

DRAFT

MINUTES

GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

January 28, 2019

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

Alternates present: Alan Rossi, Peter Linderoth and Klaus Jander

Staff present: Robert Clausi, Senior Wetlands Analyst, and Doreen Carroll-Andrews, Compliance Officer

Others present: Tony D’Andrea, Leonard D’Andrea, and Derek Daunais, Rocco V. D’Andrea, Inc.; Christopher Allen, LandTech; John Conte and John Conte, Jr., Conte & Conte, LLC; Brian McMahon and Andrew Kuzmich, Redniss & Mead, Inc.; Bill Kenny, William Kenny Associates, LLC; Larry Liebman, S.E. Minor & Co., Inc.; Jim McTigue, Joseph F. Risoli, P.E., LLC; Dean Martin, Grumman Engineering, LLC; Jay Fain, Jay Fain & Associates; Otto Theall, Soil & Wetlands Science, LLC; Tom Heagney, Heagney, Lennon & Slane, LLP; Sal Triano, Crossland Engineering PLLC; Bill and Christine Grempe, Mary Lou Lange, Pat Lambert, Jeff Lum, Andrew Asnes, Betsy Harper and Charles White, Georgetown North Board; Moya Duffy, Alex Levy, Richard Schultze

1. Call to Order

Chairman Harris called the meeting to order at 7:01 p.m.

2. Seating of Alternates

Peter Linderoth was seated.

3. Approval of draft minutes of December 17, 2018

After some discussion, Stephan Skoufalos made a motion to approve the minutes of December 17, 2018 adding to the #2018-154 / Greenwich Academy summary the three points raised in a December 21, 2018 letter from Greenwich Academy neighbor Donald Fritz to Director Patricia Sesto. The motion was seconded by Elliot Benton and carried 7-0-0.

4. Director’s Report

a. Monthly Summary

No monthly report was presented.

5. Other Business

- a. Doreen Carroll-Andrews discussed the corrective action application to address a violation at 16 Lakeview Drive that was recently withdrawn by the applicant's agent when the statutory review period expired. With no recourse or deadlines to address the violation, the Agency sought to issue an Order to Correct after the fact. A discussion followed regarding whether the Agency had authority to require a corrective order. With no clear resolution, the Agency requested staff to consult Town Council.

The resulting discussion with Town Council revealed it is not clear if issuing a second phase of the order following the submission of the correction action application can procedurally be considered a continuation of the first order. Therefore, the Agency should issue a Notice of Violation on the Land Records and refer the matter to the Law Department for action in the Superior Court. This action, however, would not prevent the violator from resubmitting a corrective application in the meantime.

Stephan Skoufalos made a motion to proceed as advised by Town Council, seconded by Elliot Benton, and the motion carried 7-0-0.

- b. Alan Rossi announced he is contributing a set of three municipal inland wetland commissioners training program DVDs to the Agency's library. These informative videos were provided to Mr. Rossi by Darcy Winther of the Connecticut Department of Energy & Environmental Protection and they will now be available for other agency members to review.

I. Public Hearings

- 1. #2018-152 – 20 Meadow Marsh Lane – Conte & Conte, LLC for Martis Alex for removal of man-made pond, creation of a rain garden, and modification of a terrace. Tax #06-3052/s (additional 65 days 3/27/19)**

Bob Clausi read into the record the list of documents received since this hearing opened at the December 2018 meeting. Mr. Clausi also passed out copies of a "Supplemental Report on the Viability of the Proposed Wetland Restoration" (1/28/19) prepared by soil scientist Otto Theall. With the submission of this report, which states the applicant's plan for excavating a depression in the northeast corner of the site will create a statutory Connecticut wetland, Mr. Clausi concluded the concerns previously raised by the Agency and staff have been satisfactorily addressed by the applicant.

Mr. Clausi acknowledged an additional report arborist John Conte of Conte & Conte, LLC submitted which recommends removal of the twin 20" red maple growing out of the berm to the east of the pond. Mr. Clausi agreed with this recommendation, noting that new trees will be planted as part of the applicant's landscaping plan.

