

## **MINUTES**

### **GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY**

**February 26, 2018**

Members present: Chairman Brian Harris, Acting Vice Chairman Stephan Skoufalos, Acting Secretary Jo Rogers, Bill Galvin, Norma Kerlin and Jay Schondorf

Alternates present: Alan Rossi, Peter Linderoth, and Klaus Jander

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

Others present: Tom Heagney, Heagney, Lennon, & Slane, LLC; Fred Doheny, Greenwich Country Club; Tony D'Andrea, Rocco V. D'Andrea, Inc.; Michael Klemens, Matt Popp, Environmental Land Solutions, LLC; Josh Hannett, Rocco V. D'Andrea, Inc.; Frank Cortese, Ben Graviano, Linda Bruno, Larry Liebman of S.E. Minor & Co., Inc.; Adam Stobsky; James Sanok, Sanok Design Group; Bryan Muller, Sound View Engineers & Land Surveyors LLC; Craig Flaherty and Bret Holzwarth, Redniss & Mead, Inc.; Jay Fain, Jay Fain Associates, Inc.; Eric Reinken, Patrick Sweeney, Ardy Loo, Fuller Engineering & Land Surveying; Michael Genkerell, Krist Spraker, Dennis Vlahakis

#### **1. Call to Order**

Chairman Brian Harris called the meeting to order at 7:03 p.m.

#### **2. Seating of alternates**

Peter Linderoth were seated.

#### **3. Approval of draft minutes of January 22, 2018**

Jo Rogers made a motion to approve the minutes of January 22, 2018 public meeting, seconded by Bill Galvin, and carried 7-0-0. Jo Rogers made a motion to approve the site walk minutes of January 22, seconded by Norma Kerlin, and carried 7-0-0. And Jo Rogers made a motion to approve the site walk minutes of February 26, seconded by Peter Linderoth and carried 7-0-0.

#### **4. Director's Report**

##### **a. Monthly Summary**

In her director's report, Mrs. Sesto reviewed the progress of the town vis a vie the new website. She reported on activities with DPW to modify the soil requirement for rain gardens to make them more biologically effective in renovating stormwater quality. She is looking to have a soil recommendation within a month. Lastly, Mrs. Sesto reviewed the positive outcome of the appeal of the Post Road Iron Works denial.

## **5. Other Business**

Brian Harris briefed the members on the proposal to consolidate the Conservation Department and the IWWA. At this point in the process, both commissions are supportive, with the qualifier that if either board suffers a diminution in staff service, they expect additional staff requests will be accommodated. The selectmen's budget goes before the full BET next, then on to the RTM.

Brian Harris made a motion to support the consolidation and to have Director Sesto assume the new position, seconded by Peter Linderoth. Norma Kerlin added she believes the new environmental affairs department should also be considered to handle Coastal Area Management applications. The synergy between inland and coastal water is obvious. With no further discussion, the motion passed 7-0-0.

### **I. Public Hearings**

#### **1. #2017-168 – 19 Doubling Road – Rocco V. D'Andrea, Inc. for Greenwich Country Club for removal of trees and creation of meadow habitat in and adjacent to wetlands. Tax #11-1137/S (first 35 days 1/22/18)**

Bob Clausi identified the additional information submitted for the record and reviewed his staff report. This application was heard at the December and January IWWA meetings and additional information pertaining to the wind and solar analysis was requested. The revised solar analysis showed the duration of unfiltered sunlight on the tee was worse than the green. The wind analysis was represented by a wind rose taken from a data collection site in New York City and compiled by NRCS. The wind rose confirmed winds come from the northwest, predominantly. The data did not speak to the specifics of the proposed work area.

The applicant separated the project into four phases. The first phase would see seven trees cut in and adjacent to the wetland. This is in contrast to the 39 trees originally proposed for felling in this area. Phase two includes the removal of 17 trees north and west of the tee and green. The last two phases call for 7 and 6 trees, respectively, to be cut. The applicant will evaluate the need for phases three and four after one and two are complete and have requested the agency delegate the authority to approved these phases to their staff. Mr. Clausi noted there is no qualifications of the applicant's goal for the staff to use to make such a determination.

Matt Popp, Environmental Land Solutions, LLC appeared before the Agency and elaborated on the four-phase approach. Phase one would take place in early 2018, when the wetland was dry or solid enough to work in, and phase two in the fall of 2018. Phase two trees to be removed are dominated by Norway maple, which Mr. Popp reminded the agency were invasive species, detrimental to the wetland. Phases three and four have not been sussed out.

