MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
JANUARY 29, 2015 (NB: Meeting previously scheduled for January 26, 2015 was postponed due to weather)

MEMBERS PRESENT: Chairman Brian Harris, Elliot Benton, Stephan Skoufalos, Jim Carr

ALTERANTES PRESENT: Scott Salisbury

STAFF PRESENT: Bob Clausi, Senior Wetlands Analyst; Doreen Carroll-Andrews, Wetlands Compliance Officer

OTHERS PRESENT: James Michel, Frank Petise, Tony D’Andrea, Bryan Nesteriak, John Heagney, George Yankowich, Marlon Dale, Larry Liebman, Lauren Lockwood, Joe Pecora, Brian McMahon, Gerhard Gnaedig, Brian Muller, Peter Finkbeiner, Joe Cerniglia, Neil Payne, Anna Marie Reilly, Kevin Wyler, Waldo Abbot, Marcia Abbot, Rob Frangione, Megan Raymond, Peter Finkbeiner, John Giancola, Brian Keil

PUBLIC MEETING
Chairman Brain Harris called the meeting to order at 7:00 p.m. in the Cone Room on the second floor of Greenwich Town Hall.

Agency Session

Seating of Alternates
It was the decision of Chairman Brian Harris to seat Scott Salisbury in the absence of Bill Galvin.

Review and approval of draft minutes of December 15, 2015
The motion to accept the draft minutes of December 15, 2015 without correction was made by Stephan Skoufalos, second James Carr. The motion carried 5-0.

Director’s Report
The Director is pleased to announce the hiring of Jennifer Imbrogno as the Agency’s new full-time Administrative Assistant II. Jennifer transfers into the department from Old Greenwich School. Jennifer’s previous role as a part-time administrative assistant in the Planning and Zoning office was a driving reason behind her selection as the ideal candidate.
Agency staff issued two municipal fines for activities conducted within and immediately adjacent to wetland and watercourse areas without the prior consent of the Agency. Mark Mariani was assessed a $500 fine for buffer clearing, while owners Alan J. Buick and Ping Hsin Sung were issued a $1,000 fine. Both were issued fines for clearing woody vegetation within and adjacent to wetlands. Both violations were seen as willful and egregious actions knowingly performed in spite of a familiarity with the Agency permit process; however, the impact created by the clearing performed by Mr. Mariani was further removed from the wetland thus explaining the smaller penalty. The fees for both of these infractions were paid timely without a request for an appeal with the Hearing Officer Philip Bartles.

Chairman Brian Harris informed the Board that the Agency’s half of the Environmental Analyst had been transferred to the Conservation Commission. The decision to transfer the shared employee was made to reduce public confusion caused by a shared position performing separate and distinct roles for two environmental departments that on occasion has overlapping interests. The Chairman added that the decision was also based on a decline in active projects with the Agency. Transferring the position is expected to result in a salary savings of about $45,000 that will be reflected in the Agency’s 2015-2016 budget.

The office has scheduled a pesticide/herbicide workshop at 7:00 pm on February 4, 2015 in the Mazza Room on the first floor of the Town Hall (next to the Law Department). The seminar will discuss the long term effects of pesticide and herbicide use in aquatic systems and will further provide natural alternatives to the use of these harmful chemicals. Members and residents with ponds are encouraged to attend this important information session. Interested members of the public are also informed that the Agency will be hosting a free continuing education seminar at Greenwich High School on February 24 at 7 pm. The seminar will be an introduction to wetlands and the local regulations that govern their protection. Residents, real estate agents, and land use professionals are all encouraged to attend and participate in the evening training seminar. Registration should be made through the Greenwich Continuing Education Program.

It’s with great regret that I announce the passing of Emerson Stone. Emerson served on the Agency for nine-years beginning in 1988. Both Emerson and his wife Louisa serve as ever present stewards of the environment, so his absence will be immediately felt in the community. Emerson is thanked for his unwavering support to this Agency and its mission. While his passing is a loss for many his fight to protect the green areas of Greenwich will benefit the Town for generations to follow.
The following table represents operation figures for the period following the last regularly scheduled meeting:

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**Agent Approvals**

The Agency was provided three legal notices for the period following the last regularly scheduled meeting. No questions or public comments were received. No action required.

**Compliance Report**

Doreen Carroll-Andrews referred to the Compliance Summary sheet that included a breakdown of bond releases (13 requested, 3 initiated by Staff, 9 released), and deadlines set by the Agency that are upcoming or have passed. There were no Stop Work Orders or Violations to be discussed.