John Conte, addressing the agency on behalf of the applicant, had nothing to add to the record and no objection to staff recommendations.

Hearing no comments from the public, Elliot Benton made a motion to close the hearing. The motion was seconded by Stephan Skoufalos and carried 7-0-0.

Jo Rogers made a motion to approve action of IWWA #2018-152 with General Conditions and the Special Conditions proposed by staff. The motion was seconded by Peter Linderoth and carried 7-0-0.

2. #2018-154 – 200 North Maple Avenue – Redniss & Mead, Inc. for Greenwich Academy, Inc. for demolition and reconstruction of lower school and northern parking lot, middle school addition, and pond dredging. Tax #07-4022 (additional 65 days 3/27/19)

Bob Clausi read into the record the list of documents received since this hearing opened at the December 2018 meeting. Mr. Clausi reported that a supplemental investigation of the soil in the 215 square foot wetland that will be filled over as part of the modifications to the northern parking lot was conducted by soil scientists Otto Theall, Soil & Wetlands Science, LLC, and William Kenny, William Kenny Associates, LLC, on January 10th. Mr. Theall recounts in his written report that this area has been disturbed in the ±20 years since his original flagging and no longer contains wetland soil or hydrology.

Brian McMahan of Redniss & Mead, Inc. and Mr. Kenny appeared before the agency on behalf of the applicant. Mr. Kenny confirmed his agreement with Mr. Theall's assessment of the current status of the former 215 square foot wetland adjacent to the northern parking lot. Mr. McMahan stated that over the past month his office has been in close contact with Greenwich Academy's neighbor Donald Fritz, and that Mr. Fritz authorized Mr. McMahan to tell the Agency that he is now satisfied with the applicant's proposal. Mr. McMahan concluded by saying they have no objection to the recommended conditions of approval proposed by staff.

Agency members discussed at some length the pond dredging and associated background and follow up testing with Mr. Kenny. The modification of draft special condition #6 noted below was prompted by the information shared during this portion of the hearing.

Hearing no public comment, Brian Harris made a motion to close the hearing. The motion was seconded by Stephan Skoufalos and carried 7-0-0.

Elliot Benton made a motion to approve action of IWWA #2018-154 with General Conditions and the Special Conditions contained in the 1/22/19 supplemental staff report (with Special Condition #1 modified as follows: *Prior to the commencement of any on-site permit related activity, the permittee shall provide the Agency with written approval of the stormwater management system from the DPW Engineering Division,* and Special Conditions #6 modified as follows: *Prior to the commencement of pond dredging, the permittee shall submit for staff approval documentation of analytical test results – including oxygen levels taken from several times of day from several locations in the pond with reference to the CT DEEP water quality standards for ponds – which demonstrate dredging will result in beneficial changes to the quality of the water in the pond.*).

The motion seconded by Klaus Jander and carried, 7-0-0.

3. **#2018-167 – 122 Cedar Cliff Road – Rocco V. D'Andrea, Inc. for Charles Ziga, Trustee for demolition of an existing residence and construction of a new single family residence, driveway, pool, terraces, drainage and landscaping in and adjacent to wetlands. Tax #05-1092 (first 35 days 3/4/19)**

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

Bob Clausi read the list of documents into the record and summarized the staff reports. Mr. Clausi noted the current plan is the third iteration provided by the applicant. This design would result in the elimination of a 615 square foot, phragmites infested wetland, the enlargement of the other on-site wetland by 770 square feet, and includes a landscape management plan which will enhance the enlarged wetland and create a 20-foot wide meadow buffer with permanent demarcation feature along its northern side. The DPW Engineering Division finds the stormwater management system to be acceptable in concept and DPW staff feel the further revisions to the design required to bring the system into compliance with all of the drainage manual standards can be accommodated within the currently proposed disturbance envelope.

Tom Heagney of Heagney, Lennon & Slane, LLP, Tony D'Andrea of Rocco V. D'Andrea, Inc., and Bill Kenny of William Kenny Associates, LLC appeared before the agency on behalf of the applicant. Mr. D'Andrea gave an overview of the challenges this site presented to the design team and how the components of the current design were incorporated within these constraints.