Members questioned the 100-foot distance between the phase two trees and the green and tee, suggesting it is too far away to be of value and further questioned the benefit of removing just the understory. Mr. Popp responded that any tree removal will be a benefit and cutting the understory will not do enough.

Mrs. Sesto sought clarification on quantifying the improvement expected from the cutting. Mr. Popp stated the tree removal in phase one would provide 15 minutes more of unfiltered sunlight each day. He stated there was no data to define what the wind conditions are presently in the subject area nor what the target is. Peter Linderoth reiterated the need to have studies to determine a course of action.

Discussion ensued regarding the potential to further reduce phase two into two phases, the plan is to complete phases one and two without reevaluation between phases, and just thin the trees northwest of the green rather than clear cutting. Members declared the tree removal plan was arbitrary.

The applicant was questioned on the prioritization of air circulation versus sun. Fred Doheny, Superintendent of the Greenwich Country Club, responded sun was more important in the early season and circulation mid-season. The fan proposed with the course overhaul will not be sufficient on its own to solve air circulation problems.

Brian Harris proposed phase two be submitted as a separate application after phase one and course restoration are completed and the applicant can reassess their needs. Mr. Harris suggested the fee could be waived and an anemometer should be installed to gather site specific data.

Chairman Harris called for public comment.

Hearing none, Brian Harris made a motion to close the public hearing, seconded by Jo Rogers, and carried, 7-0-0

Brian Harris made a motion to approve only phase one and the restoration plan at green two as proposed in IWWA Application #2017-168 with the standard conditions and special conditions proposed by staff as amended, seconded by Bill Galvin, and carried, 7-0-0.

**2. #2017-170 – 0 Hemlock Drive – Rocco V. D’Andrea, Inc. for Frank Cortese for construction of a single family residence, driveway, pool, drainage, and landscaping 27’ from wetlands. Tax #07-2217/s**

Patricia Sesto read the list of documents into the record and reviewed the contents of her staff report. This is a residential lot approved in the early 1970’s as part of a subdivision. This parcel was also part of the application known as Tollgate. The accessway was previously filled and is flanked by vernal pools, the western one being Copp’s pool. Another wetland exists in the southern half of the site and is of poor quality.

The application was originally for a house footprint 4,000 s.f. in size, a circular driveway, pool, and large rain garden/detention basin. This proposal severely impacted the urban forest

that has been documented as being critical to the wood frog population of the vernal pools off-site. In response to this concern raised by Mrs. Sesto, a second development plan was submitted.

The new plan reduces the house footprint by 1,000 s.f., eliminates the circular driveway, reduces the extent of retaining walls in the accessway, and uses the lesser wetland for stormwater management. This preserves more of the woodlands, albeit it unconventional. Dr. Michael Klemens reviewed the project on behalf of the agency and will be speaking to these issues in more detail.

Tom Heagney, Heagney, Lennon, & Slane, LLC appeared before the Agency. He stated, per zoning regulations, the driveway must be constructed in the accessway unless a variance is obtained. The bed for the driveway was created decades ago, likely when the sewer was installed. Mr. Heagney restated the improvements to the proposal, adding the driveway has been narrowed and shifted eastward, stormwater will be captured and discharge to the southern wetland, and pervious pavement will be used in the courtyard. He then reviewed the original proposal.

An open space parcel flanks this lot to the west, precluding the ability to bring a driveway through the applicant's other parcel off Oak Street.

With the support of the agency's staff and consultant, Mr. Heagney looked to the agency to hear their thoughts on using the wetland for stormwater management in order to preserve more trees.

Mrs. Sesto questioned if Mr. Heagney consulted with the town planner or zoning enforcement staff to ascertain the feasibility of gaining the variances he referenced. He did not.

Dr. Michael Klemens, consultant for the agency detailed his involvement with this proposal and two prior applications involving large scale development on this and adjoining properties. He stated the tradeoff of using the low valued wetland for stormwater in order to preserve trees in the critical upland habitat of wood frogs was appropriate. In the vicinity of the parcel there is a meta population associated with three vernal pools. The wood frogs are essential to nutrient cycling in the pools and without them, the pools will become eutrophic.

The second alternative is much improved over the first proposal, although development of the driveway in the accessway is highly problematic. Roots of trees within the vernal pool envelope will be impacted despite not being cut during construction. Duff, logs, and other moist habitat will be lost to the detriment of adult and metamorphosed wood frogs. This will in turn, impact the group of three vernal pools.

