

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
February 25, 2019**

Members present: Vice Chairman Elliot Benton, Jay Schondorf, Norma Kerlin

Alternates present: Alan Rossi and Klaus Jander

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

Others present: Dave Ginter, Redniss & Mead; John Conte, Sr. and John Conte, Jr., Conte and Conte, LLC; Matt Popp, Environmental Land Solutions, LLC; Thomas Nelson of McChord Engineering Associates, Inc.; Bill Kenny, William Kenny Associates, LLC; Dean Martin, Grumman Engineering, LLC; Salvatore Longo, Tata & Howard, Inc.; Steven Bishop, John and Gloria Molonari, Frank Parker, Tony D'Andrea, Rocco V. D'Andrea, Inc.; Rich Duggan, Richard Lado, Nancy Marshall, Laura Markovich, John Heagney, Heagney, Lennon & Slane, LLP

1. Call to Order

Vice Chairman Elliot Benton called the meeting to order at 7:01 p.m.

2. Seating of Alternates

Klaus Jander and Alan Rossi were seated.

3. Approval of draft minutes of January 28, 2019

Norma Kerlin made a motion to approve the minutes of January 28, 2019, seconded by Jay Schondorf and carried 5-0-0.

4. Director's Report

a. Monthly Summary

Patricia Sesto reported on the upcoming staff vacancies created by the resignation of Applications Coordinator Lauren Lockwood and Asst. Compliance Officer Lindsay Tomaszewski. The advertisement period for the position closed on February 22.

The project to review the land use permit forms is moving forward. She thanked IWWA members who contributed.

A study by Harbor Watch indicates four waterways in Greenwich, the Byram River, Greenwich Creek, Horseneck Brook, and the Mianus River exceeded acceptable levels of *e. coli* 45-100% of the occasions they were tested. None failed for the minimum levels of DO. The agency can use this information to assist them in protecting the watercourses in the watersheds of these waterways.

In conjunction with the Conservation Commission, the USGS has been contacted to investigate the value of repeating the groundwater study performed in 2004.

5. Other Business

a. IWWA #2018-096 – 1275 King Street – Brunswick School – Field Change Determination

Patricia Sesto described the reconsideration of playing field development at Brunswick School. The plan previously approved by the IWWA included an artificial turf, varsity baseball field on the newly acquired east campus. Further study led the school to leave the baseball field on the west campus and develop what would have been the varsity baseball field into a lacrosse and track field.

Mrs. Sesto is seeking the agency's determination if this can be considered a field change or will a new permit be required. The limit of disturbance in regulated areas is unchanged. However, the overall footprint of disturbance is greater. Discussion ensued.

David Ginter of Redniss and Mead appeared before the agency and provided additional clarification regarding the drainage and ancillary uses, such as spectator accommodations.

It was the consensus of the members the change was too big and its consequences could not be properly assessed in the absence of details routinely associated with an application. Further, neighboring property owners are entitled to be notified of this change.

I. Pending Application

1. #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)

Patricia Sesto reviewed her supplemental staff report. The applicant has provided the additional information requested. Much of the concern regarding the need to minimize clearing impacts and restoration has been addressed by committing to having an environmental professional work with the contractor prior to and following the installation of the pipeline to customize clearing and planting. The expanded width of clearing where the access road runs parallel with Taconic Road cannot be substantively narrowed by walls, steeper grades, etc. The applicant has further stated the vegetation in that area is dominated by ash that are in decline and scrub underbrush.

The alternative of traversing two private properties to notably shorten the length of the new pipe and eliminate the need for this new disturbance was dismissed by the applicant, citing the property owners were not receptive. Gloria Molonari, owner of one of the properties

submitted a letter noting she is conceptually willing to grant an easement. Mrs. Sesto cautioned the agency against requiring an applicant to seek alternatives off-site. Aquarion has been receptive to exploring the idea, but has ultimately conveyed it is not feasible.

With the revisions to the plan and commitment to on-site consultation with an environmental professional, Mrs. Sesto recommended the agency make an as-of-right determination in accordance with section 4 of the regulations.

Salvatore Longo of Tata & Howard, Inc. appeared before the agency. Mr. Longo stated the alternate route for the pipeline across private property requires cooperation of two property owners. While Mrs. Molonari is open to the discussion, the owners of 279 Taconic Road are not. This property is necessary to make the alternative work.