Elliot Benton asked why so many trees are proposed for removal. Mr. D'Andrea replied the site had not been maintained and was overgrown, P&Z requirements – such as the grade plane regulations – are driving some of it, and the applicant plans to landscape the property beyond the wetland and buffer enhancement. Brian Harris asked specifically why the three trees inside wetlands are shown to be removed. Mr. Kenny replied that two of these trees are mature pussy willows that have begun to decline and the other tree is a non-native weeping willow. Peter Linderoth asked if the plants proposed for the wetland and buffer enhancement are salt tolerant. Bill Kenny stated that typical conditions in the wetland will support freshwater plants as proposed and the selected species have some degree of salt tolerance to withstand salt spray and the occasional coastal flood.

Neighbor Christine Grempp asked what effect this project and combining the wetlands will have on the adjacent association property; in particular, will this project worsen the flooding the association parcel experiences 5 – 6 times per year. Mr. Kenny said the project and work in the wetlands will not change drainage patterns or waters amounts, and Mr. D'Andrea added there will be no water storage volume lost in the enlarged wetland compared to existing conditions.

Hearing no further comment, Elliot Benton made a motion to close the hearing. The motion was seconded by Jo Rogers and carried 7-0-0.

Jo Rogers made a motion to approve action of IWWA #2018-167 with General Conditions and the Special Conditions contained in the 1/28/19 staff report. The motion was seconded by Jay Schondorf and carried 7-0-0.

4. #2018-168 – 257 Stanwich Road – Rocco V. D'Andrea, Inc. for Stanwich School Inc. for construction of school buildings, driveways, parking, and drainage 70' from wetlands. Tax #08-4017 (first 35 days 3/4/19)

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

Bob Clausi read the list of documents into the record and gave a brief summary of the staff report. The revised plan for further developing the educational facilities on this site locate the new structures farther from the wetlands than what was approved in 2007. The construction phasing narrative is thorough and contains the strong monitoring guidelines needed to protect the wetlands during the extensive site work related to building construction and installation of the stormwater management system. The new design eliminates several previously-approved direct wetland impact activities, such as a boardwalk across the central wetland, and will result in the preservation of wider wetland buffers.

Derek Daunais of Rocco V. D'Andrea, Inc. addressed the Agency on behalf of the applicant. Mr. Daunais review the history of the project with an emphasis on the current drainage design, which the DPW Engineering Division finds to be acceptable in concept. Mr. Daunais stated the further refinements that need to be made to the design can be accommodated within the proposed disturbance envelope.

Mary Lou Lange and Pat Lambert, neighbors of the school who at 25 and 33 White Birch Lane, appeared before the Agency with questions about the leaching fields that will be installed for the school's wastewater treatment plant, whether the potable water line which has been laid to the school might be extended to White Birch Lane, and impacts to their properties which may result from the proposed project. Staff and agency members referred Ms. Lange and Ms. Lambert to the Greenwich Health Department and CT DEEP regarding the wastewater treatment questions and the Planning & Zoning Commission regarding the water line. Mr. Daunais and his associate Tony D'Andrea pointed out to Ms. Lange and Ms. Lambert that the ridgeline running along the school's eastern property line will prevent impacts to the wetlands on their properties.

Stephan Skoufalos made a motion to close the hearing. The motion was seconded by Peter Linderoth and carried 7-0-0.

Jo Rogers made a motion to approve action of IWWA #2018-168 with General Conditions and the Special Conditions proposed by staff. The motion was seconded by Stephan Skoufalos and carried 7-0-0.

II. Pending Application

1. **#2018-139 – 94 Pecksland Road – S.E. Minor & Co., Inc. for 94 Pecksland Road, LLC for a two-lot subdivision and installation of a septic system 70’ from wetlands. Tax #10-1660 (second 65 days 3/1/19)**

Bob Clausi noted that changes have been made to the scope of this application and the associated site plans. The applicant now only seeks a conceptual approval for a two-lot subdivision and a permit to install a new septic system and remove a portion of driveway on the future western parcel where the house and other improvements now stand. Mr. Clausi recommended the Agency grant these approvals with a condition added to those listed in the supplemental staff report for the conceptual approval that the permittee provide the Agency with written approval of the stormwater management system for the new lot from the DPW Engineering Division.