The driveway will impact the forested side of the pool, which is important as trees are largely absent from a good portion of the Copp's pool perimeter. This loss of trees will foreclose the ability of the pool to continue in its recovery; a recovery the neighbors have taken an unprecedented effort to foster. The relevance of the upland forest to the vernal pools was just upheld by Judge Berger in Post Road Iron Works, inc. vs. Greenwich IWWA.

Dr. Klemens offered that given the applicant owns an adjacent parcel with ample land, a common driveway off that piece would be highly preferable. Only a couple of trees would be lost since grass is the dominant cover.

Dr. Klemens specifically addressed the report submitted by Matthew Popp. The planting plan should be revised to exclude the use of cultivars in favor of true native species. He endorsed the use of the amphibian excluder around the pool. And the wildlife inventory was insufficient given it was based on three site inspections, two of which were in the winter.

In response to Chairman Harris' questions, Dr. Klemens stated the driveway as proposed will impart unreasonable impact to the vernal pools. Metamorphosed wood frogs need duff, cool, moist forest floor conditions. A bridge could help, but it is likely the footprint of disturbance to construct the bridge would negatively impact the adjacent trees.

Chairman Harris called for public comment.

Linda Bruno of the Greenwich Neighborhoods Preservation Association (GNPA) appeared before the Agency. The GNPA consists of homeowners on Oak Street, Hemlock Drive and Valley Drive. She indicated the association's interest in protecting the pools has been long standing and urged the agency to continue to protect these resources.

Tom Heagney reiterated the positive changes that have been made from the original submission, which in total reduced the extent of disturbance from 43,000 s.f. to 31,000 s.f. Bringing the driveway in from the west is problematic as it would traverse a separate parcel, but he will look into it further. Mr. Heagney asked the agency to confirm they are heading in the right direction with the stormwater management plan.

Brian Harris concurred with the stormwater management approach and indicated his expectation that the application would have a positive outcome if the driveway could be accommodated from the west. Mrs. Sesto offered to help support Mr. Heagney in discussions with other departments.

The public hearing was continued to the next meeting on March 26, 2018.

## **II. Consent Approvals**

Chairman Harris stated IWWA 2017-012 will be added to the consent approvals.

- 1. #2018-003 – 341 Valley Road – Sound View Engineers & Land Surveyors for Amanda Juan Lindstrand for construction of a residential addition, deck expansion, and front stoop 30' from wetlands. Tax #08A-1259/s (first 65 days 3/28/18)**
- 2. #2018-007 – 39 Hunting Ridge Road – Sound View Engineers & Land Surveyors, LLC for Marc Abrams for replacing a foundation and re-establishing a driveway 6' from wetlands. Tax #11-2059 (first 65 days 3/28/18)**

3. **#2018-012 – 133 Otter Rock Drive – S.E. Minor & Co., Inc. for John & Ashlee Morningstar for construction of an in-ground pool 16’ from wetlands. Tax #02-1127/s (first 65 days 3/28/18)**
4. **#2018-014 – 61 Porchuck Road – S.E. Minor & Co., Inc. for John W. Barr & Penny W. Glassman for installation of utility lines 3’ from wetlands. Tax #10-1023 (first 65 days 3/28/18)**

Jo Rogers made a motion to approve the applications listed as consent approvals, seconded by Jay Schondorf, and carried 7-0-0.

### **III. Pending Applications**

1. **#2017-179 – 101 Bowman Drive – Michael W. Finkbeiner for Eric L. Reinken to correct violations 1’ from wetlands. Tax #10-2691 (second 65 days 4/27/18)**

Doreen Carroll-Andrews reviewed the contents of her staff report to address a violation. As requested, Mr. Reinken submitted his oral testimony from the January meeting in writing. The implication of the brief was the activities conducted without a permit are as of right. Ms. Carroll-Andrews disagreed and referenced pertinent definitions of regulated activities and section 4.1, which requires persons wishing to conduct as of right activities submit information to the agency for the agency to make the determination.

The proposal still is troubling. The spa is located just a few feet from the stream and maintenance could negatively impact the stream. The applicant has stated the spa will be drained to a drain in the house, but there are questions if this is acceptable per the State Health Code.