**Public Discussion Session**
Town of Greenwich Projects

#2014-162 – West Old Mill Bridge – Town of Greenwich Department of Public Work – Tax #N/A

The staff report prepared by Bob Clausi recommended the issuance of a Permit for rehabilitation of this municipal bridge. Chief Engineer James Michel and Senior Civil Engineer Frank Petise appeared before the Agency on behalf of the application. Mr. Petise offered no objections to the staff comments. Per staff request, Mr. Petise provided the Agency with details as to how debris containment and cleaning of steel bridge stringers may be done and noted that the final protocol will be approved by the Engineering Division and Agency staff based on input from the contractor selected for this project. Chairman Harris suggested that it might be appropriate to use chisels to clean the stringers rather than sandblast them, and Mr. Petise agreed to explore this possibility with the contractor. No public comment was received. The motion to approve was made by Stephan Skoufalos, second Elliot Benton. The motion carried 5-0.

#2014-163 – Porchuck Road - Town of Greenwich Department of Public Work – Tax #N/A

Staff report prepared by Bob Clausi recommended the issuance of a Permit to install a culvert, catch basins, and a guide rail. James Michel and Frank Petise appeared on behalf of the application. Mr. Petise offered no objections to the staff comments. No public comment was received. The motion to approve was made by Stephan Skoufalos, second Elliot Benton. The motion carried 5-0.

#2014-164 – Palmer Hill Road - Town of Greenwich Department of Public Work – Tax #N/A

Staff report prepared by Bob Clausi recommended the issuance of a Permit for rehabilitation of the pedestrian bridge over the Mianus River. James Michel and Frank Petise appeared on behalf of the application. Mr. Petise offered no objections to the staff comments. No public comment was received. After some discussion regarding the product that will be used to replace the existing timber decking, the motion to approve was made by Elliot Benton, second Stephan Skoufalos. The motion carried 5-0.

Consent Approvals

#2014-008 – 487 North Street – Amr and Annette Zahid – Tax #11-1479

Staff report prepared by Michael Chambers recommended the issuance of a Permit Modification for the construction of an in-ground pool and a pool cabana. No one appeared before the Agency on behalf of the applicant. No public comment was received. The motion to approve was made by Elliot Benton, second James Carr. The motion carried 5-0.

#2011-133 – 10 Winding Lane – Damian and Sharon Krause – Tax #10-2415

Staff report prepared by Bob Clausi recommended the issuance of a Permit Modification for the construction of residential additions and in-ground pool. No persons appeared before the Agency on behalf of the applicant. No
public comment was received. The motion to approve was made by Elliot Benton, second James Carr. The motion carried 5-0.

#2014-149 – 207 Old Mill Road – Benjamin and Margaret Tahyar – Tax #10-1034

Staff report prepared by Bob Clausi recommended the issuance of a Permit for the construction of residential additions and in-ground pool. No persons appeared before the Agency on behalf of the application. No public comment was received. The motion to approve was made by Elliot Benton, second James Carr. The motion carried 5-0.

#2014-158 – 3 MacPherson Drive – Trevor Woods – Tax #07-1097

Staff report prepared by Bob Clausi recommended the issuance of a Permit the construction of residential additions and in-ground pool. No persons appeared before the Agency on behalf of the application. No public comment was received. The motion to approve was made by Elliot Benton, second James Carr. The motion carried 5-0.

#2015-001 – 798 Lake Avenue – Mark S. Squillante and Sunnia H. Shen-Squillante – Tax #10-2203

Bob Clausi reviewed the staff report prepared by Aleksandra Moch, which recommended the issuance of a Permit for the construction of residential additions and site improvements. No persons appeared before the Agency on behalf of the application. No public comment was received. The motion to approve was made by Elliot Benton, second James Carr. The motion carried 5-0.

**Pending Applications**

#2014-136 – 863 Lake Avenue – Edward Raboy – Tax # 11-1259

Staff report prepared by Doreen Carroll Andrews recommended the Agency delay pending receipt of addition information. No persons appeared before the Agency on behalf of the application. No public comment was received. The motion to delay was made by Scott Salisbury, second Stephan Skoufalos. The motion carried 5-0.

#2014-140 – 0 Hamilton Avenue – Housing Authority of the Town of Greenwich – Tax #03-4523

Staff report prepared by Bob Clausi recommended the issuance of a Permit for the construction of new residential buildings with parking areas and associated drainage. Appearing before the Agency on behalf of the application was Tony D’Andrea of Rocco V. D’Andrea, Inc. Mr. D’Andrea clarified that improvements can be made in the functional design of the trash rack on the Tom’s Brook headwall at western end of the site without completely replacing the structure. Mr. D’Andrea otherwise offered no objections to the staff comments. No public comment was received. The motion to approve was made by James Carr, second Stephan Skoufalos. The motion carried 5-0.
Bob Clausi reviewed the staff report prepared by Michael Chambers, which recommended the issuance of a permit for the construction of a new single-family residence. Appearing before the Agency on behalf of the application was Bryan Nesteriak of B&B Engineering. Chairman Harris suggested adding a boulder demarcation feature along the edge of the pond-side planting bed offered by the applicant. Mr. Nesteriak agreed with this suggestion and otherwise offered no objections to the staff comments. No public comment was received. The motion to approve was made by Elliot Benton, second Stephan Skoufalos. The motion carried 5-0.