Steven Bishop, 275 Taconic Road, addressed the agency and questioned Aquarion's effort in gaining the support of the 279 Taconic Road owners. He urged the agency to compel Aquarion to pursue this route. The route is much shorter, making it financially a better decision and the environmental impact would be far less.

Elliot Benton reiterated the limitations of the agency to require an applicant to pursue alternatives involving property not in their control. He suggested Mr. Bishop reach out to Aquarion and/or their stockholders directly to convey his position.

Frank Parker, Taconic Road, described his effort to explain the situation and benefits to Mrs. Molonari. Once she understood how destructive the proposed route will be, she agreed in principle to sell an easement. Mr. Parker did not have the same discussion with the owners of 279 Taconic Road, but would be willing to.

Jay Schondorf made a motion to declare IWWA 2018-143 an as of right activity in accordance with section 4.2 of the regulations, seconded by Norma Kerlin, and carried 5-0-0.

2. 2018-155 – 309 Taconic Road – Landtech for 309 Taconic, LLC for a four-lot conservation zone subdivision through wetlands. Tax #11-2474 (second 65 days 4/5/19)

Patricia Sesto stated the applicant has requested discussion of the application be continued to the next meeting.

3. #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 (second 65 days 4/26/19)

Bob Clausi reviewed the changes to the application. The garage has been moved west and now abuts the driveway. This increases the separation distance to the wetland and watercourse and eliminates the previously proposed area of grass pavers.

Mr. Clausi reviewed the various alternatives suggested by the agency. A zoning variance would be required to add garage space south of the existing garage. While the applicant may be successful in obtaining the variance, the new garage would still be nearly as close to the

watercourse, minimizing the value of this option. The garage cannot move further west due to existing utilities and a move in this direction would bring the garage closer to the wetland. As proposed, the garage is positioned as far from the wetland and watercourse as it can get.

For mitigation, the buffer adjacent to the watercourse has been widened and compliments the planting plan required in association with a 2009 permit. At this time of the year it is difficult to conclude the existing buffer vegetation complies with what was approved in 2009. Mr. Clausi recommended the buffer planting plan be enhanced at the east end of the watercourse.

In recommending conditions of approval as written in his staff report, Mr. Clausi suggested the agency add a condition to require the buffer demarcation associated with the 2009 permit - and not present - be made a condition of approval for this permit.

Dean Martin of Grumman Engineering, LLC appeared before the agency restated elements of the proposal and site limitations.

Alan Rossi made a motion to approve action of IWWA 2018-163 with the General Conditions and the Special Conditions proposed by staff, and the additional condition the demarcation feature previously approved in 2009 be installed, seconded by Norma Kerlin, and carried, 5-0-0.

II. New Applications For Review

- 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)**

Bob Clausi reviewed this application. The parcel is in a low area between two ridges and is surrounded by wetlands. A garage is proposed to be constructed partially over lawn and partially over the driveway. The structure will be 39 feet from the wetland.

In conjunction with the garage, section B100a of Health Code requires the applicant to prove they can construct a code complying system. This reserve system is depicted 60 feet from a watercourse.

Mr. Clausi described the condition of the pond as described in a 2002 permit file, which identified problems with algae and duckweed in the pond. Presently, lawn goes up to the edge of the pond and there is clear evidence of Canada geese using the pond and property. Mr. Clausi recommended a 15-foot buffer to the pond to discourage the geese. The applicant was receptive and has provided a planting plan.

Thomas Nelson of McChord Engineering Associates, Inc. appeared before the agency. He submitted a letter requesting the scope of the application be amended to include replacing a footbridge. The existing footbridge utilizes boulders on the shore of the pond as footings, and these would be reused. The structure of the bridge is otherwise failing.

Klaus Jander made a motion to approve action of IWWA 2018-170, including the replacement of the footbridge, with General Conditions and the Special Conditions proposed by staff, seconded by Jay Schondorf, and carried 5-0-0.

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)

Doreen Carroll-Andrews reviewed this application. The project includes the cleaning of 400 feet of drainage pipe. This aspect of the project is covered as an as-of-right activity under section 4 of the regulations. Additionally, the applicant is requesting a permit to hand excavated sediment and debris from 12 linear feet of watercourse area adjacent to the headwall.

