

DRAFT

MINUTES

GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

February 24, 2020

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

Alternates present: Alan Rossi and Peter Linderoth

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

Others present: Tony and Len D'Andrea, Rocco V. D'Andrea, Inc.; Tom Heagney, Heagney, Lennon, & Slane, Bryan Muller, Sound View Engineers & Land Surveyors, LLC; Matt Popp, Environmental Land Solutions, LLC; Bill Kenny, William Kenny Associates; Larry Liebman, S.E. Minor & Company, Inc.; Rob Frangione, Frangione Engineering, LLC; Christen Fontana, Ahneman Kirby, LLC; Skip Auch, Ocean North Pools; Ryan Dexter, The Pond and Lake Connection; Bill Rutherford, Yury Sofman, Cindy Lyall, John Sayers, Elana Gershen, Scott James, Mark Hemingway, Bill Elam, John Kowalski, James Dasher,

1. Call to Order

Brian Harris called the meeting to order at 7:02 p.m.

2. Seating of Alternates

Alan Rossi and Peter Linderoth were seated.

3. Approval of minutes

Norma Kerlin proposed a correction on page 4 in association with the presentation by Tom Ryder of Land Tech Consultants. The term "loosely" should be deleted as it is a subjective characterization.

Joseph Rogers made a motion to approve the minutes of January 27, 2020, as corrected, seconded by and carried 7-0-0.

Joseph Rogers made a motion to approve the minutes for the special meeting of February 21, 2020, seconded by Elliot Benton, and carried 7-0-0.

4. Director's Report

Patricia Sesto reported her time has been heavily consumed by projects associated with the Conservation Commission. For the IWWA, the two appeals of recent denials have generated work in association with record preparation. Also, the department has submitted requests for two high school interns to be shared with the Conservation Commission.

5. Other Business

Alan Rossi expressed his discontent with incomplete applications being reviewed by the agency. He questioned why the agency entertains presentations for incomplete applications and why they are not deferred until complete.

Elliot Benton noted there are statutory time frames that must be adhered to and perhaps a better job can be done to inform applicants regarding missing information.

Ms. Sesto expanded on the statutory requirements. The agency is required to establish a list of what it deems appropriate for applicants to provide so they and their staff can properly evaluate and application. Not all applications need all the identified information, but applicants should not be self-determining what not to provide. Waivers should be requested. However, it is ultimately the applicant's job to provide the information needed to support their application. It is their right to submit less than what is listed as an application requirement, but this is also done at their own peril. By statute, the agency cannot refuse to receive an application because it is missing information. They do have the right to deny based on incompleteness. She concurred applications that do not include critical information such as alternatives and biological evaluations hinder staff's ability to provide the agency useful guidance.

Joseph Rogers acknowledged the statutory framework and reiterated the need to minimize wasted time reviewing incomplete applications. This is inefficient.

I. Public Hearing Applications

- 1. #2019-153 – 42 Dublin Hill Drive – Rocco V. D'Andrea, Inc. for LMB Dublin Hill, LLC for construction of single family residence, driveway with wetland crossing, pool, septic system, and drainage within and adjacent to wetlands. Tax #08-2590 (first 35 days 3/2/2020)**

Robert Clausi read the list of documents into the record and reviewed his supplemental staff report. He reminded the agency this application was incomplete as of the last meeting. Alternatives have still not been submitted, but the biological narrative was. The narrative highlights the wetland crossing, wetland creation, and the section of intermittent watercourse that will be daylighted.

Questions remain regarding the timing of the septic fill testing, the size of the house, the proposal to create a 50% slope 25 feet from the wetlands, and the proposal to have this slope vegetated by grass or ornamental plantings.

The applicant was asked to evaluate the wetland off-site at the last meeting. This report has not been submitted.

A revised buffer planting plan has been submitted. It depicts the loss of many trees and those are replaced with six trees and 68 shrubs. Mr. Clausi indicated this was insufficient mitigation. Additionally, the plan does not show trees 6-12-inch diameter in size as required by regulation. Without this information the extent of tree loss cannot be properly evaluated.

