relocating the parking court, the driveway surfacing is proposed to be Flexi-Pave and be limited to a two-track configuration. He reiterated the need to correct the driveway layout to reduce the 30% slope to 15%. This will be accomplished in part by lengthening the path of the drive and using retaining walls. With respect to the additions, only the terrace is within 100 feet of the pond.

In addition to a robust planting plan for the wetland adjacent to the cottage, the rain garden will have a diversity of plants. Contrary to discussions earlier in the meeting by Mr. Risoli, Mr. Conte finds a diversity of plant types is beneficial to stormwater renovation.

Bill Galvin asked for additional information on the reconfigured driveway. Mr. Conte explained Flexi-Pave is a porous material made from stone and tire crumble, with a binder ingredient. The two track layout will be longer to reduce grades. No infiltration credit was taken for this driveway, so it does not matter that the driveway is too steep to maximize the benefits of porous pavement.

In response to questions regarding the existing plants around the pond, Mr. Conte stated there are good buffer plantings and the proposed rain garden will further enhance this.

The public was invited to speak. No comments were made.

The application was continued to February 22, 2016.

II. New Applications for Review

1. #2015-178 – 286 Cognewaugh Road – Damien Marshall – Tax #8A-1707 - DELAY

Bob Clausi described the property and proposal. The wetland on-site is an expanded portion of Strickland Brook. When this house was first permitted in 1979, the stonewall proposed to be relocated was identified as the limit of clearing and lawn. Since then, two other permits have been issued for additions and the pool.

Mr. Clausi could find no compelling reason to forego the 1979 decision of the Agency. Such a change would result in the loss of a vibrant wooded buffer to create lawn.

In addition to the impact assessment, Mr. Clausi described the proposed retaining wall at the base of the hillside, stating it is likely in conflict with the leaching fields in that area. The other flat portion of the yard was given over to develop the pool.

Brian Harris called for the applicant. No one was present.

Elliot Benton requested Mr. Clausi further articulate the impacts from the proposal. Mr. Clausi pointed out notations on the landscaper's plan which left questions regarding the plan's accuracy, including the wetland boundary. Should the wooded buffer be cleared for lawn, the maintenance of the lawn will bring sources of pollution, as will pet waste. The change in the light regime will promote the growth of invasive plant species to the detriment of the native species. There was no narrative to explain the purpose of the proposed enhancement plantings. The woods are in good shape, thus restoration is not needed. Mr. Clausi summarized by concluding the application is incomplete.

Discussion ensued regarding next steps: should the application be denied as incomplete or delayed and allow the applicant another opportunity to represent their application.

No public comment was received.

A motion to delay the application was made by Brian Harris, second by Stephan Skoufalos. Messrs. Galvin and Rogers expressed discontent in that the applicant did not attend tonight's meeting and felt this was sufficient to move to deny. The motion carried 5-2-0. Bill Galvin and Joe Rogers opposed the motion.

2. #2015-179 – 0 Indian Spring Road – INCT, LLC – Tax #10-1319 – DELAY

Patricia Sesto provided an overview of the property and project. This is a collection of lots, totally 27 acres. The applicant plans to create an eight foot wide path for recreation and to support forestry management. Four wetland crossings are included and the trail will otherwise be surfaced with woodchips. In her evaluation of the site and plans, several areas proposed for the trail would run perpendicular to the slope, creating an unsustainable condition, which could impact the wetlands. On behalf of the Agency, Ms. Sesto had a professional trail builder conduct a cursory, on-site evaluation of the plan. The written assessment from Josh Ryan of Timber and Stone was given to the members.

Trail slopes should not exceed 15% and there are portions of the trail with grades as high as 30%. The trail layout should be modified to work with the grades.

Bill Kenny of William Kenny Associates appeared before the Agency on behalf of the applicant, offered no objection to staff comments and stated he has revised plans in response to those comments and guidance from Josh Ryan. The plans were not distributed.

