



# TOWN OF GREENWICH

Town Hall • 101 Field Point Road • Greenwich, CT 06830

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

## **DRAFT**

### MINUTES

January 25, 2021

In attendance: Brian Harris, Chairman, Elliot Benton, Vice Chairman, Stephan Skoufalos, Secretary, Joseph Rogers, Norma Kerlin, Jay Schondorf, and Bill Galvin, and alternates Klaus Jander and Peter Linderoth

Also in attendance: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carrol Andrews, Senior Compliance Officer; Jennifer Urena, Assistant Compliance Officer; Brittney Veniga, Administrative Assistant; Tony D'Andrea, Rocco V. D'Andrea, Inc.; William Kenny, William Kenny Associates, LLC; Tracy Chalifoux, Tracy Chalifoux LLC; Larry Liebman, S.E. Minor; Robert Doerflinger, Hoffman Landscapes; Matt Popp, Environmental Land Solutions; Jim McTigue, Risoli Engineering; Jim Hoffman, SBP Development; Janet Brooks, atty.; Michael Klein, Davidson Environmental, LLC; Christopher Giannios; Mary Kate & Jude Donato

1. Call to Order
  - a. Brian Harris called the meeting to order at 7:03 pm.
2. Seating of alternates
  - a. Peter Linderoth was seated for Jay Schondorf.
3. Review and approval of draft minutes of December 14, 2020 and December 28, 2020 meetings.

Bill Galvin made a motion to approve the minutes, seconded by Peter Linderoth and carried, 7-0-0.

4. Director's Report
  - a. Monthly Summary – no report

## 5. Other business

The agency reordered the agenda in response to technical issues.

### **Consent Approvals**

1. #2020-171 – [43 Tomac Avenue](#) – Rocco V. D’Andrea, Inc. for Kirk & Ellen C. Schubert for installation of fence within wetlands. Tax #06-3860.
2. #2020-175 – [29 Lindsay Drive](#) – Argus Development LLC for Rory & Kathryn Shaw for construction of pool 50’ from wetlands. Tax #11-2718.

Joseph Rogers made a motion to approve the applications listed for consent approval, seconded by Bill Galvin and passed 7-0-0.

### **Applications to Be Received**

1. #2020-183 – [3 Konittekock Road](#) – Grumman Engineering, LLC for Zachary Martinez for construction of pool and patio 25’ from wetlands. Tax #10-1616
2. #2021-001 – [31 Meadow Lane](#) – S.E. Minor & Co., Inc. for Meadow Lane CT LLC for construction of single family residence, driveway, pool, septic system, and drainage 60’ from wetlands. Tax #10-1661
3. #2021-002 – [21 Baldwin Farms South](#) – Mark P. Johnson for installation of removable t-shaped dock on the shore of the pond. Tax #10-2573
4. #2021-003 – [10 Plow Lane](#) – Alex Orbanowski installation of hot tub 60’ from wetlands. Tax #07-1965/s.
5. #2021-004 – [80 Clapboard Ridge Road](#) – Michael Sinisi & Son Landscaping for J. Patrick Leo for corrective action for unpermitted replacement of drain pipe in wetlands. Tax #11-1798.
6. #2021-005 – [26 Twin Lakes Lane](#) – Rocco V. D’Andrea, Inc. for Wyatt and Laura Flores for abandonment of septic system and connection to sewer 75’ from watercourse. Tax #05-2679.
7. #2021-006 – [71 Ridgeview Avenue](#) – SLS Construction for William Jarvis for construction of single-family residence, driveway, detached garage, patios, retaining walls, and drainage 35’ from wetlands. Tax #11-3004/s
8. #2021-007 – [50 Morningside Drive](#) – Frangione Engineering, LLC for 50 Morningside Drive, LLC for construction of house, driveway, associated grading and drainage 35’ from wetlands. Tax #01-2374/s.
9. #2021-008 – [52 Round Hill Road](#) – Sound View Engineers & Land Surveyors, LLC for Kunal Maini for construction of pool, cabana, patio, septic and drainage, and relocation of septic system 45’ from wetlands. Tax #10-2025