Larry Liebman of S.E. Minor & Co., Inc. stated on behalf of the applicant that they have no objection to the staff recommendations.

Jo Rogers made a motion to approve action of IWWA 2018-139, for a subdivision Conceptual approval with the added DPW condition and a Permit for the septic system and driveway modification with General Conditions and the Special Conditions proposed by staff. The motion was seconded by Stephan Skoufalos and carried 7-0-0.

2. **#2018-143 – Taconic and South Stanwich Roads – Tata & Howard, Inc. for Aquarion Water Company of Connecticut for as-of-right determination to replace a water-transfer pipeline, with clearing and grading within wetlands. Tax #N/A (second 65 days 3/1/19)**

Bob Clausi reviewed the January 22nd staff report prepared by Director Patricia Sesto. Ms. Sesto notes that some supplemental information has been submitted since the last meeting to address staff and agency comments, such as a much-improved planting plan. Notably, the idea previously discussed with the Agency of installing the pipeline through the private property at 279 Taconic Road is no longer a viable alternative because the property owner will not grant an easement to Aquarion. Mr. Clausi also summarized several outstanding information items listed in the Director’s report as being important for the applicant to provide before the Agency renders a decision on this application. Mr. Clausi reminded the Agency that the February meeting will be the applicant’s final opportunity to present their plan before the end of the statutory review period for this application.

The applicant was not represented by anyone at the meeting and there was no comment from the public.

Brain Harris made a motion to delay action on IWWA 2018-143. The motion was seconded by Elliot Benton and carried 7-0-0.

3. **#2018-159 – 24 Lower Cross Road – S.E. Minor & Co., Inc. for Kimberly Handler for tree removal and landscape improvements 50’ from wetlands. Tax #11-3033 (first 65 days 1/30/19)**

Referring to the supplemental staff report, Bob Clausi reported that the number of trees proposed to be removed from the established buffer has been reduced based on a meeting staff had on site with the applicant's environmental consultant, Larry Liebman of S.E. Minor & Co., Inc. and the applicant's arborist. Mr. Clausi noted that in the absence of a mitigation planting plan from the applicant he suggests the Agency require the planting of two seven to eight-foot tall native understory trees for each of the eight hazardous trees approved for removal from buffer. The applicant would like to limb up some of the remaining trees so that more sunlight reaches the lawn. Mr. Clausi recommended the Agency restrict the pruning to the trees growing immediately adjacent to the edge of the back yard and that it limit how high up these trees can be pruned.

Mr. Liebman addressed the agency on behalf of the applicant and did not object to the staff recommendations. Mr. Liebman stated pruning branches from the bottom 20-25' feet of the lawn-edge trees would allow sufficient sunlight to reach his client's yard.

Hearing no public comment, Stephan Skoufalos made a motion to approve action on IWWA 2018-159 with the General Conditions and the Special Conditions proposed by staff, plus the added special condition pruning up 20-25 feet maximum is allowed only on the buffer trees growing immediately adjacent to the edge of the back yard. The motion was seconded by Elliot Benton and carried 7-0-0.

4. **#2018-161 – 65 Rockwood Lane – Joseph F. Risoli, P.E. for Sekou & Jennifer Kaalund for construction of a pool, patios, and drainage improvements 8' from wetlands. Tax #11-1577(first 65 days 1/30/19)**

Bob Clausi reviewed his staff report for this application. Mr. Clausi agreed with the additional shrub planting along the watercourse recommended by the applicant's environmental consultant, Timothy Welling, and noted this additional planting requirement is reflected in one of the recommended special conditions of approval. Mr. Clausi recommended issuance of a permit with the conditions contained in the supplemental staff report plus the added condition that the permittee provide the Agency with written approval of the stormwater management system from the DPW Engineering Division before site work begins.

Jim McTigue of Joseph F. Risoli, P.E., LLC appeared before the agency on behalf of the applicant and offered no objection to the staff recommendations. No public comment was received.

