MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
February 23, 2015

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

Alternates present:

Staff present: Michael Chambers, Agency Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carroll-Andrews, Wetlands Compliance Officer


PUBLIC MEETING

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

Agency Session

Seating of alternates

No alternates were present or seated.

Review and approval of draft minutes of January 29 and February 9, 2015

Norma Kerlin recommended that the January 29, 2015 minutes include a note that the meeting had been rescheduled from the original date of January 26, 2015 due to inclement weather. This note will be added to the final minutes. Otherwise the January 29 and February 9, 2015 minutes were approved based on a motion made by Joe Rogers, second by Bill Galvin. The motion carried 6-0.
**Director’s Report**

The Agency was informed by the Director of two clerical errors that have been discovered in Section 11.2 of the Regulations. A Public Hearing is therefore to be scheduled on March 16, 2015 to amend the Regulations. The Agency asked staff to compare the DEEP Model Wetland Regulations against the Agency Regulations to make sure any other clerical differences can also be corrected at the March 16th Public Hearing.

The Agency was briefed on the Citation Hearing that was held on Thursday, February 19, 2015 in the matter of a violation citation issued to the owner of 2 Cotswood Road, Dmitry Mironov. The Citation Hearing Officer, Philip Bartels, Esq., decided to reduce the fine from $1,000 to $250 after taking testimony from staff and Mr. Mironov’s wife, Yekaterina Shepelev. The fine has been paid.

The Director and Chairman Harris gave the Agency a summary of the hearing that was held on the Land Use departmental budgets before the Budget Committee of the Board of Estimate Taxation on Wednesday, February 18, 2015. The Budget Committee members appeared to understand the unpredictable nature of the Agency’s application volume and resulting revenue stream as being largely responsible for the budget deficit in the current fiscal year vs. the surplus realized in the last fiscal year. The other topics discussed with the Budget Committee were whether there is any potential for efficiencies to be gained through reorganization of Wetlands Agency and Conservation Commission operations and the results of the Town-wide survey sponsored by the Board of Selectman. Regarding the second topic, the Director noted that the survey results highlight the need for the Agency to be proactive in taking advantage of opportunities to improve the efficiency of our systems and continue its public outreach and education efforts.

Michael Chambers noted that this marks his final Agency meeting and his last evening as a Town employee. Chairman Harris informed the Agency that the Director position has been posted by the Human Resources Department and the application review and interview process will begin after the open application period closes on March 6, 2015. Chairman Harris bid Mr. Chambers farewell by saying “On behalf of the Greenwich community and all of us, thank you for your 17 years of outstanding service to the community, including your last eight as Director. You’ve truly had a remarkable impact on this town and we’ll always be grateful to you for it.”

**Greenwich Substation**

The Agency was given background materials regarding the Eversource Energy (aka Connecticut Light and Power Company) proposal to build a new electrical substation at 290 Railroad Avenue and install electrical transmission lines to connect this new facility to the existing substation on Sound Shore Drive in Cos Cob. These materials include the Municipal Consultation Filing report, a February 6, 2015 letter from attorney Marianne Barbino Dubuque that describes the advisory role the Agency may play in the review of this project, and notice of a public Open House that will be held at Town Hall on March 3, 2015 at which this project will be discussed. The Agency was asked to review this material and bring any suggestions for mitigation measures or other comments they may have regarding the project to the March meeting where they will be discussed and the Agency
can decide what input it wants to provide to the Connecticut Siting Council. There was no objection from the Agency when staff stated that they are prepared to sign off on the “greensheet” questionnaire that Eversource Energy has submitted for the substation, noting that there are no wetlands or watercourses within about 120’ of the substation site and that the Agency can offer recommendations regarding this aspect of the project even after a sign off. The Director added that CL&P has worked with Town officials over a number of years as they have developed this project proposal and he answered some questions posed by Agency members about the transmission line routing options that have been considered.