10. #2021-009 – [16 Round Hill Road](#) – Environmental Landscape Solutions, LLC for Frank and Nancy Fazzinga for construction of pool, landscape improvements and detached garage 40' from wetlands. Tax #10-1581.
11. #2021-010 – [14 Wynnwood Road](#) – S.E. Minor & Co., Inc. for 14 Wynnwood Road, LLC for corrective action for unpermitted construction of retaining wall 68' from wetlands. Tax #11-1816.
12. #2021-011 – [400 Stanwich Road](#) – Environmental Land Solutions, LLC for Noah and Jordan Rhodes for corrective action for unpermitted land clearing within wetlands and wetland buffer. Tax #11-3182.
13. #2021-012 – [8 Laurel Lane Spur](#) – Rocco V. D'Andrea, Inc. for Daniel and Lindsey Collin for construction of guest house, driveway, pool, pool house, septic system and drainage and repair bridge over watercourse. Tax #11-1582
14. #2021-013 – [888 North Street](#) – Rocco V. D'Andrea, Inc. for Stanwich Club Inc. for reconstruction of 14th green, tree removal, and relocation of cart path 20' from wetlands. Tax #11-1156.
15. #2021-014 – [34 Beechcroft Road](#) – Environmental Land Solutions, LLC for SF AM Beechcroft LLC for corrective action for unpermitted land clearing within the wetlands and wetland buffer. Tax #11-1793.
16. #2021-015 – [22 Sumner Road](#) – Joseph F. Risoli, PE, LLC for Jorge Kuri for demolition and construction of single-family residence, driveway, pool, tennis court and septic system adjacent to wetlands. Tax #10-2069
17. #2021-016 – [42 Dublin Hill Drive, Parcel B](#) – William Kenny Associates LLC for LMB Dublin Hill LLC for corrective action for unpermitted removal of trees adjacent to wetlands. Tax #08-2590
18. #2021-017 – [11 Partridge Hollow Road](#) – Environmental Land Solutions, LLC for Mark Mariani Inc. for construction of swimming pool, patio, drainage, bridges and landscaping in and adjacent to wetlands. Tax #10-3455
19. #2021-018 – [318 Stanwich Road](#) – Sound View Engineers & Land Surveyors, LLC for Sam Murray for construction of residential addition and designation of septic reserve area 10' from wetlands. Tax #11-2224
20. #2021-019 – [10 Hillside Road](#) – Town of Greenwich Department of Public Works for excavation and installation of impermeable cap 5' from wetlands. Tax #07-4511/S
21. #2021-020 – [224 Stanwich Road](#) – Sound View Engineers & Land Surveyors, LLC for Nina Frandson for construction of residential additions, pool, patio, deck, and septic system 50' from wetlands. Tax #11-1980.

Brian Harris made a motion to accept the applications listed on the agenda, seconded by Joseph Rogers, and passed 7-0-0.

Mr. Schondorf joined the meeting and Peter Linderoth was unseated.

## **Public Hearings**

#2020-109 – [16 Limerick Place](#) - TJ Engineering LLC for Richard Curtin & Naomi Goldberg for construction of above ground pool and deck 11' from wetlands. Tax #08A-1133. BC

Robert Clausi recapped the proposal and the staff report. Mr. Clausi reviewed the shade analysis that shows shadows fall over all or part of the pool in the late afternoon during the spring and early summer, and again shade affects the pool by early September. The report does not provide the height of the trees or account for future growth. Mr. Clausi referred to Mr. Curtin's letter which states they want a shaded pool site. Mr. Clausi pointed out, while this may not be an issue as the current owner it can be for a future property owner. Mr. Clausi further recommended the agency do a thorough tree inventory for future compliance inspections in case of possible tree removal. As the applicant has offered a greater buffer area, the agency will need to make a decision and if it is found that the pool going into the buffer will have a negative impact, one alternative is not to build the pool. If the agency denies the pool, conditions for an order to correct due to the buffer encroachment have been provided.

Tracy Chalifoux, landscape architect of Tracy Chalifoux, LLC, addressed the agency. Ms. Chalifoux stated, in response to possible future owners wanting to remove trees around the pool, that an above-ground pool's lifespan is not as long as an in-ground and they are in agreement with the request for a tree inventory. Ms. Chalifoux reviewed the mitigation planting plan that includes two trees, 35 shrubs, several dozen perennials in the buffer between the pool and the stream. The disturbance area from the pool is 335 s.f., which the additional buffer compensates for. No disturbance is proposed to wetlands with the exception of four maple trees.