Jay Schondorf made a motion to approve action of IWWA 2019-001, with General Conditions and the Special Conditions proposed by staff seconded by Norma Kerlin, and carried 5-0-0.

3. #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)

Bob Clausi reviewed the Millbrook Club proposal to address surface ponding issues on the golf course. There is an existing drainage system that collects water from a watercourse and street drainage and transfers it to the west to the town’s storm water system. The pipe is undersized and can’t drain the course fast enough to keep the grass growing properly or allow play. The Club proposes to replace the 6-inch force main with a 12-inch main and install underdrains for holes 3-5. Additionally, drainage from Indian Field Road will be intercepted and directed to the wet well and force main.

The proposed underdrains are in wetland portions of the fairways. The underdrains will impact the top 10-12 inches of soil and will cause surface ponding on the fairways to dry out faster. The system will not threaten the regulatory standing of the wetlands.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency. He stated the agency approved a similar drainage proposal on Burning Tree Country Club’s golf course. The Millbrook Club is looking to drain only as much as is needed to drain the surface. He further explained the course in this area has a 17-acre watershed and Indian Field Road serves to convey this water on to the course. Part of this proposal will intercept the overland flow and redirect around the fairways.

Elliot Benton made a motion to approve action of IWWA 2019-005, with General Conditions and the Special Conditions proposed by staff seconded by Norma Kerlin, and carried 5-0-0.

4. #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)

Bob Clausi reviewed described the project as a renovated commercial property whose work was primarily interior. At some point the renovation scope expanded to include the parking lot drainage. This entailed replacing drainage pipes and adding two catch basins and a trench drain. The system discharges directly to a pond on the neighboring property. Once this work was discovered, a stop work order was issued.

In the process of reviewing the after-the-fact permit application, Mr. Clausi worked with the applicant to improve the drainage situation. The roof will now drain to infiltrators, but the parking lot is still proposed to drain to the pond due to flat topography.

The renovation resulted in less impervious coverage and shrubs were added to enhance the buffer adjacent to the pond.

Tony D'Andrea of Rocco V. D'Andrea, Inc. continued to project description. The applicant believed the property behind their building and adjacent to the pond was part of their lot. After finding out it is not, permission from that landowner has been obtained and they will allow the applicant to maintain the planted shrubs and meadow.

The new pipes were replaced at the same elevations as the old ones, and the discharge elevation is at the top of the pond's surface elevation. Patricia Sesto pursued various options with Mr. D'Andrea to see if there were any opportunities to avoid or lessen the direct discharge to the pond. After some discussion, the plan as presented stood.

Jay Schondorf made a motion to approve action of IWWA 2019-006, with General Conditions and the Special Conditions proposed by staff seconded by Norma Kerlin, and carried 5-0-0.

5. #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)

Bob Clausi reviewed his staff report. He first clarified the project description, stating it is only the retaining wall that is five feet from the wetland, the remainder of the activities are further away. The new house will be built in the same location as the current one and the driveway will be relocated eastward, away from the wetland. Drainage structures will be installed in the area of the old driveway. The pool will be rebuilt and a pool house is proposed.

While the project will add 2,600 s.f. of impervious coverage, the new stormwater management system will reduce the peak discharge through the 25-year storm.

The lawned wetland in the southwest corner and also lawn in the northwest portion of the site will be restored, for a total of 9,000 s.f. of restored land.

Mr. Clausi recommended the perimeter retaining wall be reshaped to provide ten additional feet of separation from the wetland. The increased buffer area should be planted consistent with the other planned restoration.

Tony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the agency, stating he is in agreement with Mr. Clausi's description and recommendations. He emphasized the development envelope will remain the same as the current limits.

Elliot Benton called for public comment. Nancy Marshall, neighbor, expressed concern regarding the flow of water to her pond. She sought assurance no less water would flow to it, as it already drops during the dry months.

Mr. D'Andrea provided this assurance.

Klaus Jander made a motion to approve action of IWWA 2019-007, with General Conditions and the Special Conditions proposed by staff seconded by Jay Schondorf, and carried 5-0-0.