Jo Rogers made a motion to approve action of IWWA 2018-161 with the General Conditions and the Special Conditions plus the added special condition proposed by staff. The motion was seconded by Norma Kerlin and carried, 7-0-0.

III. New Applications For Review

1. **2018-140 – 6 Oak Drive – Rocco V. D'Andrea, Inc. for Philip Dicker for construction of a single family residence, pool, retaining wall, and drainage system 11' from wetlands. Tax #05-1614/s (second 65 days 3/1/19)**

Bob Clausi reviewed this application and his staff report, noting that the revisions the applicant has made to their plan for redeveloping this property address the concerns raised with the proposal as initially submitted and should result in improved wetland conditions. Mr. Clausi recommended issuance of a permit with the conditions contained in the supplemental staff report plus the added condition that the permittee provide the Agency with written approval of the stormwater management system from the DPW Engineering Division before site work begins.

Leonard D'Andrea of Rocco V. D'Andrea, Inc. appeared before the agency on behalf of the applicant. After a brief review of the changes made to the plan in order to provide more hydration of the wetland, Mr. D'Andrea concluded without objection to the staff recommendations. No public comment was received.

Jo Rogers made a motion to approve action of IWWA 2018-140 with the General Conditions and the Special Conditions plus the added special condition proposed by staff. The motion was seconded by Jay Schondorf and carried, 7-0-0.

2. #2018-141 – 20 Walsh Lane – Rocco V. D'Andrea, Inc. for James C. Cook and Nancy Parmet for installation of a drain and pond dredging. Tax #02-1691/s (second 65 days 3/1/19)

In lieu of a written staff report, Bob Clausi noted that it may not be possible to complete testing the applicant needs to do on site in order to devise a revised plan which will improve the year-round water level in this pond.

Tony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the agency on behalf of the applicant to report they are installing piezometers and if they can gather the data they think they need to revise their plan before the February meeting they will do so. If not, they will have exhausted their statutory review period and may petition the Agency to allow them to resubmit an application without fee once they have finalized their plan.

Hearing no public comment, Brian Harris made a motion to delay action of IWWA 2018-141. The motion was seconded by Stephan Skoufalos, and carried, 7-0-0.

3. #2018-155 – 309 Taconic Road – Landtech for 309 Taconic, LLC for a four-lot conservation zone subdivision through wetlands. Tax #11-2474 (first 65 days 1/30/19)

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

The staff report prepared by Director Patricia Sesto contains a long list of questions, concerns, and outstanding information regarding this application. Bob Clausi summarized some of the main points raised in the report.

Chris Allan of LandTech appeared on behalf of the applicant. Mr. Allan confirmed he had sent an email this afternoon authorizing the Agency to extend its review of this application

another 65 days, stated his firm and the applicant intend to address the points raised in the Director's report, and asked if agency members had any additional questions or concerns. Alan Rossi asked who will be responsible for taking care of the extensive open space area being offered as part of this conservation subdivision. Mr. Allan said it could be a homeowners' association or a local land trust, but will provide a more specific answer related to this case as part of the applicant's response packet.

Not hearing any public comment, Stephan Skoufalos made a motion to delay action of IWWA 2018-155. The motion was seconded by Peter Linderoth and carried, 7-0-0.

4. #2018-163 – 7 Lismore Lane – Gruman Engineering for Dennis T. D'Antonio for construction of a detached garage and drainage 8' from wetlands. Tax #10-2928 (first 65 days 2/20/19)

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

Bob Clausi reviewed the application and his staff report. Mr. Clausi opined that the recently submitted mitigation planting plan was not sufficient given the permanent loss of undeveloped buffer which would result with construction of the garage and the apparent shortcomings in the maintenance of portions of the wetland and buffer supposed to be preserved as meadow based on the plan approved by the Agency in 2009. The compliance of the applicant's proposed rain garden with DPW design standards was also questioned. Mr. Clausi recommended the Agency delay making a decision on this application.

Dean Martin of Grumman Engineering, LLC appeared before the agency on behalf of the applicant. Mr. Martin explained the new garage will be accessed via the reinforced lawn on the west side of the structure rather than from driveway due to presence of an existing stone wall the owner does not wish to alter. Agency members asked the applicant to explore other locations for the garage which are farther from the wetlands, such as to the south of the existing detached garage or at the northeast corner of the house.