The following table represents operation figures for the period following the last regularly scheduled meeting:

**IWWA REPORT**

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**GREEN SHEET SUMMARY**

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<td><strong>No Permit Required but Wetlands Present</strong></td>
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**INSPECTION LOG SUMMARY**

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INCOMING APPLICATION SUMMARY

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Agent Approvals

No Agent Approvals were issued since the last regularly scheduled meeting. No action required.

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 (5 requested, 1 initiated by Staff, 2 released), and deadlines set by the Agency that are upcoming or have passed. 4 Apple Tree Lane had a deadline to submit an application to correct a violation by January 26, 2014, otherwise a Certificate of Violation was to be placed on the Town Land Records. The application submission has been delayed pending the completion of the survey plans. Currently the plans are being prepared by Rocco V. D'Andrea and have presumably been delayed due to snow cover. Per direction of the Director, the placement of the Certificate of Violation on the Town Land Records has been delayed through mid-March to allow for the completion of the plans. Only 15 field inspections were conducted this month due to the snow-covered ground.

Both 93 Hillcrest Road and 2 Cotswood Road were issued Stop Work Orders and 38 Hidden Brook Road was issued a Violation. All were later discussed under the Violation section of the Agenda.
Public Discussion Session

Consent Approvals

#2015-005 – 14 Birdsong Place – Yongfeng He and Qi Shi – Tax #12-2503

The staff report prepared by Bob Clausi recommended the issuance of a Permit for the construction of residential additions. No persons appeared before the Agency on behalf of the application. No public comment was received. The motion to approve was made by Bill Galvin, second by Joe Rogers. The motion carried 6-0.

#2015-011 – 98 Club Road – Deborah Hammer Kramer – Tax #05-2689

The staff report prepared by Bob Clausi recommended the issuance of a Permit for the installation of underground utilities. No persons appeared before the Agency on behalf of the application. No public comment was received. The motion to approve was made by Bill Galvin, second by Joe Rogers. The motion carried 6-0.

#2015-012 – 100 Club Road – One Hundred Club LLC – Tax #05-2690

The staff report prepared by Bob Clausi recommended the issuance of a Permit for the installation of underground utilities. No persons appeared before the Agency on behalf of the application. No public comment was received. The motion to approve was made by Bill Galvin, second by Joe Rogers. The motion carried 6-0.

#2015-013 – 150 Clapboard Ridge Road – Joseph and Marisa Femenia – Tax #10-2962

The staff report prepared by Bob Clausi recommended the issuance of a Permit for the construction of an 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 Bill Galvin, second by Joe Rogers. The motion carried 6-0.

Pending Applications

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

The staff report prepared by Doreen Carroll-Andrews recommended the issuance of an Order to Correct to remove asphalt millings and multiple debris piles. Appearing before the Agency on behalf of the applicant was Christopher Allan of Land Tech Consultants. Mr. Allan discussed the restoration plan and answered questions from Agency members and staff regarding the areas from which mills will be removed. Neighbor Lawrence Liebers discussed the concerns that he and other neighbors have about the series of violations that have occurred on this property and his desire that the Agency take firm action to make sure that this site is brought back into compliance at this time. Joe Rogers made a motion to issue an Order to Correct with the
addition conditions that monitoring reports be required every other day during the restoration work, the loop in the southeast corner of the property is to be moved at least five feet farther away from the wetland and this area is to be restored per staff approval, that the abutting neighbors whose properties have been affected by the unauthorized activities on this site be notified of these events by certified mail within two weeks of receipt of the Order, and that a Certificate of Violation be filed on the Land Records at this time and that this Certificate not be removed until the restoration work has been completed. Stephan Skoufalos seconded the motion. The motion carried 6-0.