The applicant has proposed a deed restriction encompassing 0.75 acres on the north side of the wetland. The restriction would allow for unspecified small structure, an inclusion that requires clarification.

Mr. Clausi read the newly submitted documents into the record. An authorization to extend the period of time for the public hearing was submitted and sets May 6 as the last day of this period.

Anthony D'Andrea, D'Andrea Surveying & Engineering, P.C., stated he has been working to revise the plans per the agency's discussions. He conveyed Greenwich DPW has approved the stormwater management plan. The DPH "ledge letter" can be addressed via a condition of approval. Mr. D'Andrea clarified the size of the house is not dependent on the number of bedrooms. The team is looking at the size of the house and its siting on the parcel.

Elliot Benton asked Mr. D'Andrea why no alternatives were submitted with the application as required. Further, Mr. Benton had previously requested a particular alternative to rotate the house be investigated and submitted and this has not occurred.

Mr. D'Andrea stated they are looking into alternatives and will provide a narrative describing them. Ms. Sesto responded the application requirements include sketches of those alternatives, not just a narrative.

Chairman Harris called for public comment. There was none.

Elliot Benton made a motion to continue to the March meeting, seconded by Joseph Rogers, and carried 7-0-0.

2. #2019-156 – 120 Tomac Avenue – Heagney, Lennon & Slane, LLP for Innis Arden Golf Club, Inc. for demolition and reconstruction of a clubhouse, parking area, and site improvements within and adjacent to wetlands. Tax #06-1674/s (first 35 days 3/2/2020)

Bob Clausi listed the application documents and reviewed his staff report. He stated the applicant was responsive to the agency's requests as indicated by the newly submitted information. The information addresses the consequences of rebuilding the clubhouse in place. This would cause direct wetland impacts and a section of the watercourse to be relocated. Also, the location would not address the current hazards of balls straying from the fairway.

The mitigation plan to compensate for the lost wetland has been revised. The applicant's proposal properly reflects the regulatory goal to restore, enhance, then create wetlands. It now proposes two times more wetland area to be are created and restored than is being filled. Further, the area of buffer to be restored has doubled and shading of the watercourse has been enhanced by shifting and adding shadblow, black gum, and red maple trees.

Tom Heagney, Heagney, Lennon, & Slane appeared before the agency. He stated the plans have been revised in accordance with the directives of the agency. He reviewed the long history of the golf course and its uses of the wetlands. This includes staging golf carts during events and decades of lawned wetlands. Mr. Heagney concluded the mitigation work represents and overall improvement to the site conditions.

Len D'Andrea of Rocco V. D'Andrea, Inc. appeared before the agency. He referenced correspondence from Ken Dyes, golf course designer. Mr. Dyes described the need for a 100-foot separation of the fairways and clubhouse and a 60-degree cone of clearance from the tees. The preferred alternative is the safest and includes benefits to the watercourse.

Matt Popp of Environmental Land Solutions, LLC spoke to the overall mitigation plan and the changes since the last meeting. The new mitigation was focused on restoring degraded wetland areas. As revised, 6,200 s.f. of wetland will be restored, providing a 2:1 compensation ratio. Another 3,000 s.f. of buffer will be restored and shading will be added to sections of the watercourse.

Brian Harris questioned why the wetland and watercourse buffer just north of the proposed clubhouse in fairway two was not included. Mr. D'Andrea responded this is an active area of play. Discussion ensued and resulted in the applicant agreeing to provide a minimum of a five-foot herbaceous, natural edge buffer on either side of the watercourse.

No public comment was made.

With no further comments, Elliot Benton made a motion to close the hearing, seconded by Peter Linderoth and carried 7-0-0.

Brian Harris made a motion to approve action on IWWA application #2019-156, with the general conditions and special conditions proposed by staff, and the additional special condition the watercourse on fairway two will have a minimum of a five-foot wide natural buffer on either side, seconded by Joseph Rogers. Robert Clausi reviewed the suggested special conditions. An erosion and sedimentation control log book needs to be utilized during construction and an environmental consultant needs to be conducting inspections and oversight during the watercourse restoration and wetland mitigation phases. The monitoring frequency shall be once every two weeks during active construction. Joseph Rogers included the need to have a wetland and watercourse management protocol filed with the agency by the superintendent. Members concurred the preferred proposal was the most prudent and feasible alternative.