Neighbor Jeffrey Lum addressed the Agency with concerns that implementation of the applicant's plan will result in more water being directed to the wetland on his property. Neighbor Andrew Asnes described siltation issues in the pond his family owns to the south of the subject property and expressed concerns that this project will generate additional sediment that will be carried to the pond via the brook. Brian Harris declined Mr. Asnes' request that the Agency conduct before and after testing of the pond, saying implementation of a proper erosion and sedimentation control plan during construction would prevent sediment from leaving the site.

Based on the preceding discussion and Mr. Martin's agreement to submit written authorization for the Agency to extend its review of this application past the end of the first 65 days on February 20th, Brian Harris made a motion to delay action of IWWA 2018-163. The motion was seconded by Stephan Skoufalos and carried 7-0-0.

5. #2018-164 – 15 Cedarwood Drive – Jay Fain & Associates for Richard Jelinek for construction of driveway improvements and landscaping 35' from wetlands. Tax #11-2189 (first 65 days 2/20/19)

Bob Clausi reviewed the application and his staff report. Citing no issues with the bulk of the activities proposed, Mr. Clausi noted the applicant has provided two alternatives for relocation of the western end of the boulder demarcation wall in response to staff concerns about the applicant's initial proposal to reset this section of wall at the western edge of the conservation easement area. Provided this issue could be resolved to the satisfaction of the agency, Mr. Clausi recommended approval of this application with the added condition that the permittee provide the Agency with written approval of the stormwater management system from the DPW Engineering Division before site work begins.

Jay Fain of Jay Fain & Associates appeared before the agency on behalf of the applicant and explained they proposed to relocate the wall so as to avoid having it cross the sewer lateral. After some discussion, Elliot Benton suggested the western end of the wall be relocated to the 212 contour line and Mr. Fain agreed.

Hearing no public comment, Brian Harris made a motion to approve action of IWWA 2018-164 with the General Condition and Special Conditions proposed by staff, plus the DPW approval condition put forth by staff, and setting the 212 contour as the limit for relocation of the western end of the stone demarcation wall with the gradual elimination of pachysandra from within the new limits of the wall. The motion was seconded by Jay Schondorf and carried, 7-0-0.

6. #2018-165 – 6 Neil Lane – Rocco V. D'Andrea, Inc. for CoCoon, LLC for construction of an addition to commercial building and parking improvements 15' from wetlands. Tax #12-2227/s (first 65 days 2/20/19)

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

Bob Clausi reviewed the application and his staff report. Besides the commercial building addition, parking modifications, stormwater mitigation, and buffer plantings proposed in the applicant's submission, Mr. Clausi reported the applicant has agreed to direct roof runoff to a rain garden as an additional water quality enhancement. The applicant has been asked to explain the apparent expansion of the area used for parking behind the building which seems to have occurred between 2003 and 2008.

Tony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the agency on behalf of the applicant and began his presentation by giving a history of the development of this site, including the fact that the fill beneath the gravel parking area was placed there as part of the Town's expansion of the sewer system in Riverside prior to wetland regulations in the 1960s. Mr. D'Andrea stated they have not expanded the parking area on purpose, but as gravel has been plowed beyond the limits of parking the use of the area may have spread. Gravel pushed up against trees will be pulled back as part of the stormwater mitigation, rain garden creation, and buffer planting operations. Mr. D'Andrea stated that zoning requirements dictate they provide 32 parking spaces plus handicap parking and their proposal includes 35 spaces plus two handicap spots.

After some further discussion about the challenges of deterring third party dumping into this wetland and hearing no public comment, Jo Rogers made a motion to approve action of IWWA 2018-165 with the General Conditions and Special Conditions proposed by staff. The motion was seconded by Elliot Benton and carried 7-0-0.