Stephan Skoufalos asked how the locations of the boardwalks were determined. Mr. Kenny responded the narrowest portion of the wetland was given priority, then aesthetics were factored in. The boardwalks have wood decking as shown on the detail on sheet 2 of 2. Brian Harris expressed concern regarding light penetration.

Following up on Bill Galvin's questions, Mr. Kenny described the use of the trail for forestry practices as light as compared to the tree harvesting proposed on other property owned by the applicant. The work here is more in line with silviculture with selective tree removal, rather than logging. The forestry plan is not random. A management plan is required to be filed in order to maintain the forestry tax exemption. The design weight for the boardwalk is only 50 lbs/s.f. and would be capable of supporting a pickup truck. Mr. Kenny stated forestry vehicles would be on the trail infrequently, perhaps once every week or two.

Discussion ensued regarding possible threats to the wetlands from vehicles and accidents that could cause vehicles to enter the wetland. Safety railings, wood-block curbing, and other safety measures were discussed. Ms. Sesto reminded the Agency the boardwalks are short and the risk of such accidents is minimal. Stephan Skoufalos added forestry is an as of right practice.

Brian Harris expressed reservations that the engineering for the boardwalks is incomplete and the trail location has not been finalized by the appropriate professional.

No public comment was received.

Elliot Benton made a motion to approve the plan with conditions recommended by staff, seconded by Joe Rogers. The motion failed to pass with a vote of 3-4-0, Messrs. Harris, Carr, Skoufalos, and Ms. Kerlin voting against.

A motion to delay the application was made by Stephan Skoufalos, second by Brian Harris and carried 5-2-0, with Messrs. Rogers and Galvin voting against.

3. #2015-182 – 65 Winthrop Drive – Giovanni Visentin and Marie Desnoyers – Tax #05-2215/s

Bob Clausi described the proposal for demolition and construction of a single-family residence, garage and pool 35 feet from wetlands. The residentially developed parcel has a watercourse that enters the property along the rear boundary. Within a few feet, that watercourse is captured and piped across the site where it discharges into a catch basin. The pipe travels under the existing garage.

The proposal includes daylighting approximately 20 feet of the piped stream and otherwise re-routing it to the periphery of the property, beyond the limits of construction. It will continue to discharge to the catch basin.

A rain garden and infiltrators are proposed to address stormwater management.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency on behalf of the applicant and offered no objection to staff comments. In answer to questions raised, Mr. D’Andrea described the construction sequence. The new pipe for the watercourse will be installed first and the watercourse diverted to the pipe when done. Installation of the infiltrators will also be a priority, so compaction will not be an issue. Once the old pipe is no longer needed, the house and pipe can be demolished.

Brian Harris asked for information about depth to ground water. Mr. D’Andrea provided those depths based on various test holes and noted the basement would have a sump pump which will discharge to the infiltrators in the back yard.

No public comment was received.

A motion to approve the application, with the conditions proposed by staff was made by Jim Carr, second by Joe Rogers. The motion carried 7-0-0.

4. #2015-183 – 11 Langhorne Lane – Langhorne Lane LP – Tax # 10-3192

Bob Clausi introduced the application for construction of a pool 50 feet from wetland. This property has been seen previously by the Agency, with the most recent project being a violation correction and patio construction. A pool was proposed with the original house, but never built. The current application places the pool in effectively the same location and within the approved limit of lawn. A rain garden and infiltration gallery are incorporated into the plan to offset the newly proposed patio area.

Mr. Clausi reminded the Agency of the collection of vernal pools that exist in fairly close proximity to the previously approved limit of residential landscaping. He cautioned against allowing the pool fence out into these woods

Lauren Lockwood of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant and offered no objection to staff comments.

No public comment was received.

A motion to approve the application, with the conditions proposed by staff was made by Stephan Skoufalos, second by Joe Rogers. The motion carried 7-0-0.

IV. AGENT APPROVALS

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

1. #2015-180 –William and Juliette McGrath for construction of a deck and screened porch 34 feet from a wetland at 115 Lockwood Road, is approved with conditions.
2. #2015-186 –Katharine Vance Hynes for construction of a residential addition 95 feet from a wetland at 3 Cloverleaf Lane, is approved with conditions.