Brian Harris called for public questions or comments. There were none.

Joseph Rogers asked if the agency could make it clear to present and future property owners that no trees can be removed.

Robert Clausi recounted the history of the property and the condition in original permit was that there were to be no activities west of or in the watercourse without review.

Patricia Sesto added a denial cannot be based on what someone might do, but the regulations also direct the agency to consider activities that are reasonably likely to be associated with the proposal., It could be reasonable to assume tree removal to eliminate shade on a pool is an associated activity.

Discussion ensued regarding shade analysis and the subjectivity of how homeowners will use the pool.

Elliot Benton made a motion to close the hearing, seconded by Stephan Skoufalos, carried 7-0-0.

Joseph Rogers made a motion to approve, seconded by Elliot Benton.

Robert Clausi added the conditions of restoration have a deadline and Elliot Benton requested to have this added to the approval.

Joseph Rogers amended motion to approve per Mr. Clausi's comment, seconded by Bill Galvin.

The motion carried 6-1-0, with Norma Kerlin voting no and stating the only reasonable alternative is to not build the pool.

## **Pending Applications**

1. #2020-142 – [148 Glenville Road](#) – Redniss & Mead Inc. for Indian Spring Limited Partnership, Estate of J. Stillman Rockefeller, and Ashton Drive Association Inc. for dredging of a pond. Tax #'s 10-1317/s, 10-9078, 10-9012. (90-day extension 1/25/21).

At the agency's request, draft conditions of approval has been prepared. Discussion ensued regarding the environmental monitor options in condition #7.

Patricia Sesto questioned the time period laid out in Condition #8, December 15-February 28. While agreeing that the main set up and take down should occur between these dates, this does not acknowledge possible traffic between the specified dates in response to unexpected needs.

Discussion ensued regarding what variables will be managed by the hired consultant. It was agreed that Condition #8 will be modified to acknowledge additional trips if/when necessary, as approved by staff.

Brian Harris asked if the staff had any opinions on option 7A or 7B.

Patricia Sesto responded that 7A is a more conservative route, whereas 7B may be more practical. If the agency has any concerns about an outside consultant, 7A would be the best option.

Robert Clausi stated 7B is more in line with what the agency already does. Discussion followed and concluded the permittee will hire their own monitor and the schedule will be that of "7a." inspection frequency.

Brian Harris asked if there were any more agency comments. There were none.

Mr. Harris made a motion finding that the burden to demonstrate the proposed project would inflict undue harm on wetlands and watercourses pursuant to the Connecticut Environmental Protection Act, *CGS Sections 22a-1 through 22a-1h*, was not met for the following reasons:

1. Testimony by the intervenor witnesses was found to be speculative and hypothetical and did not demonstrate unreasonable impact to wetlands or watercourses.
2. A meta population of wood frogs exists, as determined in the 2013 & 2014 studies and Dr. Klemens testified this population has resilience to compensate for mortality in one or more of its vernal pool within the network.
3. There is a lack evidence of impact to vernal pools by the incremental increase in use of historic wood road.
4. Additional data regarding the number of wood frogs using the pools would not lead to a quantification of wood frog mortality from the proposed use of the woods road. In the absence of such a figure it is not possible to conclude an impact on the vernal pools is likely.
5. Insufficient evidence was submitted to establish dredging by hydraulic suction would unduly harm the pond. Sufficient evidence is in the record to determine hydraulic suction dredging has less impact to the aquatic resource than mechanical dredging.
6. Alternative accesses proposed by the intervenor would have defined direct wetland and watercourse impacts and are therefore not prudent when compared to the applicant's proposed access.

Further, IWWA application 2020-142 shall be approved with the conditions provided by staff and amended.

Motion was seconded by Bill Galvin and passed 6-1-0. Norma Kerlin voted no, stating there is a gap in the record and Dr. Klemens expert testimony was not refuted by an opposing expert with appropriate credentials. Due to Dr. Klemens' lack of access to the property, his testimony could only be hypothetical.

2. #2020-160 – [68 Birch Lane](#) – S.E. Minor & Co., Inc. for David & Elizabeth Bountry for construction of pool, patio, retaining walls, and drainage 6' from wetlands. Tax #11-1777. (First 65 days 1/27/21).