6. #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)

Doreen Carroll-Andrews reviewed this application to correct a violation for unauthorized removal of vegetation and manipulation of a wetland. The wetland was ivy covered and this was cleared and cypress trees installed along the back property boundary. The installation of cypress formed a berm that disrupted flow patterns. Additionally, the area was smoothed over, eliminating small depressions and boulders outside of the wetland were removed. As mitigation, a hemlock and red osier dogwood shrubs are proposed.

Ms. Carroll-Andrews recommended that agency issue an order to correct.

Laura Markovich, property owner, appeared before the agency and concurred with staff recommendations. She requested the agency reduce the penalty aspect of the application fee, which was \$3,000.

Ms. Carroll-Andrews express no objection, stating the violation was small and Ms. Markovich has been cooperative in resolving the issue.

Alan Rossi made a motion to issue an order to correct IWWA 2019-008, with General Conditions and the Special Conditions proposed by staff and to reduce the application fee to \$1,500, seconded by Klaus Jander, and carried 5-0-0.

7. #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)

Bob Clausi reviewed project. This is a low lying property with new owners seeking a permit to renovate the pool, modify the driveway, construct a boardwalk and dock, and correct an area of ponding in the front yard. The wetland to the south of the house is primarily lawn and this is the area of the proposed boardwalk. The dock still needs a compliance certification as it is in the floodway.

The ponding in the front yard occurs in a depression and the applicant is proposing catch basins with sumps, that would drain to the southern wetland. Mr. Clausi questioned the need for catch basins with two-foot sumps and suggested minor fill could alleviate the ponding by directing flows over the driveway to the south.

Bill Kenny of William Kenny Associates, LLC appeared before the agency, responding to Mr. Clausi. He would prefer collecting and piping the accumulation of water to avoid icing problems which could occur if the water is directed over the driveway. Mr. Clausi conceded, provided a normal shallow yard drain was used. Special Condition #3 in the staff report could be modified to reflect this change.

Norma Kerlin made a motion to approve action of IWWA 2019-009, with General Conditions and the Special Conditions proposed by staff, including modification of Special Condition #3, seconded by Jay Schondorf, and carried 5-0-0.

V. Applications To Be Received

Vice Chairman Benton made a motion to receive the sixteen applications listed on the agenda. The motion was seconded by Jay Schondorf, and carried 5-0-0.

- 1. #2019-010 – 425 Round Hill Road – Sound View Engineers & Land Surveyors for Michael and Trish Odrich for installation of a septic system 64’ from wetlands. Tax #10-1502 (first 65 days 5/1/19)**
- 2. #2019-012 – 166 Old Mill Road – Frangione Engineering, LLC for Round Hill Volunteer Fire Co., Inc. for addition to building, walkways and driveway reconfiguration, and 100% replacement septic system 87’ from wetlands. Tax #10-4512 (first 65 days 5/1/19)**
- 3. #2019-013 – 10 Sherwood Avenue – Heagney, Lennon & Slane, LLP for Sherwood Farm, LLC for establishment of a nursery 45’ from wetlands. Tax #10-1247 (first 65 days 5/1/19)**
- 4. #2019-015 – Pemberwick Right of Way (South of Comly Avenue) – Town of Greenwich, DPW for reconstruction of retaining walls 46’ from Byram River. Tax #N/A (first 65 days 5/1/19)**
- 5. #2019-016 – 10 Wooddale Road – Ahneman Kirby, LLC for Matthew Cassin for demolition of house and detached garage, and construction of single-family residence, carriage house, driveway, and septic system 21’ from wetlands. Tax #11-1657 (first 65 days 5/1/19)**
- 6. #2019-017 – 16 Lakeview Drive – Heagney, Lennon & Slane, LLP for Mariano Lozano for maintaining existing walkway and stairs to a dock located in the Mianus Pond. Tax #12-2054/s, #12-9019 (first 65 days 5/1/19)**