With no further discussion, the motion passed 7-0-0.

3. #2020-010 – 306 Round Hill Road - S.E. Minor & Co., Inc. for Christopher Pollack for maintenance of dam, dry hydrant, and installation of restoration plantings within wetland and watercourse. Tax #10-1018 (first 35 days 3/30/20)

Members Kerlin, Benton, Rogers, Rossi and Schondorf were identified as having been to the site.

Bob Clausi read the list of documents into the record. He stated this application is in response to a major violation cited last fall. At that time, a crew was working in the wetland and watercourse, the wetland and buffer was cleared and grubbed, a watercourse crossing was constructed, and fill was deposited in the watercourse to facilitate work on the dam.

A cease and correct order was issued on November 25, 2019 and fines were issued for the six violations that the project included. CT DEEP Dam Safety, Water Diversion, and Fisheries Divisions were notified. Dam Safety determined the dam is a class AA hazard and thus, the regulatory oversight fall to the local commission.

The corrective action application materials submitted are highly deficient, including the absence of a mitigation plan. The applicant is asking to keep the dam and finish the work on it. There is no documentation of what the dam consisted of before the violation, but photos show the top was jagged and it is now smooth and higher. The hydraulic effect of the change has not been documented. The applicant was in the process of installing a dry hydrant that they would like to finish. The plan also includes dredging a section of the river and using the spoils to fill the illegal bypass channel.

The application is missing plans to substantiate their statement proclaiming a desire to restore the wetland. There are no logistical details of the various elements of the proposal.

Mr. Clausi questioned whether the dam should be allowed to stay. There are ecological benefits to removing it, including connecting two miles of instream habitat and providing access to one mile of Knapp's Brook. By removing the dam there will be positive impacts to water quality and sediment transport.

The applicant has not proven its preferred alternative is the most feasible and prudent. The 100 year floodway and floodplain are not accurate. The applicant needs to work with FEMA to sort out the discrepancy.

As this is a violation, if the applicant does not come forward with a complete and substantiated application, the agency has the authority to order remediation as it deems appropriate.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency. He concurred the application is missing information and work is underway to provide it. He requested a continuation.

With no further comments from the agency or public, Brian Harris made a motion to continue the hearing, seconded by Jo Rogers, and carried 7-0-0.

- 4. #2020-013 – 8 Hickory Drive – Sound View Engineers & Land Surveyors, LLC for Yury Sofman for construction of a single family residence, driveway, drainage, and relocation of a watercourse. Tax #09-2473/s (first 35 days 3/30/20)**

For ease of review, the agency elected to hear 2020-013 and 2020-014 simultaneously.

- 5. #2020-014 – 0 Hickory Drive - Sound View Engineers & Land Surveyors, LLC for Yury Sofman for construction of a single family residence, driveway, and drainage 15 feet from wetlands. Tax #09-2472/s (first 35 days 3/30/20)**

Elliot Benton, Norma Kerlin, Jo Rogers, Alan Rossi, and Jay Schondorf were identified as having been to the site.

Bob Clausi read the documents into the record and described the proposals. Eight Hickory Drive was previously developed with a single-family house and the proposal is to raze the house and rebuild. Zero Hickory Drive is undeveloped, and a single-family home is proposed. A watercourse with a narrow wetland fringe is located on 8 Hickory Drive and its upland review area extends to 0 Hickory. The proposal calls for 115 linear feet of watercourse to be eliminated and a new channel formed along the southern property boundary.

The applicant provided one alternative and Mr. Clausi deemed this insufficient. Other alternatives the applicant should explore include seeking a front yard variance, a smaller house, and a smaller deck.

A planting plan was submitted in acknowledgement of the 24 large trees to be removed. The planting plan does not properly mitigate for lost trees as it is predominantly comprised of shrubs and will result in a change in cover type.