Bob Clausi recommended the issuance of a Permit for the demolition and construction of a new single-family residence. Brian McMahon of Redniss & Mead, Inc. appeared before the Agency on behalf of the application, and offered no objections to the staff comments. No public comment was received. The motion to approve was made by James Carr, second Stephan Skoufalos. The motion carried 5-0.

New Applications

#2014-156 – 12 Ridge Brook Road – Dolores Andersen Trust – Tax #11-1908

Staff report prepared by Bob Clausi recommended the issuance of a Permit for the construction of a new single-family residence. Appearing before the Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Co., Inc. Mr. Liebman offered no objections to the staff comments. No public comment was received. The motion to approve was made by Stephan Skoufalos, second James Carr. The motion carried 5-0.

#2014-159 – 19 Pinecroft Road – Justine Cerniglia – Tax #11-1778

Staff report prepared by Bob Clausi recommended the issuance of a Permit for the installation of fill. Appearing before the Agency on behalf of the applicant was Bryan Muller of Sound View Engineers & Land Surveyors and Joe Cerniglia, who offered no objections to the staff comments. Mr. Muller noted that it may not be possible to ease the proposed 2:1 fill slope to a 3:1 grade, but felt a 2.5:1 slope can be achieved. Mr. Clausi informed the Agency that the property address in the Assessor’s records is 16 Pinecroft Road, so the permit should be prepared using this number but can be mailed to the Cerniglias’ preferred mailing address of 19 Pinecroft. No public comment was received. The motion to approve was made by Stephan Skoufalos, second Elliot Benton. The motion carried 5-0.

#2014-160 – 156 Overlook Drive - George and Fruma H. Korper – Tax #01-1040

Staff report prepared by Bob Clausi recommended the issuance of a Conceptual Approval for the designation of a two-lot subdivision and a Permit for the demolition of a single-family residence. Appearing before the Agency on behalf of the applicant was John Heagney of Heagney, Lennon and Slane LLP and Rob Frangione of Frangione Engineering LLC, who offered no objections to the staff comments. Public comment was received from neighbors Gerhard Gnaedig, Waldo Abbot, and Marcia Abbot. Mr. Gnaedig pointed out that the staff
report incorrectly stated that the DPW Engineering Division had found the conceptual drainage design to be acceptable. Mr. Clausi thanked Mr. Gnaedig for pointing out this error, but also noted that none of the outstanding issues listed in the DPW comments are of particular concern to the charge of this Agency. Mr. Gnaedig and the Abbots also voiced concerns about the design of the conceptual houses. After giving these comments due consideration, a motion to approve per the recommendations in the staff report was made by Elliot Benton, second James Carr. The motion carried 5-0.

#2014-161 – 27 Rustic View Road – Tax #08A-1194

Staff report prepared by Doreen Carroll-Andrews recommended the issuance of a Permit for the replacement of a septic system. Appearing before the Agency on behalf of the applicant was John Zulli of Nowakowski, O’Bymachow, Kane & Associates. No public comment was received. The motion to approve was made by Stephan Skoufalos, second Elliot Benton. The motion carried 5-0.