7. #2018-166 – 156 Overlook Drive – Rocco V. D'Andrea, Inc. for Dinglelook LLC for construction of a single family residence, driveway, pool, patios, drainage, and landscaping 70' from wetlands. Tax #10-1040/s (first 65 days 2/20/19)

Bob Clausi reviewed the application and his staff report, and recommended approval of this application with the added condition that the permittee provide the Agency with written approval of the stormwater management system from the DPW Engineering Division before site work begins.

Tony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the Agency on behalf of the applicant and, after providing some supplemental descriptive comments about the project, offered no objection to the staff recommendations. No public comment was received.

Peter Linderoth made a motion to approve action of IWWA 2018-166 with the General Conditions and the Special Conditions plus the added special condition proposed by staff. The motion was seconded by Elliot Benton and carried 7-0-0.

V. Applications To Be Received

Chairman Harris made a motion to receive the nine applications listed on the agenda. The motion was seconded by Jo Rogers and carried 7-0-0.

- 1. #2018-170 – 20 Mooreland Road – McChord Engineering Associates, Inc. for Arthur E. Landi for construction of detached garage, driveway reconfiguration, stormwater management system, and B-100a design 35' from wetlands. Tax #10-2075 (first 65 days 4/3/19)**
- 2. #2019-001 – Hobart and Turner Drives – Spath-Bjorklund Associates, Inc. for Turner Hobart Association for cleaning of existing street drainage system, including catch basins, piping, and drainage channel. Tax #N/A (first 65 days 4/3/19)**
- 3. #2019-003 – 5 Circle Drive Extension – TJ Engineering, LLC for Michael and Doreen Conte for construction of addition, patio, and expanding driveway 33' from wetlands. Tax #01-2307 (first 65 days 4/3/19)**
- 4. #2019-004 – 10 Pine Ridge Road – Sound View Engineers and Land Surveyors for Ian and Kelly Jordan for driveway modifications and construction of a patio 3' from wetlands. Tax #08-3543 (first 65 days 4/3/19)**

5. **#2019-005 – 61 Woodside Drive – Rocco V. D’Andrea, Inc. for Milbrook Corp. for replacement of pump discharge force main and installation of fairway underdrain system in and adjacent to wetlands. Tax #01-1243 (first 65 days 4/3/19)**
6. **#2019-006 – 100 Western Junior Highway – Rocco V. D’Andrea, Inc. for Maria USA, Inc. for renovation of building, parking improvement, drainage, and replacement of storm drains in and adjacent to wetlands. Tax #03-1734 (first 65 days 4/3/19)**
7. **#2019-007 – 31 Baldwin Farms North – Rocco V. D’Andrea, Inc. for Bobby and Tamar Ben-Simon for demolition of residence and pool and construction of single family residence, pool, and pool house 5’ from wetlands. Tax # 10-2627 (first 65 days 4/3/19)**
8. **#2019-008 – 11 Druid Lane – Earth Image, LLC for Laura K. Markovich to correct violations 7’ from wetlands. Tax #05-2111 (first 65 days 4/3/19)**
9. **#2019-009 – 570 Lake Avenue – William Kenny Associates, LLC for Janice Gates-Kelly & Jeffrey Porphy for construction of a pool, patio, driveway restoration, deck, boardwalk, and dock in and adjacent to wetlands. Tax #10-1462 (first 65 days 4/3/19)**

VI. Agent Approvals

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

1. **#2018-147 – 153 Riversville Road – To Peter and Deborah Shabecoff for a driveway reconfiguration 63’ from wetlands. Tax #10-1042**
2. **#2018-162 – 105 Dingtletown Road – Grumman Engineering, LLC for Warren and Dalia Raum for future septic system installation (B-100a plan). Tax #11-1331**
3. **#2019-002 – 104 Stonehedge Drive North – Glen Gate Company for Athean Kaporis and Nicholas Germanakos for construction of a pool, patio, and fence. Tax #10-2128**

There were no questions or comments.

VII. Violations

1. **Cease and Correct Order #2018-16 – 8 Dublin Hill Drive – Fred and David Hochberg for unauthorized clearing of understory vegetation, construction of an access road, and deposition of construction debris within wetland and watercourse areas. Tax #08-2568
AND**
2. **Cease and Correct Order #2018-17 – 225 Stanwich Road – Philip and Colleen Hempleman for unauthorized clearing of understory vegetation and deposition of construction debris within wetland and watercourse areas. Tax #08-2696**

Joseph Rogers recused himself. Klaus Jander was seated.