Robert Clausi reviewed the application. The applicants have reduced the area of impervious and structural coverage around the pool by 50% compared to the original plan. The pool complex is 20 feet from the wetland and in the same location as a pool approved in 2010. There was also a wetland enhancement planting plan submitted that would replace 3700 s.f. of lawn to wetland. Along the pond edge there is a proposed 210-foot-long herbaceous buffer. It is recommended that the agency require this strip to be at least 15 feet wide and have a permanent demarcation feature. DPW reviewed the plans and finds the drainage system to be acceptable. Larry Liebman of S.E. Minor addressed the agency. Mr. Liebman agrees to the agency's recommendation of the 15 ft buffer.

Brian Harris called for public comments or questions. There were none.

Elliot Benton made a motion to approve IWWA #2020-160 with the agency's general conditions and conditions proposed by staff, seconded by Stephan Skoufalos. Carried 7-0-0.

3. #2020-163 – [15 Grossett Road](#) - Rocco V. D'Andrea for Bryan and Abigail Finkel for demolition and construction of single family residence, driveway, pool, pool house, and drainage 25' from wetlands. Tax #05-2135/s. (First 65 days 1/27/21).

Robert Clausi stated the applicant revised the plan by shifting the pool and pool house to the south, further from the wetlands which allows for a wider buffer restoration area and retention of four trees. The planting plan has been extended along the northern property line and will be a protective measure for the wetlands. The number of shrubs proposed increased by 50%, perennials by 20% and includes a permanent buffer demarcation. Staff agrees the applicant has been responsive and is recommending a permit with conditions.

William Kenney and Tony D'Andrea are both in agreement with the recommendations, observations and comments made by staff.

Brian Harris calls for public comments, there are none.

Joseph Rogers made a motion to approve IWWA #2020-163 with the agency's general conditions and conditions proposed by staff, seconded by Bill Galvin. Carried, 7-0-0.

### **New Applications for Review**

1. #2020-169 – [17 Doverton Drive](#) – Hoffman Landscapes, Inc. for Marc Lisker for construction of pool, spa, and patio 45' from wetlands. Tax #10-2983.

Robert Clausi explained the pool, patio and modified drainage are within the landscape envelope that had been previously approved but upon visiting the property, the perimeter fence installed encroaches into the wetland edge between wetland flags 385 and 389. It is a deer fence and is low to the ground to serve as a compliant pool fence. The encroachment is not a threat to the strip of wetland given there is a significant rock outcropping and the area between outcropping and fence is densely vegetated. DPW approved the modified drainage system. There is a condition of approval noting the final construction plan may need to be adjusted based on the best management practices recommended by the CT DEEP Natural Diversity Data Base. Mr. Clausi recommended the agency issue a permit with conditions maintaining the fence and strike condition #1 from the recommended conditions approval.

Robert Doerflinger of Hoffman Landscapes addressed the agency. Mr. Doerflinger states he has read and is happy to abide by the conditions if the Wildlife Division comes back with concerns. Brian Harris called for public comments or questions, there were none.

Bill Galvin made a motion to approve IWWA# 2020-169 with the agency's general conditions and conditions proposed by staff, striking special condition #1, Joseph Rogers seconded. Motion was carried 7-0-0.

2. #2020-170 – [36 The Avenue](#) - Christopher Giannios for corrective action for unpermitted fill 1' from wetlands. Tax #11-1038.

Jennifer Urena reviewed her staff report and recounted a stop-work order issued on 11/24/2020. The applicant's intent was to fill the lower portion of the yard to make better play space for his children. The owner has requested relief from the filing fee of \$4,500 in a letter dated November 27, 2020.

Christopher Giannios addressed the agency and stated he is willing to cooperate with the agency's requests and offered his apologies. He reported the 12-inch stump was from a dead cherry tree near the house. Mr. Giannios has contacted Matt Popp of Environmental Land Solutions and Anthony D'Andrea to plan and meet the deadline given by the agency.

Jennifer Urena recommended 20 planting stations and a permanent demarcation feature be part of the restoration plan.

With no questions from the agency Brian Harris called for public questions or comments. There were none.

Action on the application was delayed to the next meeting.