The proposal to relocate the watercourse is missing substantial information. The proposal places the new watercourse down a 15% slope with rock outcroppings. Mr. Clausi expressed concern the stream flow would jump its banks and cause impacts to the slope and receiving watercourse from erosion and sedimentation. The plan lacks necessary engineering, and this was confirmed by Greenwich DPW civil engineer, Scott Marucci who conveyed to Mr. Clausi the current design is insufficient.

Stormwater management for the two dwellings will be provided via a porous asphalt driveway, and Cultec units behind the house. The applicant needs to verify the peak runoff

rates and volumes are being treated as purported. An additional standard of the stormwater guidelines should be invoked to address the need for stream channel protection.

Bryan Muller, Sound View Engineers & Land Surveyors, LLC appeared before the agency. He agreed additional alternatives will be provided and he will address DPW's comments. He rejected concerns regarding the slope of the proposed watercourse, stating it is no steeper than the current one and the configuration of the existing watercourse is problematic from a stability view.

Through discussion, the agency requested the applicant provide details of the stream's watershed, alternatives that use the footprint of the existing house, keep the stream in its current location, and minimize tree loss.

Chairman Harris called for public comment.

Cindy Lyall, 28 Caroline Place, identified herself as being the downstream neighbor. She expressed concern about an increase in water moving through her property due to the development. She stated she felt vulnerable to damage that change could bring.

John Sayers, 30 Caroline Place, stated he echoes Ms. Lyall's statements.

Elena Gershon, 4 ½ Hickory Drive, appeared before the agency and spoke to the extent of wildlife support the woods offer. Despite having had a tree from this area fall and damage her house, she urged restraint on tree removal.

Scott James, 10 Hickory Drive, expressed concern for the neighborhood, stating the woodlands are important. The stream is perennial and he is aware the previous owner performed some maintenance on it.

Mark Hemingway, 3 Hickory Drive, concurred with the previous speakers and added watercourse protection is not just for this property, but also for the Byram River that this watercourse feeds into. The Byram is already impacted.

Bill Elam, 32 Caroline Place, described the impacts of another new development that brought water impacts down gradient. The subject watercourse carries a lot of water.

John Kowalski, 1 Hickory Drive, and James Dasher of 2.5 Hickory Drive likewise conveyed concerns for downstream neighbors based on their experiences with another watercourse in the area.

With no further comments, Brian Harris made a motion to continue the hearing, seconded by Joseph Rogers, and carried 7-0-0.

II. Consent Approval

1. **#2020-001 – 279 Stanwich Road – Sound View Engineers & Land Surveyors for Joseph Calagna for septic repair 17 feet from wetlands. Tax #08-1498 (first 65 days 4/1/20)**
2. **#2020-004 – 212 Cognewaugh Road – Frangione Engineering, LLC for Daniel Stein for construction of a residential addition, pool, spa and patio, and reconfiguration of a driveway 28 feet from wetlands. Tax #08-3009 (first 65 days 4/1/20)**

Jo Rogers made a motion to approve the application listed on the consent agenda, with the general conditions and special conditions proposed by staff, seconded by Peter Linderoth, and carried 7-0-0.

III. Pending Applications

1. **#2019-109 – 249 Valley Road – Rocco V. D’Andrea, Inc. for Timothy Saunders, Jr. for two-lot subdivision and construction of a single family residence 11 feet from wetlands. Tax #08-2018/s (Application Closed on 1/27/20) PS**

At the January meeting Ms. Sesto was asked to summarize the salient points of the record. She reviewed her summary. The 2-lot subdivision would generate one new building lot. The entire new parcel is within the upland review area. Approximately 60% of the new lot would be permanently consumed by the driveway and house. DPW and the peer review consultant determined the stormwater management plan for the new lot was acceptable. While the area under the house is not accessible, the only flow it will receive is that which overflows from the porous driveway. The driveway system is designed to contain the 100-year storm.

Ms. Sesto raised issues with the stormwater management plan for the existing house. The porous driveway will be under-drained. No soil data was provided to substantiate the plan. The underdrain will discharge to a level spreader that is on a steep slope and the two intervening retaining walls will serve to concentrate flows.