#2014-153 – 16 Midwood Drive – MDCT LLC, MDCT 2 LLC, MDCT 3 LLC – Tax #10-2369

Bob Clausi reviewed the staff report prepared by Michael Chambers, which recommended the issuance of a Permit for the construction of a new single-family residence and a Letter of Permission for construction of garden beds, a greenhouse, and related agricultural activities. As part of his summary, Mr. Clausi referred to the extensive record that was established when the Agency reviewed Application #2014-77 for these same activities. Peter Finkbeiner of Sound View Engineers & Land Surveyors and Neil Payne of Payne Environmental appeared before the Agency on behalf of the applicant and did not offer any objections to the staff comments. Chairman Harris recommended an additional condition of approval limiting control of aquatic weeds in the new pond to non-chemical means only. Mr. Clausi also reminded Mr. Finkbeiner that he needs to provide the Agency with the calculation of the areas of wetlands/watercourses that will be lost and created as part of this project. Public comment was received from John Giancola of Ahneman-Kirby acting on behalf of a number of the neighbors as their engineering consultant. Mr. Giancola distributed a document detailing his concerns with the drainage, hazardous materials handling, and other aspects of the proposed project. His handout and display of photos taken by the neighbors of flooding in the vicinity of the subject properties were submitted into the file. Neighbors Brian Keil and Anna Marie Reilly gave first-hand accounts of flooding on their properties that they claim has been worsened by the recent demolition work on the subject properties. The Agency instructed staff to assess compliance with the existing demolition permits on the subject properties in light of these reports. Neighbor Kevin Wyler expressed concern that runoff from the new pond will adversely affect the wetlands on his property if the farmers drain is not fully repaired and indicated he is willing to explore a more comprehensive repair with the applicant’s engineering consultant. The discussion concluded with Mr. Finkbeiner and Mr. Payne’s responses to the comments received from the neighbors and Mr. Giancola. After giving all of the testimony due consideration, a motion to approve per the recommendations in the staff report and with the added condition related to acceptable means of aquatic weed control described above was made by Elliot Benton, second Stephan Skoufalos. The motion carried 5-0.
Old Business

Cease & Correct Order #2014-13 - John and Delores Evans – 39 Birch Lane - Tax #11-2093s

Doreen Carroll-Andrews informed the Agency that the condition of the Order had been corrected on site and recommended the release of the Certificate of Violation. No persons appeared before the Agency on behalf of the owner. No Agency comment was received. The motion to remove the Certificate of Violation was made by Stephan Skoufalos, second James Carr. The motion carried 5-0.

Cease & Correct Order #2010-32 - Vicki Comberiati, Trustee – 578 Riversville Road - Tax #10-2506

Doreen Carroll-Andrews informed the Agency that the condition of the Order had been corrected on site and recommended the release of the Certificate of Violation. No persons appeared before the Agency on behalf of the owner. No Agency comment was received. The motion to remove the Certificate of Violation was made by Stephan Skoufalos, second James Carr. The motion carried 5-0.

Cease & Correct Order #2011-28 - Keith and Carolyn Denholm – 398 Stanwich Road - Tax #11-1080

Doreen Carroll-Andrews informed the Agency that the condition of the Order had been corrected on site and recommended the release of the Certificate of Violation. No persons appeared before the Agency on behalf of the owner. No Agency comment was received. The motion to remove the Certificate of Violation was made by Stephan Skoufalos, second James Carr. The motion carried 5-0.

Cease & Correct Order #2012-34 - Michael Hayden – 21 Mohawk Lane - Tax #11-2347

Doreen Carroll-Andrews informed the Agency that the condition of the Order had been corrected on site and recommended the release of the Certificate of Violation. No persons appeared before the Agency on behalf of the owner. No Agency comment was received. The motion to remove the Certificate of Violation was made by Stephan Skoufalos, second James Carr. The motion carried 5-0.

Bond Releases


2. Application #2011-20 – Permit #2011-42 for Jason and Samantha Greenberg at 2 Wooddale Road. The $12,000 bond is to be returned to Jason and Samantha Greenberg.

3. Application #2012-21 – Permit #2010-29 for 668 Lake Avenue Farm, LLC at Lake Avenue (Lot No. 28-H Lake Avenue S73). The $5,000 bond is to be returned to Frederick A. Landman.

4. Application #2012-105 – Permit #2013-02 for Stewart Satter at 414 Round Hill Road. The $5,000 bond is to be returned to Stewart Satter.
5. Application #2012-111 – Permit #2012-81 for Bogdan and Bianca Pajor at 710 North Street. The $3,000 bond is to be returned to Boguslaw and Bianca Pajor.

6. Application #2013-63 – Permit #2013-71 for Ishak and Anne Akyuz at 114 Hendrie Avenue. The $3,000 bond is to be returned to Selim Akyuz.

7. Application #2013-115 – Permit #2013-110 for Mark and Monica Hantho at 14 Red Coat Lane. The $3,000 bond is to be returned to Mark and Monica Hantho.

8. Application #2013-151 – Permit #2013-137 for Benjamin and Sonia Jones at 18 Welwyn Road. The $3,000 bond is to be returned to Benjamin and Sonia Jones.

9. Application $2014-132 – Agent Approval #2014-19 for Hemant and Valerie Jaiswal at 5 Harkim Road. The $2,000 bond is to be returned to Hemant and Valerie Jaiswal.

The motion to release the bonds was made by Elliot Benton, second James Carr. The motion carried 5-0.

The motion to adjourn was made by Elliot Benton, second James Carr. The motion carried 5-0. The meeting adjourned at 9:45pm

Michael N. Chambers
Agency Director