New Applications

#2015-002 – 155 Cat Rock Road – John and Margaret Muchnicki – Tax #8A-1710

The staff report prepared by Bob Clausi recommended the issuance of a Conceptual Approval for a two-lot subdivision and a Permit for the construction of a common driveway and the installation of a meadow area with piped outfall. Mr. Clausi noted that the applicant had withdrawn their proposal to construct a single-family residence and that this activity will be resubmitted in a new application in the near future. Appearing before the Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Company, Inc. Responding to a question from the Agency Mr. Liebman stated that logs staff noted in photos submitted with the application and observed in piles on the site were generated by the property owner. The Agency directed staff to return to the site once the snow melts to ascertain whether any of these trees were cut from wetland or buffer areas. Mr. Liebman offered no objection to the comments in the staff report. No public comment was received. The motion to approve a Conceptual Approval was made by Joe Rogers, second by Norma Kerlin. The motion carried 6-0. The motion to approve the Permit was made by Stephan Skoufalos, second by Joe Rogers. The motion carried 6-0.

#2013-003 – 40 Aiken Road – David Rubenstein – Tax #10-3566 - DELAY

The staff report prepared by Robert Clausi recommended a delay of this application to construct a new single-family residence due to concerns about how field drains running under this meadow lot will be handled during construction. Appearing before the Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Company, Inc. Mr. Liebman referred to a letter he submitted just before the meeting that outlines a general plan for dealing with field drains that might be encountered. Staff and the Agency did not feel this general outline was sufficient to ensure protection of off-site wetlands and watercourses, and instructed Mr. Liebman to prepare a detailed plan for how they will locate existing field drains before the project begins and, based on these locations, a plan for maintaining the existing flow pattern of these drains during construction. The motion to delay was made by Stephan Skoufalos, second by Elliot Benton. The motion carried 6-0.

#2015-004 – 200 North Maple Avenue – Greenwich Academy – Tax #07-4022

The staff report prepared by Bob Clausi recommended the issuance of a Permit for the resurfacing of existing athletic fields and the construction of a track. Appearing before the Agency on behalf of the applicant was Brian McMahon of Redness and Mead Inc. and Richard Webb of SMRT. Mr. McMahon and Mr. Webb answered a number of general questions the Agency had about this project. Mr. McMahon offered no objection to the staff comments. No public comment was received. The motion to approve was made by Stephan Skoufalos, second by Joe Rogers. The motion carried 6-0.
#2015-006 – 35 Langhorne Lane – Nancy and Joseph Zaro – Tax #10-2794

The staff report prepared by Bob Clausi recommended the issuance of a Permit for construction of an in-ground pool. Appearing before the Agency on behalf of the applicant was Daniel Sherman of Daniel Sherman Landscape Architecture. Mr. Sherman offered no objection to the staff comments. No public comment was received. The motion to approve was made by Joe Rogers, second by Stephan Skoufalos. The motion carried 6-0.

#2015-008 – 323 Cognewaugh Road – Estate of Phyllis R. Herman – Tax #08-2024 - DELAY

The staff report prepared by Michael Chambers recommended a delay of this application to construct a new single-family residence so that a full vernal pool assessment may be done on the property and surrounding areas. Mr. Chambers also raised concern with tree clearing that would be caused by the current proposed location of drainage structures and the expansion of the landscape envelope toward the ponded wetland areas to the rear of the property. Appearing before the Agency on behalf of the applicant was Joel Villaluz P.E. Mr. Villaluz responded that changes are being made to the plan in response to the concerns raised by staff, including relocating drainage structures and adjusting the landscape envelope to maintain a 50’ buffer around the wetlands to the rear of the site. Mr. Villaluz also stated the applicant has retained Jay Fain a professional wetlands scientist, to conduct the vernal pool assessment. The motion to delay was made by Stephan Skoufalos, second by Elliot Benton. The motion carried 6-0.

#2015-009 – 75 Dingletown Road – Stephen Gerson and Susan Shea-Gerson – Tax #11-2588 - DELAY

Michael Chambers summarized his staff report, which describes a number of concerns staff has with this plan to construct a new single-family residence, including the proximity of retaining walls and fill to the wetland, the amount of fill that will be brought onto the property, tree clearing in proximity to the wetland, and the applicant’s failure to provide alternatives that would have less impact on the wetland resource. Appearing before the Agency on behalf of the applicant was Tony D’Andrea of Rocco D. D’Andrea, Inc. and Jessika Estephian who discussed these issues with the Agency. No public comment was received. Based on statements from the applicant’s agent that they will consider revising the plan to address the comments received from the Agency a motion to delay was made by Stephan Skoufalos, second by Elliot Benton. The motion carried 6-0.