Doreen Carroll-Andrews read the list of documents into the record and reviewed the Violation Summaries. The owners of 225 Stanwich Road notified staff that the neighbor located at 8 Dublin Hill Drive had removed vegetation along the dam and deposited construction debris in a wetland near the eastern end of the dam, located on their property.

A site inspection to 8 Dublin Hill Drive also found extensive removal of understory vegetation around the property that includes wetland, watercourse and buffer areas. Additionally, an access road was observed that runs along the eastern edge of the property adjacent to a wetland.

Stop Work Orders were issued to both property owners, with the understanding that the work on both properties was done by the owners of 8 Dublin Hill Drive. The letters were sent by regular and certified mail on October 26, 2018.

Cease and Correct #'s 2018-15 and 2018-16 were sent to the property owners via certified and regular mail on December 10, 2018 and resent by regular mail January 22, 2019.

Ms. Carroll-Andrews recommended that the Agency maintain Cease & Correct Orders #2018-15 & 16 and that a Certificate of Violation be filed on the Land Records if a corrective application to address the violations is not submitted by February 18, 2019.

Bill Kenny of William Kenny Associates, LLC was present and stated he has been retained by the owners of 8 Dublin Hill Road to correct the violation and he has begun work, including flagging the wetlands. Mr. Kenny noted his clients recently moved into town from out of state and were not aware of the wetland regulations. In response a question from Brian Harris, Ms. Carroll-Andrews reported we are currently unable to send letters to new property owners because the Assessor's office has stopped providing the us with property transfer lists. Mr. Harris would like the Director to contact him regarding this matter.

Sal Triano of Crossland Engineering, PLLC and attorney Alex Levy addressed the Agency on behalf of the Hemplemans with a summary of the activities which have occurred. Mr. Levy stated the Hemplemans are willing to work with the neighbors but his clients had nothing to do with creating the violation.

Richard Shulze, the neighbor at 28 Dublin Hill Drive claimed responsibility for installing the access road along the eastern property line.

Jay Schondorf made a motion to uphold the cease and correct order and authorize filing a Certificate of Violation on the Land Records if a corrective application to address the violations is not submitted by February 18, 2019. The motion was seconded by Peter Linderoth and carried 7-0-0.

- 3. Cease and Correct Order #2019-001 – 29 Valley Drive for Geogtowne Owners, Inc. and Geogtowne North Tax District for unauthorized construction of a retaining wall within wetland and watercourse areas. Tax #07-9539**

Doreen Carroll-Andrews read the list of documents into the record and reviewed the Violation Summary. In June 2018, staff met on site with representatives of Georgetowne North to discuss what activities could be done without a need for a wetlands permit.

As a result of the meeting, it was determined that any rocks that had slipped from their location along the bank of the ponds could be reset by hand, but that an increase in stone armoring or reworking of the pond banks would require a permit.

This past December, staff was notified that a stone retaining wall had recently been constructed along the pond at the front of building #1 of Georgetowne North.

A Stop Work Order was issued to the property owners in December 2018. Cease and Correct Order 2019-001 was sent certified and by regular mail on January 22, 2019.

Ms. Carroll-Andrews recommends that the Agency maintain Cease & Correct Order #2019-001 and require the submission of a corrective application by February 11, 2019 or otherwise place a Certificate of Violation on the Land Records.

Bill Kenny of William Kenny Associates, LLC was present and confirmed he will be working as the property owner's agent. He requested being given until February 22, 2019 submit the application.

Hearing no public comment, Brian Harris made a motion to uphold the cease and correct order and authorize filing a Certificate of Violation on the Land Records if a corrective application to address the violations is not submitted by February 22, 2019. The motion was seconded by Peter Linderoth and carried 7-0-0.

VIII. Other Business

IX. Adjourn

With no further business, the meeting adjourned at 10:46 p.m.

Robert E. Clausi
Senior Inland Wetlands Analyst