3. #2020-173 – [12 Ballwood Road](#) – Environmental Land Solutions, LLC for Cary Brody for construction of pool, patio, deck and drainage 5' from wetlands. Tax #06-1947/s.

Robert Clausi confirmed Jay Schondorf, Norma Kerlin and Joseph Rogers visited the property. Mr. Clausi reported the 2015 planting plan along the watercourse was removed and lawn was established.

The restoration plan proposes plant twice the number of trees and shrubs as were planted in 2015, as well as perennials and a new buffer demarcation.

The backyard is readily visible from Ballwood Road and upon inspection, staff will be able to see if there is encroachment on the buffer. Matt Popp of Environmental Land Solutions addressed the agency stating they are open to replanting the wetland and wetland buffer. In addition to the pool fence, there is a proposed boulder barrier and the fence can be extended if the agency does not approve of the boulder barrier. The extra filing fee can be submitted by the end of this week.

Discussion ensued regarding the boulder barrier vs. the pool fence. The main access point would be from Ballwood Road.

There were no public questions or comments.

Bill Galvin made a motion to approve IWWA #2020-173, with the agency's general conditions and conditions proposed by staff, seconded by Jay Schondorf. The motion carried 7-0-0.

4. #2020-174 – [29 Twin Lakes Lane](#) – Rocco V. D'Andrea, Inc. for Christopher Mercer for construction of single-family residence, driveway, pool, deck, and drainage 30' from wetlands. Tax #05-2681/s.

Robert Clausi reported Jay Schondorf, Norma Kerlin and Joseph Rogers saw the property. Mr. Clausi reviewed the supplemental staff report. He expressed concern over the soil and stone bio-filtration basin and demarcation curb as they relate to the contours. It appears the curb will block water from sheet flowing into the buffer and cause erosion by channeling water down the slope. Alternative layout sketches were provided by the applicant. A biological narrative and tree removal proposal were also submitted. A few trees close to the proposed house need to be removed, but if other trees can be retained but it would be the agency's preference to retain the other trees. The planting plan has 8 canopy trees and 7 understory trees. DPW has not completed review of drainage system and final points can be addressed in the conditions of approval. Mr. Clausi recommended approval.

Tony D'Andrea of D'Andrea of Rocco D'Andrea, Inc., addressed the agency. The proposed grading between flags 9 and 10 have been pulled back, the location of the pool fence will be tight around the terrace and an additional row of silt fence will be added. A raingarden has been proposed in the lower area and there will be no infiltration due to clay. After the water leaves the property it continues to a well-defined channel that is title influenced. The alternatives considered different house locations that would have extended to the watercourse and was deemed less preferable. There will be minimal amount of grading in the vicinity of the wetland. A dirt bag detail will be added to the plan.

William Kenny of, of William Kenny Associates, LLC, addressed the agency. He agreed the curb can be constructed with gaps between the stones to allow smaller flows of water to seep through. A drain inlet at the top of the slope going down to the raingarden can be added to reduce the risk of erosion.

There were no public comments.

Norma Kerlin questioned the possibility to include retention of viable trees on the property in the special conditions.

Mr. D'Andrea responded that all the trees on the east side are to remain, the trees along north side, when walked with Bill Kenny, it was noted that the white pines and sparse conifers are distressed. The trees on southwest side of pool are in conflict with development and are precariously situated on retaining wall.

Patricia Sesto commented the trees along the rear northern property line should not be indiscriminately removed.

Discussion ensued and it was concluded that the agency staff will walk to property prior to approve trees to be removed.

Joseph Rogers made a motion to approve IWWA #2020-174 with the general conditions, special conditions proposed by staff and the additional special condition that the agency or its staff will address tree removal, seconded by Stephan Skoufalos. Carried 7-0-0.

5. #2020-176 – [27 Khakum Wood Road](#) – Joseph F. Risoli, PE, LLC for William & Mayling McCormick for construction of pool, spa, cabana, patio, retaining walls, septic system, and drainage system 50' from wetlands. Tax #10-1155.

Robert Clausi confirmed agency members Jay Schondorf, Norma Kerlin and Joseph Rogers visited the site and reviewed his staff report. The topography at the proposed pool location is steep and requires less excavation but does require fill. for about half of the pool complex the infiltration galleries. Large trees will be removed and replacement is noted on the staff report. Two planting plans were provided; the second planting plan is preferred. Mr. Clausi recommended approval with conditions, including the planting plan with a mix of trees.