#2015-012 – 0 Khakum Wood Road – Stephanie Miron – Tax #10-3172 - DELAY

The staff report prepared by Bob Clausi recommended a delay of this application to construct a new single-family residence. Appearing before the Agency on behalf of the applicant was Tony D’Andrea of Rocco D. D’Andrea, Inc., who responded to concerns raised by staff regarding access to the septic leaching field area, the proposal to use part of the lawned wetland at the frontage of the site as a storm water detention and treatment rain garden, and several other issues. Mr. D’Andrea reported that they are working on a new design for the rain garden and will address the other comments made by the staff and Agency this evening. No public comment was received. The motion to delay was made by Joe Rogers, second by Stephan Skoufalos. The motion carried 6-0.
#2015-014 – 54 Grahampton Lane – Hawthorn Development LLC – Tax # 11-1892

The 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 Peter Finkbeiner of Sound View Engineers and Land Surveyors, LLC and Joe Pajones of Joe Pajones Studio. The applicant’s agents offered no objections to the staff comments. No public comment was received. The motion to approve was made by Bill Galvin, second by Stephan Skoufalos. The motion carried 6-0.

#2015-015 – 0 North Street – Brian and Nisha Hurst – Tax #11-1479 - DELAY

The staff report prepared by Bob Clausi recommended delay of this application to construct a new single-family residence due to concerns about the amount of fill that will be brought unto the property and the lack of an adequately detailed construction phasing plan. Appearing before the Agency on behalf of the applicant was Lou DiMarzo of Redness and Mead Inc. The Agency had serious concerns about the amount of fill this project will require and members offered suggestions as to how the plan might be revised to reduce the fill. Agency members also had concerns about wetlands impacts that may result from the point discharge of the house footing drain system. Mr. DiMarzo acknowledged the concerns raised and stated they would be shared with the rest of the project team. No public comment was received. The motion to delay was made by Brian Harris, second by Bill Galvin. The motion carried 6-0.

#2015-016 – 6 Wilshire Road – Alan J. Buick and Ping Hsin Sung – Tax #10-1987

The staff report prepared by Doreen Carroll Andrews recommended the issuance of an Order to Correct for the installation of restoration plantings. Appearing before the Agency on behalf of the applicant was Joseph Risoli, P.E. and Nancy Spaulding of Spaulding Landscape Architect. Ms. Spaulding requested that the Agency change the deadline for the installation for the restoration plantings from the staff recommendation of May 4, 2015 to June 4, 2015 to ensure that the perennial planting stock will be available in the nurseries. No public comment was received. The motion to issue an Order to Correct with the amended deadline date was made by Joe Rogers, second by Stephan Skoufalos. The motion carried 5-0 with Elliot Benton out of the room.

#2015-017 – 15 Quail Road – Lorraine Slavin, Trustee – Tax #10-3434

The staff report prepared by Bob Clausi recommended the issuance of a Permit for wetland restoration. Appearing before the Agency on behalf of the applicant was William Kenny of William Kenny Associates LLC. Mr. Kenny offered no objection to the staff comments. No public comment was received. The motion to approve was made by Stephan Skoufalos, second by Joe Rogers. The motion carried 6-0.