Despite the requests the applicant did not provide alternatives. The applicant testified the modifications to the stormwater management system serve as alternatives.

The new lot does not receive overland flow from off-site areas. This limits the role of the existing vegetated buffer in protecting Mianus Pond from non-point source pollution. However, the land east of the proposed residence will have a 50-70% slope and any water that concentrates will cause erosion. Erosion fostered by the flow through the deck and/or overflowing gutters will likewise threaten erosion. It is unlikely the average homeowner would recognize as is pollution for the pond and properly fix the issue.

The sedimentation controls for the project are not wholly contained on subject property nor are they entirely outside the flood plain, It is reasonable for this to occur. The plan should reflect this and the recommendations of its expert, Twelve Development to retain a 10-foot area around the house to work in.

The planting plan functions in three capacities: One to repair the damage from development of a new lot; two, to compensate for the violation where 15 mature trees were removed from the proposed northern lot, and three, as mitigation for the permanent consumption of a portion of the protective upland buffer. A portion of the mitigation planting plan relies on Town property to fulfill. To enhance the on-site portion, the proposed rooted plants should extend out to the property line. Concern was stated the vegetation under the structure and decks. Ms. Sesto suggested the deck be moved north to overhang the proposed stairs and leave the vegetation exposed. All parts of the structure, cantilevered or not should be 25 feet from the pond and wetland.

Fifteen trees were removed as part of the violation, only 6 are being proposed. The planting plan should be revised to include 15 shade trees on both lots, with some of the understory trees on the new lot switched from understory to over story trees. The standard for success of controlling non-native invasive species needs to be more strict. The conservation easement proposed by the applicant is worthwhile. The trail proposed on the north lot is not sustainable and should be eliminated.

There is no pre-existing permit for the dock. The dock is not part of this application and should be removed by April 1, 2020.

Conditions of approval and reasons for denial were provided by Ms. Sesto. Joseph Rogers confirmed the conditions of approval incorporate the recommendations of her staff report, with an additional condition pertaining to the inaccurate phasing plan still needed.

Discussion of Ms. Sesto's summary ensued. Brian Harris questions the modifications to the plan per the conditions of approval. Sesto explained no alternates were provided by the applicant to substantiate the inability to meet the criteria outline in the condition. Consequently, the applicant would have to modify the plan to meet the condition.

Elliot Benton asked Ms. Sesto to speak about reasons for denial. She described the need and requests for alternatives. The applicant's testimony was the changes in the stormwater management plan should be considered alternatives. What this doesn't account for is the permanent consumption of the buffer adjacent to Mianus Pond and the ability to enhance it in the future. Further, section 10.f was not satisfied. Application can be deemed incomplete.

New lot will likely bring long term impacts to the wetland and pond due to slope instability, erosion and sedimentation. Protection of the pond relies entirely on keeping overland flow diffused. Vegetation under the deck and garage is not likely to succeed.

Elliot Benton confirmed erosion and sedimentation will exist over the life of the project.

Brian Harris suggested the deck be solid with gutters to divert flow and eliminate scoring underneath. Sesto responded the discharge of the gutters would create erosion on the steep slopes.

The existing driveway will have porous pavement that outlets to a level spreader that is poorly located and not conducive to slope stability.

Jay Schondorf asked Ms. Sesto if she thought the needs of the agency would be satisfied if the conditions were met. Ms. Sesto advised the record would support this approval.

Brian Harris added an 18th condition to require the deck runoff be capture and directed to a retention system. This would go to the driveway system to protect the space under the deck.

Elliot Benton challenged the ability to impose conditions that modify the design. Yes, conditions are within the agency's authority and are frequently used. Sesto stated is preferable from the applicant's position to try to fix the problems as part of a permit rather than have a denial.

Ms. Sesto suggested the level spreader on the northern lot should be conditioned to require more detail.