Jim McTigue of Risoli Engineering addressed the agency and stated he is in agreement with Mr. Clausi's recommendations.

Patricia Sesto questioned if the pool could be set further northeast or closer to the house to retain the mature trees that would need to be removed with the current plan.

Mr. McTigue responded one tree has a hollow center and is leaning dangerously and would have to be removed regardless. The pool cannot be shifted due to the existing septic system directly to the north.

There were no further questions from the agency and no public comments or questions.

Elliot Benton made a motion to approve IWWA #2020-176 with the general conditions, the special conditions proposed by staff, and the additional condition to implement the second planting plan, seconded by Joseph Rogers. With no further discussion the motion carried 7-0-0.

### **Agent Approval Permits**

1. #2020-172 – [8 Dingtowntown Road](#) –Frangione Engineering, LLC for Kabir Syed and Claire Hart for construction of pool, patio, and retaining wall 10' from wetlands. Tax #11-2848.
2. #2020-177 – [38 Grahampton Lane](#) – Muller Engineering, LLC for Karen & Andrew Richard for construction of pool, patio, and drainage 43' from wetlands. Tax #11-1838
3. #2020-178 – [195 Cat Rock Road](#) – Rocco V. D'Andrea, Inc. for Jason & Joanna Young for construction of pool, patio, and drainage 40' from wetlands. Tax #08-3541.

4. #2020-179 – [22 Angus Lane](#) – Sound View Engineers & Land Surveyors, LLC for Gustavo Leitenberger for construction of pool, patio, retaining wall, and drainage 53' from wetlands. Tax #07-2122/s.
5. #2020-180 – [22 Leeward Lane](#) – Sound View Engineers & Land Surveyors, LLC for Patrick & Alison Fels for septic repair 45' from wetlands. Tax #05-2918.
6. #2020-181 – [405 Riversville Road](#) – Sound View Engineers & Land Surveyors, LLC for Daniel Fitzgerald for construction of residential addition, patio, and drainage, and designation of septic reserve 75' from wetlands. Tax #10-1074.
7. #2020-182 – [625 North Street](#) – Sound View Engineers & Land Surveyors, LLC for Catherine Corroon for construction of garage addition, pool and drainage, and modification of septic system 60' from wetlands. Tax #11-1315.

### **Violations**

1. Cease & Correct Order #2019-13 for Jude and Mary Kate Donato – 80 Glenville Road. Failure to fully restore wetland and buffer areas to pre-violation grades. Tax #07-1323.

Doreen Carroll Andrews reviewed the restoration plan previously issued under an order to correct. The property owners had the wetland boundary reflagged and the wetland area is smaller. This is the boundary the owners are now using to complete the restoration. In the event the new delineating is approved the buffer still needs to be restored to the original topography as indicated in the previous permit maps and in accordance with the order. A new deadline can be given, requiring the complete removal of the fill. A notice of violation is on land records. Ms. Carrol Andrews stated application #2019-116 and order #2019-015 should be made part of the record.

Matt Popp, Environmental Land Solutions, addressed the agency. Mr. Popp stated in April, when this was excavated, they noted the soil in the area of previously mapped wetlands did not possess the features of a wetland soil. They excavated holes to find the wetland line that was established in 1989. Otto Theall and Christie Coon, soil scientists, evaluated the excavation and delineated a new wetland line. Mr. Popp noted there were no compliance officers available to meet on site due to COVID-19 shutdowns. After a week they proceeded to remove the fill based on the 2020 wetland line.

Patricia Sesto questioned why the pre-existing grades were not established and the buffer was not planted according to the approved plan. Discussion ensued regarding the previous permits and plantings previously at the property. Patricia Sesto recapped that the lawn up to the previously established wetlands is not ideal and the original buffer has still not been restored.

Jude Donato addressed the agency. Mr. Donato stated there was vegetation, overgrown rhododendron that had been removed as well as 1-2 trees but there was not an abundance of plantings. Additionally, the area was all grass and there was no planted vegetation to outline the area. Mr. Donato stated he has pictures from the time the property was purchased and the neighbor's yard contiguous with their land is all grass.