The deck on which the hot tub sits was built without permits. It is likewise close to the stream and doesn’t meet the pervious criteria of the drainage manual. To do so, 12-18 inches of soil underneath the deck would have to be tilled and covered with four inches of gravel. There is no clearance below the deck and the applicant stated the top boards would be removed and the rest of the work would be done by hand. Ms. Carroll-Andrews urged the members to consider if they would have approved the deck if Mr. Reinken would have come in before the work was done. She recommended denying the request, but also provided conditions for approval in the event the agency chose not to issue an order to correct.

Members Norma Kerlin, Jo Rogers, Jay Schondorf, Alan Rossi, and Peter Linderoth indicated they visited the site.

Eric Reinken, property owner, presented his brief to the agency reviewing his various arguments of why the activities should be considered as of right. He stated there has been no evidence to articulate significant impacts and the trees that were removed were done so at the recommendation of his landscaper. Members refuted Mr. Reinken’s conclusion and asserted their right to regulate the activities.

Mr. Reinken concurred spas have to be emptied periodically, but in this case, the spa would be drained to an interior drain that discharges to the septic system.

The deck is needed because Mr. Reinken is having a door installed on this side of the house as an egress from the indoor pool. He conceded there is already a door on the other side of the pool, but it is broken.

Patrick Sweeney, builder for the homeowner, described the applicant's intent to use an enzyme-based maintenance protocol, so chemicals would not be used.

Peter Linderoth reframed the discussion, asking the members to approach this in a series of questions; the first being would they have approved these activities if an application had been made before the work was done. The staff report cites this as being unlikely and recommends and order to correct. Mr. Linderoth agreed with this assessment. Jo Rogers added that if this had been applied for before the fact, he would have pursued options to locate the spa elsewhere, further from the stream. Discussion ensued.

Stephan Skoufalos made a motion to issue an Order to Correct IWWA Application #2017-179, as proposed by staff, seconded by Bill Galvin, and carried, 7-0-0.

### **New Applications for Review**

- 1. #2017-148 – Rockfields Lane – Redniss & Mead, Inc. for The Estate of John Stillman Rockefeller c/o Scott Heller for construction of a private road for an approved subdivision 0' from wetlands. Tax #10-3660/S, #10-3669/S, #10-3670/S, #10-3671/S, #10-3672/S, #10-3673/S, #10-3674/S, #10-3675/S, #10-3676/S, #10-9078, #10-9079 (first 65 days 12/27/17)**

Patricia Sesto reviewed the history of the project and what the changes are in the new application. In 2002, the subdivision was approved, but the permit has since expired. The agency can evaluate the current application to construct the road, but cannot go back and reconsider the subdivision as a whole. The road design has been upgraded to meet the drainage manual, which was not in effect in 2002. Two rain gardens are proposed at the west end of the road and will either discharge to the storm drainage system in Glenville Road or overflow to an on-site wetland to the north. At the cul-de-sac, a two-tiered water quality basin is proposed. The outflow will connect with existing drainage that daylight to a swale that leads to the waterbody partially onsite.

The report provided by Jay Fain was comprehensive and addressed the issues raised in Mrs. Sesto's first staff report.

Craig Flaherty of Redniss & Mead, Inc. appeared before the Agency. He stated the 39-acre parcel is served by sewer and water and the drainage plan has been upgraded to meet current standards. The first staff report raised several questions that have been likewise addressed after monitoring significant storms this winter season. As proposed, there are no earth moving activities within 100 feet of any wetland or watercourse.

The stormwater management plan was explained in further detail. The Engineering Division of the Department of Public Works has some outstanding issues that Mr. Flaherty stated

would not likely change this plan. If they did, the applicant would look for approval of a field change or reapply for an agent approval to memorialize the modification.

Following up on other comments in the staff report; the invasive plant management plan is intended to be part of the application, however, Mr. Flaherty requested implemented be postponed until a homeowners association is in place; the limit of disturbance can be tightened up and a map showing this was distributed; lastly, the request to waive a portion of the fee was withdrawn.

Jo Rogers made a motion to approve IWWA Application #2017-148 with the standard conditions and special conditions proposed by staff, except for condition #2 which shall be revised to reflect implementation pursuant to the creation of a homeowners association, seconded by Peter Linderoth, and carried, 7-0-0.

**2. #2017-164 – 11 Hillside Road – S.E. Minor & Co., Inc. for George and Ashley Cole for construction of a residential addition, driveway, terrace, porch, drainage and septic improvements 7' from wetlands. Tax #07-1094**

At request of applicant, Brian Harris made a motion to extend the review period, seconded by Jo Rogers, and carried, 7-0-0.