Brain Harris made a motion to approve IWWA#2019-109 with the general conditions, special conditions proposed by staff, and the additional special condition that Phase I of the phasing plan be revised to reflect the property boundary accurately, the deck be modified to capture runoff and discharge this to the driveway, additional details be provided for the northern level spreader, and proposed special condition 16 be modified to insert reporting frequencies, seconded by Jo Rogers, and carried 6-0-1. Alan Rossi abstained.

2. #2019-147 – 279 Taconic Road – S. E. Minor & Co., Inc. for Valerie and Tatiana Goldburt for construction of a gate house, retaining wall and permeable drive 11.7' from wetlands. Tax #11-2852 (second 65 days 4/3/20)

Bob Clausi reviewed the changes to the proposal since the last meeting. The garage is now located 140 feet from the wetland and north of the house. With this change, Mr. Clausi recommends approval.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency and stated he has no objections to the staff recommendations for approval.

Elliot Benton made a motion to approve IWWA application #2019-147, with the general conditions and special conditions proposed by staff, seconded by Peter Linderoth, and carried 7-0-0.

IV. New Applications for Review

3. #2020-002 – Vista Drive – S.E. Minor & Co., Inc. for Indian Harbor Homeowners Association for pipe replacement abutting a wetland. Tax #02-1329 (first 65 days 4/1/20)

Bob Clausi described the proposal to replace a failed 18-inch corrugated metal pipe. When the pipe is replaced, water will be pumped around the work area. The only outstanding issue is obtaining authorization from the two properties a small portion of the project passes through. No work can take place without this authorization.

Larry Liebman of S.E. Minor & Co., Inc. responded to Mr. Clausi's report, offering no objections.

Jo Rogers made a motion to approve action on IWWA application #2020-002, with the general conditions and special conditions proposed by staff, seconded by Jay Schondorf, and carried 7-0-0.

4. #2020-003 – 5 Ridgeview Avenue – Ocean North Pools, LLC for Lynne B. Auch for demolition and construction of a pool 78 feet from wetlands. Tax #11-1716 (first 65 days 4/1/20)

Bob Clausi the proposal to demolish a pool and reconstruct it. Mr. Clausi recommended a lawned wetland area adjacent to a stream be vegetated as mitigation. The area is approximately 1,800 s.f. in size.

Skip Auch, applicant, appeared before the agency. He contested the suggested mitigation, stating this wetland has been in this condition for a long time. Discussion ensued with Chairman Harris stating there is no inclination to waive this standard requirement.

Brian Harris made a motion to approve action on IWWA application #2020-003, with the general conditions and special conditions proposed by staff, seconded by Jay Schondorf, and carried 7-0-0.

5. #2020-005 – 52 John Street – The Pond and Lake Connection for Robert and Elizabeth Berner for treatment and removal of invasive plants from wetlands. Tax #10-3072 (first 65 days 4/1/20)

Bob Clausi reviewed his staff report and recommendations. An effort to clear out a stand of phragmites had begun and small section is left. The area has easy access and the project is beneficial and can be enhance further if the effort is expanded to include other non-native invasive species. Mr. Clausi advised the plant material cannot be composted as this will spread the plants.

Mr. Clausi also found an area on-site adjacent to a watercourse that appears to have been disturbed. Silt fence needs to be installed until the area is stabilized.

Ryan Dexter of The Pond and Lake Connection appeared before the agency and indicated no objections to the recommendations.

Jo Rogers made a motion to approve action on IWWA application #2020-005, with the general conditions and special conditions proposed by staff, seconded by Jay Schondorf, and carried 7-0-0.

6. **#2020-006 – 29 Meadowcroft Lane – Rocco V. D’Andrea, Inc. for Aprazival, LLC for construction of a single family residence, driveway, septic system, drainage, and landscaping 10 feet from wetlands. Tax #11-1767 (first 65 days 4/1/20)**

Elliot Benton, Norma Kerlin, Jo Rogers, Alan Rossi, and Jay Schondorf were identified as having been to the site.

Robert Clausi reviewed the proposal to construct a single family dwelling. He reminded the agency this property was before them in 2019 for a pond dredging application.