Larry Liebman of S.E. Minor addressed the agency suggesting his client be allowed to submit a revised plan as no planting can be done until spring. They will submit an application reflecting the revised wetland line, with an inventory of existing plant and supplements if necessary.

Joseph Rogers commented that buffers need to be put around the wetland where it is located now and rather than get topography back to the original state, it's a possibility that work could be done on the buffer zone and demarcation feature.

Patricia Sesto questioned the appropriateness of getting a new soil report from outside sources rather than following the agency's directive. The original cease and correct was sound and should have been planted at pre-existing conditions.

Elliot Benton commented that if the original order was to get the wetland back to its original condition it may need to be modified to be in line with Larry Liebman's plan. Stephan Skoufalos replied that while not disagreeing with Mr. Liebman's plan, there was a unilateral decision to call outside soil scientist and disregard the agency. Discussion followed regarding the agency's original order and it having not been completed. It was determined that an application will be submitted.

Brian Harris made a motion to maintain the cease and correct, and a violation will be placed on land records if the application is not received by 2/19/21. Motion seconded by Joseph Rogers and carried 7-0-0.

2. Cease & Correct Order #2020-119 - 42 Dublin Hill Drive – Parcel B for unauthorized removal of trees and woody vegetation from a wetland buffer. Tax ID# Tax #08-2590.

Doreen Carroll-Andrews stated a stop work order was issued on 1/14/2021, read a list of correspondence and reviewed the violation summary. The violation stems from trees being cut beyond the approved scope and the silt fence being placed further out than approved.

Tony D'Andrea addressed the agency representing Dublin Hill, LLC. Mr. D'Andrea asked the agency to consider lifting the stop-work order to permit completion of fill over the septic area to resolve the outstanding ledge letter issued by the health department. Mr. D'Andrea summarized the events leading up to the issuance of the stop work order Mr. D'Andrea marked all the trees shown on the plan with a green "X." Noticing that some trees slated to remain were damaged or had he suggested that Doron Sabag contact IWWA to have a site meeting.

Patricia Sesto questioned why the trees that were not marked were cut. Mr. D'Andrea replied that the tree cutter only cut the trees that were marked or that he felt were distressed or dead. Discussion then followed regarding the silt fence and the expectations of retrenching. Ms. Sesto added that this developer has to replant 75 trees due to removal from the wetlands in the property next door and it is clear there is a concern about the ability to properly interpret and execute the plans.

Jim Hoffman addressed the agency reiterating that the developer and engineer did not remove trees out of malice and is requesting work order be lifted to continue working with septic system and mitigation plan can be discussed.

Brian Harris made a motion to lift work order for only leaching field to obtain approval of health department, all other work and tree removal will remain stopped pending review of application. Stephan Skoufalos seconded, and the motion carried 7-0-0.

3. Cease & Desist Order #2021-001 – for 52 Locust Road LLC – 56 Locust Road & 62 Bedford Road. Unauthorized fill within wetlands. Tax # 10-1448 & #10-1781.

Jennifer Urena read the list of documents into the record. The new farm roads were constructed to replace the previously approved elevated boardwalk. The new roads were built with fill in wetland with no authorization from the agency was pursued Fill in wetlands was also noted west of a farm road. Staff recommends the agency uphold the cease and desist order.

Janet Brooks, attorney, representing Mr. McMenemy addressed the agency. Mr. McMenemy is interested in working cooperatively in an accelerated time line. The professional team have been to the site prior to having the order and are currently gathering information for filing the appropriate applications. They are interested in timing of removal of fill to take advantage of currently frozen ground, requesting removal of fill date moved up to February.

Michael Klein addressed the agency. Mr. Klein stated the ground is frozen and the fill material is on geotextile so it can be removed without disturbing any underlying soil. Brian Harris calls for agency questions, there were none. There were no public questions or comments.

Brian Harris made a motion to order the fill removed from the triangular section described by staff by the end of February 2021, a notice of violation be placed on land records if application for a declaratory ruling is not completed by the March deadline. The motion was seconded by Jay Schondorf and passed 7-0-0.

### **Adjourn**

With no further business, the meeting adjourned at 10:30PM.



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](mailto:demetria.nelson@greenwichct.org) as soon as possible in advance of the event***