#2015-018 – 120 Perkins Road – Burning Tree Country Club – Tax #11-2504

This matter is postponed at the request of the applicant. No Agency action required.
**Old Business**

#2014-138 – 0 Mohawk Lane – 0 Mohawk Lane, LLC – Tax #11-2341

Chairman Brian Harris noted that the Public Hearing held on this application was recently closed, so the Agency must now discuss the merits of the application among themselves and, perhaps, render a decision at tonight’s meeting. Elliot Benton began with a discussion of the assertion made by neighbors Steven Klausner and Eileen Simonson in their Verified Pleading to Intervene that this project “involves activities and conduct which has or is reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water, and other natural resources of the state” by reviewing the four examples of adverse impacts the intervenors cited in their verified pleading. Mr. Benton stated that the testimony included in the record of the Public Hearing lead him to conclude that these adverse impacts are in fact not likely to occur if the project is implemented as proposed. Joe Rogers then discussed the issues that had been of concern to the Agency during its review of the application. He expressed confidence in the assessment made by Michael Klemens, PhD, the herpetology expert the Agency retained to study the vernal pools at 0 Mohawk Lane and on the intervenors’ property in early 2014, which indicates that implementing the development as then proposed would not reduce the Tier I rating of the vernal pools that were studied. Mr. Rogers noted that since the vernal pool assessment was done, further improvements have been made to the plans that he felt address the Agency’s other concerns, such as the driveway crossing over the wetland, maintenance of the current water balance to the wetlands, and the technique that will be used for rock removal (i.e., rock hammering rather than blasting). After polling the other members of the Agency, who stated their agreement with the remarks made by Mr. Benton and Mr. Rogers, Chairman Harris made a motion to issue a Permit for the construction of a single-family residence, second Elliot Benton. The motion carried 6-0.

**Violations**

Cease & Correct Order #2015-02 – 93 Hillcrest Park Road – Jason Boyea

Doreen Carroll-Andrews reviewed the violation summary prepared by Daniel Berheide which described the excavation and ground disturbance that staff found at 93 Hillcrest Park Road on January 23, 2015. Staff recommended that the Agency maintain Cease & Correct Order #2015-02 and authorize the filing of a Certificate of Violation on the Land Records if an application to construct the addition is not received by March 25, 2015. Appearing before the Agency on behalf of the owner was architect Wes Wyrick, who stated that an application is being prepared and while they hope to get it in by the March 25, 2015 deadline they may be delayed due to current snow cover on the ground hindering the soil scientist review of the property. The Agency has the opportunity to revisit this matter at its March 23, 2015 meeting before the application deadline. The motion to accept the Staff recommendations was made by Joe Rogers, second by Norma Kerlin. The motion carried 6-0.

Cease & Correct Order #2015-03 – 2 Cotswood Road – Dmitry Mironov

Doreen Carroll-Andrews reviewed the violation summary prepared by Daniel Berheide which described the unauthorized removal of vegetation within wetland and watercourse areas observed by staff on January 21, 2015. Yekaterina Shepelev appeared before the Agency on behalf of her husband, Mr. Mironov, and stated
that an application is being prepared to address the violations. The motion to approve the staff recommendations to maintain Cease & Correct Order #2015-03 and file a Certificate of Violation on the Land Records if an application is not received by March 25, 2015 was made by Elliot Benton and seconded by Stephan Skoufalos. The motion carried 6-0.

Cease & Correct Order #2015-04 – 38 Hidden Brook Road – Leo Biagini

Doreen Carroll-Andrews reviewed the violation summary prepared by Marisa Anastasio which described the unauthorized construction adjacent to wetland and watercourse areas that staff recently determined has taken place on this property. Staff recommended the Agency maintain Cease & Correct Order #2015-04 and that a Certificate of Violation be filed on the Land Records if an application to correct the violation is not received by March 25, 2015. No one appeared before the Agency on behalf of the property owner. The motion to accept the staff recommendations was made by Elliot Benton, second by Bill Galvin. The motion carried 6-0.

Bond Releases

Application #2012-07 – Permit #2012-25 for Gunter Heiland at 10 Birch Lane. The $6,000 bond is to be returned to Santora Brothers Construction, LLC.

Application #2012-130 – Permit #2013-14 for Vijay and Chitra Sundaram at 38 Carriglea Drive. The $6,000 bond is to be returned to Vijay and Chitra Sundaram.

The motion to release the bonds was made by Elliot Benton and second by Bill Galvin. The motion carried 6-0.

The meeting adjourned at 10:14 p.m.

Robert E. Clausi
Acting Wetlands Director