The house that once stood on-site was demolished and the new plan calls for the pool house, deck, and septic system in the upland review area. The application is incomplete, with no alternatives or biological evaluation having been submitted. The outdoor living area is 10 feet from the wetland and within an area set aside for restoration in association with the dredging permit. Alternatives to this deck location is reportedly forthcoming.

A phasing plan is needed. The plan should include measures to divert overland flows around the project area.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency. He stated alternatives will be submitted for the deck. The landscape plan has incorporated the rain garden and it will be a functional asset to the landscape. The mitigation area associated with the dredging project will not be altered.

Brain Harris made a motion to delay action on IWWA application #2020-006, seconded by Elliot Benton, and carried 7-0-0.

7. **#2020-007 – 43 Lockwood Lane – Michael DeVito for Theresa Coddair for maintenance of a culvert. Tax #05-2668/s (first 65 days 4/1/20)**

Bob Clausi reviewed the conditions by which a culvert was replaced and the driveway raised to address flooding problems. This is a difficult situation and the owner is working to create a complete application. The applicant is seeking relief from all or part of the application fee.

Brain Harris made a motion to delay IWWA application #2019-007, seconded by Peter Linderoth, and carried 7-0-0.

8. #2020-008 – 12 Hillcrest Lane – Ahneman Kirby, LLC for Derron and Marion Slonecker for modification of a driveway 15 feet from wetlands. Tax #12-1532 (first 65 days 4/1/20)

Elliot Benton, Norma Kerlin, Jo Rogers, Alan Rossi, and Jay Schondorf were identified as having been to the site.

Doreen Carroll-Andrews reviewed her staff report for this application to reconfigure and expand a driveway 15 feet from a watercourse. Three trees will be cut, over 800 s.f. of impervious driveway will be installed, and stormwater will be detained under the driveway. The expanded driveway will necessitate filling adjacent to the watercourse for a length of 65 feet.

A planting plan is proposed, and Ms. Carroll Andrews suggested it would be beneficial if the plan was enhanced as the proposed slope would be steep. She stated not alternatives were submitted and suggested several options.

Given the outstanding elements of the application, Ms. Carroll Andrews recommended the agency delay taking action.

Christian Fontana of Ahneman Kirby, LLC appeared before the agency. He responded to Ms. Carroll Andrews' recommendation to delay action, stating he was opposed and preferred recommendations be incorporated into conditions of approval, including adding more plants.

Elliot Benton questioned why no alternatives were submitted. He stated an alternative would be to use the existing driveway or a new driveway configuration that does not encroach into the watercourse buffer any further.

Jay Schondorf made a motion to delay action on IWWA application #2020-008, seconded by Elliot Benton, and carried 7-0-0.

9. #2020-009 – 571 Round Hill Road – S.E. Minor & Co., Inc. for Scott Ganeles for construction of tennis court, retaining wall, drainage, and plantings 37 feet from wetlands. Tax #10-2804 (first 65 days 4/1/20)

Bob Clausi reviewed the proposal to construct a tennis court and install a well 12 feet from the pond. ZBA has approved a variance for property line setback. The other area on-site large enough for the court is on the west side of the wetland. This area is vegetated with dense scrub vegetation and not considered feasible or prudent.

Thirteen trees need to be removed to accommodate the court in the proposed location. Mr. Clausi deemed the planting plan insufficient. He questioned the access location to deliver 250 c.y. of fill and how the well slurry will be contained.

Larry Liebman of S.E. Minor & Co., Inc. responded by apologizing for the delay in getting the additional information to the agency. He stated the tennis court will consume 3,451 s.f. of

buffer area and the same square footage of lawn will be given back via restoration. He described the construction sequencing and indicated the well will be pounded, not drilled, to reduce the potential for impacts. Lastly, Mr. Liebman concurred more trees could be added.

Robert Clausi stated conditions of approval have been provided. Condition #3 would need to be revised to include submission of well construction details.

Elliot Benton made a motion to approve action on IWWA application #2020-009, with the general conditions, special conditions proposed by staff and the modification to special condition #3, seconded by Joseph Rogers, and carried 7-0-0.