7. **#2019-018 – 81 Cat Rock Road – Sound View Engineers & Land Surveyors, LLC for Graham Gyesky for demolition of house, and construction of single-family residence, driveway, retaining wall, and septic system 17’ from wetlands. Tax #08-3161 (first 65 days 5/1/19)**
8. **#2019-019 – 101 Otter Rock Drive – S.E. Minor & Company, Inc. for Marilyn Anderson for demolition of house, and construction of single-family residence, driveway, pool, and pool house 12’ from wetlands. Tax #02-1623/s (first 65 days 5/1/19)**
9. **#2019-020 – 0 Sumner Road – S.E. Minor & Company, Inc. for Morris and Arlene Goldfarb for construction of single-family residence, driveway, and septic system 55’ from wetlands. Tax #10-3129 (first 65 days 5/1/19)**
10. **#2019-021 – 20 Andrews Farm Road – S.E. Minor & Company, Inc. for Susan Maounis for construction of tennis court 82’ from wetlands. Tax #11-3154 (first 65 days 5/1/19)**
11. **#2019-022 – 55 Buckfield Lane – S.E. Minor & Company, Inc. for John Lipman for construction of a residential addition, covered porches, and driveway modifications 60’ from wetlands. Tax #10-2459 (first 65 days 5/1/19)**
12. **#2019-023 – 24 Pecksland Road – Rocco V. D’Andrea, Inc. for Ryan and Allison Brucato for construction of residential additions, driveway modifications, septic system, and drainage system 75’ from wetlands. Tax #10-1356 (first 65 days 5/1/19)**
13. **#2019-024 – 3 & 7 Hillside Road and 505 East Putnam Avenue – Rocco V. D’Andrea, Inc. for Milbrook Crossing, LLC for renovation and construction of additions to residences to create 16 dwelling units in three buildings, construction of driveways with watercourse crossing, and installation of utilities, drainage, and landscaping. Tax #07-1266, #07-2136, #07-1388 (first 65 days 5/1/19)**
14. **#2019-025 – 28 Cary Road – George Flouty for demolition of house, and construction of single-family residence, deck, and retaining walls 30’ from wetlands. Tax #12-1485/s (first 65 days 5/1/19)**
15. **#2019-026 – 3 Knollwood Drive East – Heagney, Lennon & Slane LLP for 3 Knollwood LLC for relocation of retaining wall and landscaping 30’ from wetlands. Tax #11-2990/s (first 65 days 5/1/19)**
16. **#2019-027 – 36 Alden Road – Jay Fain and Associates, LLC for Shawn and Kerry Norlin for construction of residential additions, pool, pool house, patios, and driveway, and installation of mitigation plantings 35’ from wetlands. Tax #07-1045 (first 65 days 5/1/19)**

VI. Agent Approvals

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

1. **#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**
2. **#2019-011 – 181 Cat Rock Road – Rocco V. D'Andrea, Inc. for Cat Rock Too, LLC for demolition and reconstruction of a single family residence, with parking court, septic and drainage systems, and associated site improvements 66' from wetlands. Tax #08-3157**
3. **#2019-014 – 9 Dialstone Lane – Grumman Engineering, LLC for Anelka Radman for demolition of the existing residence and construction of a single family residence, and associated site improvements 22' from wetlands. Tax #05-2255/s (first 65 days 5/1/19)**

There were no questions or comments.

VII. Violations

1. **Cease and Correct Order #2019-002 – 62 Hillside Road – John Diamontopulos for unauthorized construction of a stone patio and fireplace adjacent to wetlands. Tax # 07-2085**

Doreen Carroll-Andrews read the list of documents into the record and reviewed the Violation Summary for unauthorized construction of a stone patio and fireplace adjacent to wetlands.

During a staff inspection in 2015 associated with Order #2012-023, it was noted a stone patio and fireplace had been constructed without the benefit of an IWWA permit. Despite efforts to contact the owner in 2015 and 2016, a response never received a response from the owner.

A notice of Violation was issued on February 4, 2019 by regular and certified mail to the homeowner. Cease & Correct Order #2019-02 was issued via regular and Certified Mail on February 19, 2019 with a deadline for the submission of an application by March 22, 2019.

Ms. Carroll-Andrews recommends the Agency maintain Cease & Correct Order #2019-002 and a Certificate of Violation be filed on the Land Records if an application to correct the violation is not received by the deadline.

John Heagney of Heagney, Lennon & Slane, LLP appeared before the agency. Mr. Heagney presented the argument the patio and fireplace should be rolled into Order#2012-023, as that order was effective for ten years. Discussion ensued. The agency concluded the patio and fireplace were regulated activities and should have been sought prior to construction. The 2012 order was issued prior to their construction and is a separate issue.