3. Application #2015-184 – 7 Oakwood, LLC for the construction of a terrace approximately 65 feet from a wetland and a drainage system 40 feet from a wetland at 7 Oakwood Lane, is approved with conditions.
4. Application #2016-001 – Damian and Sharon Krause for construction of residential additions, in-ground pool, spa, terrace, pavilion, and drainage system, relocation of the septic tank, and modification of the driveway at 10 Winding Lane, is approved with conditions.

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

V. APPLICATIONS TO BE RECEIVED

Ms. Sesto identified #2016-002 as one the applicant is requesting a fee waiver. Steve Studer for the applicant is present to discuss the matter.

Stephan Skoufalos made a motion to receive the applications listed on the agenda, and schedule them for discussion or public hearing as appropriate, second by Brian Harris and carried 7-0-0.

Mr. Studer addressed the Agency, stating the fee as calculated on the revised fee schedule would come to \$35,000. He characterized this fee as excessive and suggested \$12,000 was a more accurate reflection of the cost to the Agency to review the project. The nature of the development is closer in character to a commercial development and those fees should be applied. Further, there are only 87 s.f. of wetlands on-site and the building is more than 100 feet from the off-site wetlands. The wetlands are of low value and 2/3 acre of their buffers will be disturbed. The site development plan includes extensive LID measures to prevent wetland impacts.

Discussion ensued. Past experience with this property indicates there will be strong public participation, meaning the need for outside consultants is likely, as are many long public hearings. Public participation also draws on the office resources as staff work with residents coming in with questions. Regardless of where the erosion and sedimentation controls and the stormwater management facilities are located in relation to the wetlands, they still must be evaluated to ensure the wetlands are properly protected.

Norma Kerlin referenced section 19 of the IWWA regulations, stating she did not see how an exemption would fit the criteria set forth.

Mr. Studer asked the Agency to reserve a decision until they have the opportunity to see the letters he submitted and hear more about the project. As the full application fee has already been paid, the consensus of the Agency was to delay rendering a decision.

Ms. Sesto recounted the extent of public interest already seen and this alone would give cause to hold a public hearing. A public hearing could also be held if the Agency determines the activity may impose a significant impact on the wetlands and section 10.3 of the regulations would be applicable. The extent of site disturbance and complexities associated with the development led Ms. Sesto to conclude such an impact is possible. She explained Mr. Studer disagreed and has asked for time on the March agenda to give a brief overview so the Agency can make a more fully informed decision. The consensus of the Agency was to allow Mr. Studer to present at the next regular meeting.

VI. VIOLATIONS

1. Cease & Correct Order #2016-01 – 17 Indian Mill Road – John and Irina Ferry – Tax #08-36705

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary. The unauthorized activity includes the removal of vegetation from a wetland buffer area.

Upholding the Cease & Correct Order #2016-01 was recommended and that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received in February 2016.

The company doing the work is a Brewster, NY landscaping group. Bill Galvin asked the owner to provide the name so they can inform the landscapers of the laws in Greenwich.

John Ferry, property owner, appeared before the Agency. He described the purpose of removing the trees as one to provide better outdoor space for his family. He is willing to present a restoration plan but asked for more time than stipulated in the Order. Two months was requested.

A motion to uphold the Order with staff recommendations, including a revised application deadline of March 15, 2016 was made by Joe Rogers, second by Bill Galvin. The motion carried 7-0-0.

2. Cease & Correct Order #2016-02 – 727 Lake Avenue – Edwin Burke and Yvonne Handler – Tax #11-269

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary. The unauthorized activity includes excavation adjacent to wetlands and watercourses.

Edwin Burke, property owner, appeared before the Agency. He described the railroad tie retaining wall that exists quite close to the foundation of his house. He has known for a while the retaining wall would need to be repaired due to its tilt, however in the past few weeks the wall began tilting substantially more. Given the importance of this wall to the stability of the home, Mr. Burke sought an immediate remedy.