V. Applications to be Received

Chairman Harris made a motion to receive the thirteen applications listed on the agenda, seconded by Jay Schondorf, and carried 7-0-0.

1. **#2020-015 – 7 Dublin Hill Drive – Ahneman Kirby, LLC for William and Anne Kneisel to maintain repair of pond spillway within wetlands. Tax #08-2694 (first 65 days 4/29/20)**
2. **#2020-016 – 25 Owenoke Way – Zachariah and Jennifer Pratt for installation of deer fence within wetlands. Tax #05-1561 (first 65 days 4/29/20)**
3. **#2020-019 – 15 Orchard Hill Lane – Kerri Breed to maintain stone wall and portion of driveway within wetlands. Tax #10-1647 (first 65 days 4/29/20)**
4. **#2020-020 – 40 Hearthstone Drive – Fowler and Jillian Storms for installation of deer fence within wetlands. Tax #05-2637 (first 65 days 4/29/20)**
5. **#2020-021 – 27 Peckslan Road – Sound View Engineers & Land Surveyors, LLC for Benjamin Walsh for construction of a pool, patio, and retaining walls 9 feet from wetlands. Tax #10-3659 (first 65 days 4/29/20)**
6. **#2020-022 – 124 Peckslan Road – Sound View Engineers & Land Surveyors, LLC for Erin Swanson for construction of a pool, patio, septic system, and drainage 38' from wetlands. Tax #10-2208 (first 65 days 4/29/20)**
7. **#2020-023 – 11 Angus Lane – Sound View Engineers & Land Surveyors, LLC for Hannah Grande for construction of residential addition, septic modifications, and drainage 43 feet from wetlands. Tax #07-2118 (first 65 days 4/29/20)**
8. **#2020-024 – 9 Dialstone Lane – R.I. Pools, Inc. for Anthony and Joanna Antonucci for construction of pool, patio, and retaining wall 8 feet from wetlands. Tax #05-2255 (first 65 days 4/29/20)**

9. **#2020-025 – 70 Lower Cross Road – Redniss & Mead, Inc. for SBP Lower Cross, LLC for construction of single family residence, driveway, guest house, pool, pool house, patio, septic system, and drainage within and adjacent to wetlands. Tax # 11-1842 (first 65 days 4/29/20)**
10. **#2020-026 – 27 Vineyard Lane – S.E. Minor & Co., Inc. for James E. Walker for designation of 100% septic replacement area 65 feet from wetlands. Tax #10-1663 (first 65 days 4/29/20)**
11. **#2020-027 – 34 Baldwin Farms North – S.E. Minor & Co., Inc. for Michael Rolla for designation of 100% septic replacement area 55 feet from wetlands. Tax #10-2664 (first 65 days 4/29/20)**
12. **#2020-028 – 6 Meadowcroft Lane – S.E. Minor & Co., Inc. for 5 Boys LLC for designation of 100% septic replacement area 77 feet from wetlands Tax #11-1515 (first 65 days 4/29/20)**
13. **#2020-029 – 27 Tomac Avenue – S.E. Minor & Co., Inc. for Papone Aldo Trust for construction of pool, patio, and drainage 18 feet from wetlands. Tax #06-2375/s (first 65 days 4/29/20)**

VI. Agent Approvals

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

1. **#2020-011 – 27 Pecksland Road – Sound View Engineers & Land Surveyors, LLC for Benjamin P. Welsh for construction of a single family residence, driveway, pool, septic system, and drainage 38 feet from wetlands. Tax #10-3659**
2. **#2020-012 – 22 Angus Lane – Sound View Engineers & Land Surveyors, LLC for Gustavo Leitenberger for construction of a stone wall and grading 50 feet from wetlands. Tax #07-2122/s**
3. **#2020-017 – 36 Cary Road – Sound View Engineers & Land Surveyors, LLC for Lynne Stewart for construction of a residential addition 55 feet from wetlands. Tax #12-1488/s**

There were no questions or comments.

VII. Violations

No violations were reviewed.

VIII. Other Business

IX. Adjourn

With no further business, the meeting adjourned at 10:28 p.m.

Patricia Sesto
Director