Mr. Heagney requested the corrective action application date be extended to May 17, 2019 to accommodate his client who is out of state for an extended period of time.

Elliot Benton made a motion to uphold the cease and correct order with a submission date of May 17, 2019, seconded by Norma Kerlin, and carried 5-0-0.

2. Cease and Correct Order #2019-003 – 20 Alpine Road – Debsting LLC for unauthorized removal of vegetation within a wetland. Tax # 11-2044

Doreen Carroll-Andrews read the list of documents into the record and reviewed the Violation Summary for unauthorized removal of vegetation within a wetland. Documentation from a 2007 permit provides good evidence of what the site was prior to the clearing. Several attempts to contact the homeowner have been made to no avail

Ms. Carroll-Andrews recommends the Agency maintain Cease & Correct Order #2019-003 and a Certificate of Violation be filed on the Land Records if an application to correct the violation is not received by a deadline of March 22, 2019.

Elliot Benton made a motion to uphold the cease and correct order, seconded by Alan Rossi, and carried 5-0-0.

3. Cease and Correct Order #2019-004 – 37 Baldwin Farms North – 37 Baldwin Farms North, LLC for unauthorized clearing of trees, grading and filling along a slope within wetland and watercourse buffers and failure to install adequate erosion controls. Tax # 10-2628

Doreen Carroll-Andrews read the list of documents into the record and reviewed the Violation Summary for unauthorized clearing of trees, grading and filling along a slope within wetland and watercourse buffers and failure to install adequate erosion controls.

Staff conducting a site inspection for work authorized under Permit #2018-040 for a residential addition, retaining wall and septic system. On site, it was found that the slope along the southeastern part of the property had been cleared of trees and vegetation, the outcropping chipped and that area graded. Erosion controls were in place at the base of the hill, but were not properly towed-in.

Staff contacted the property owner who was very responsive and began addressing the issue immediately. A notice Stop Work Order was issued on February 6, 2019 by regular and certified mail to the homeowner. Cease & Correct Order #2019-04 was issued, and includes a requirement to submit a corrective application by March 22, 2019.

Bill Kenny of William Kenny Associates, LLC appeared before the agency and stated he has been retained to help address the violation. He requested the submission date be flexible to respond to contractors' schedules.

Elliot Benton made a motion to uphold the cease and correct order, seconded by Norma Kerlin, and carried 5-0-0.

4. Cease and Correct Order #2019-005 – 54 Pecksland Road – Noble Construction Management and James Walker for unauthorized removal of vegetation and disturbance within a wetland and buffer area. Tax #10-1667

Doreen Carroll-Andrews read the list of documents into the record and reviewed the Violation Summary for unauthorized removal of vegetation and disturbance within a wetland and buffer area.

The IWWA received a call regarding trees being planted at 54 Pecksland Road. Upon inspection, much of the property had been disturbed. The wetland area and buffer were unstable and waterlogged. A berm of evergreens has also been installed through the wetland. Mr. Kuehl and Mr. Walker stated the previous owner claimed the owner before him had installed a drain and pump in this low lying area to drain the ponding water.

This is a long property that spans approximately 500 feet. Therefore, staff has approved work to continue adjacent to the house and pool since these areas are over 100 feet from likely wetlands. All work south of the pool is required to stop and the disturbed area stabilized.

Cease & Correct Order #2019-005 was issued with a deadline for the submission of an application by March 15, 2019.

John Conte, Sr. of Conte and Conte, LLC appeared before the agency, stating he has been retained to prepare a restoration plan and otherwise address the order.

Discussion ensued regarding the need to have the wetland boundary flagged, since no one is disputing this is a wetland and the topography essentially dictates its boundary. It was resolved that in the interest of time and in consideration of the nature of the wetland boundary, wetland flagging and survey will be made a requirement of the final order to correct.

Elliot Benton made a motion to uphold the cease and correct order, seconded by Jay Schondorf, and carried 5-0-0.

VIII. Other Business

IX. Adjourn

With no further business, the meeting adjourned at 9:20 p.m.

Patricia Sesto
Director