Since receiving the Order, he has retained Joe Risoli, P.E. to draft plans and get the necessary permits. The wall was shored up in advance of the recent storm.

Staff recommended the Agency maintain Cease & Correct Order #2016-02 and that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by February 19, 2016.

A motion to uphold the Order with staff recommendations, including an application deadline by February 19, 2016 was made by Joe Rogers, second by Bill Galvin. The motion carried 7-0-0.

VII. Bonds Releases

1. Application #1998-074 – Permit #2000-074 for Annette Lester – 50 Guards Road. The \$500 bond is to be returned to Annette and Rodney Lester.

2. Application #2002-078 – Permit #2002-109 for Burning Tree Country Club - 120 Perkins Road. The \$7,000 bond and \$8,000 bond is to be returned to Burning Tree Country Club Inc.
3. Application #2007-020 – Permit #2007-026 for Adam and Malgorzata Skarzynski – 20 Sherwood Avenue. A \$3,000 bond is to be returned to Precise Construction Contracting, INC. and a \$9,000 is to be returned to Malgorzata and Adam Skarzynski.
4. Application #2011-117 – Permit #2011-096 for Peter and Kimberly Parent – 190 Clapboard Ridge Road. The \$10,000 bond is to be returned to Peter and Kimberly Parent.
5. Application #2012-006 – Permit #2012-020 for David Sorbaro – 34 Khakum Wood Road. The \$4,000 bond is to be returned to Cornerstone Contracting Corporation.
6. Application #2013-044 – Permit #2013-053 for Leo Pescatore – 18 Grahampton Lane. The \$4,000 bond is to be returned to Greenhill Assoc. LLC and Roosevelt Plaza Inc.
7. Application #2013-057 – Permit #2013-060 for Alan and Jennifer Freedman – 20 Locust Road. The \$5,000 bond is to be returned to Alan and Jennifer Freedman.
8. Application #2013-068 – Permit #2013-089 for Frederic and Sally Wakeman – 138 Pecksland Road. Both \$6,000 bond to be returned to Frederic and Sally Wakeman.
9. Application #2013-095 – Agent Approval #2013-015 for Christopher and Elizabeth Pollack – 306 Round Hill Road. The \$3,000 bond is to be returned to Christopher Pollack.
10. Application #2013-120 – Permit #2013-113 for Jaideep and Rachel Khanna - 622 Riversville Road. The \$10,000 bond is to be returned to Jaideep and Rachel Khanna.
11. Application #2014-030 – Permit #2014-026 for Andrew and Jessica Weiner – 125 Woodside Drive. Both \$3,000 bonds to be returned to Andrew Weiner.
12. Application #2014-075 – Permit #2014-072 for Meadowpoint, LLC – 81 Husted Lane. The \$8,000 bond is to be returned to Meadowpoint, LLC.
13. Application #2014-083 – Agent Approval #2014-008 for Sophia Hartch - 25 Flagler Drive. The \$2,000 bond is to be returned to Timothy and Sophia Hartch.
14. Application #2015-022 – Permit #2015-030 for Katherine Lewis – 212 Byram Shore Road. The \$2,000 bond is to be returned to Mark Davidson and Katherine Lewis.
15. Application #2015-131 – Agent Approval #2015-110 for Leonard and Simone Shaoul - 42 Stonehedge Drive South. The \$500 bond is to be returned to Simone Shaoul.
16. Application #2015-147 – Permit #2015-129 for Martin Mushkin - 403 Stanwich Road. The \$3,000 bond is to be returned to Martin and Ruth Mushkin.

A motion to release the bonds was made by Stephan Skoufalos, second by Jim Carr. The motion carried 7-0-0.

VIII. Other Business

a. General Procedural Discussion

No discussion was offered.

IX. Adjourn

With no further business the meeting adjourned at 11:14 p.m.

Patricia Sesto
Wetlands Director