**3. #2018-004 – 375 Stanwich Road – Fuller Engineering & Land Surveying for David & Melissa Bennett for construction of an in-ground pool and patio 35' from wetlands. Tax #08-3548**

Norma Kerlin, Jo Rogers, Jay Schondorf, and Alan Rossi visited the site.

Bob Clausi reviewed the proposal and contents of his staff report. The applicant is proposing to install a pool in a lawned area in between two wetland areas, with an associated patio connecting the house and pool. The wetland as depicted differs from the delineation performed in 2004 and Mr. Clausi is recommending the as-built show just the 2004 delineation. The pool fence is not shown and needs to be.

Ardy Loo of Fuller Engineering & Land Surveying appeared before the Agency. He showed a map depicting the pool fence tightly surrounding the pool.

Jo Rogers questioned the location of the Cultec unit so close to the wetland, as this portion of wetland was ponded during the site inspection. Would the unit function? He also questioned a 6-in pipe that discharges roof runoff directly to the wetland and suggested this situation be improved and plantings around the wetland be added.

Mr. Clausi suggested the application be approved.

Stephan Skoufalos made a motion to approve IWWA Application #2017-004 with the standard conditions and special conditions proposed by staff and the additional condition the discharge point for the gutters and leaders be relocated outside of the wetland, seconded by Bill Galvin, and carried, 7-0-0.

**4. #2018-005 – 99 Sterling Road – James Sanok for Adam Stobsky for dead tree removal, clearing of understory growth, removal of organic debris 16' from wetlands. Tax #10-2090**

Doreen Carroll-Andrews reviewed the contents of her staff report. In May 2017, the property owner was cited for a violation that included unauthorized clearing of trees and understory vegetation within upland review areas. The affected upland review area is 15,800 s.f. and approximately 14 trees, underbrush, and debris was cleared. The applicant proposed to install 3 shade trees, 3 understory trees, 6 shrubs and an undetermined number of ferns in the area within 50 feet of the wetland. Ms. Carroll-Andrews recommended 7 additional trees be planted within the remaining upland review area and a limit of lawn delineation be installed.

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

James Sanok of Sanok Design Group, appeared before the Agency and described the aerial extent of the work. His client's intent was to clean up an area significantly impacted by vines, scrub growth, and household and organic debris. Discussion ensued regarding the extent of woodland cover.

Adam Stobsky, property owner spoke to the Agency, stating remorse for what occurred and his desire to have a larger yard so his daughters could play soccer. Discussion ensued regarding the nature of the vegetation prior to clearing, the need to have over 3 acres of yard, and the logic behind the current remediation proposal. Mrs. Sesto identified the wetland as being of value and it warranted protection from pollution associated with lawns. Ms. Carroll-Andrews circulated an aerial photograph depicted the extent of woods prior to this work.

Ms. Carroll-Andrews suggested this application be issued an Order to Correct.

Brian Harris made a motion to approve the project as presented. With no second, the motion failed.

Stephan Skoufalos made a motion to issue an Order to Correct IWWA Application #2017-005 with the standard conditions and special conditions proposed by staff, seconded by Peter Linderoth, and carried, 7-0-0.

**5. #2018-006 – 19 Doubling Road – Rocco V. D'Andrea, Inc. for Greenwich Country Club for reconstruction of existing greens and tee boxes, and construction of a new gold course irrigation system, associated pump house, and snack shack adjacent to wetlands. Tax #11-1137/s**

Patricia Sesto described the proposal to renovate the greens and tees. The work is within existing play area and no intrusion into woodlands is planned. The stream restoration work proposed as part of IWWA 2017-168 should likewise be included in this application to carry the intent forward in case this other application is not approved or implemented.

Josh Hannett of Rocco V. D’Andrea, Inc. appeared before the Agency and expressed no objections to the staff report.

Jo Rogers made a motion to approve IWWA Application #2017-006 with the standard conditions and special conditions proposed by staff, seconded by Jay Schondorf, and carried, 7-0-0.

**6. #2018-008 – 116 Pecksland Road – Sound View Engineers & Land Surveyors, LLC for Anitka USA LLC for construction of a single family residence, driveway, pool, patios, drainage, and septic system 8’ from wetlands. Tax #10-2209**

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

Bob Clausi reviewed the contents of his staff report for the proposed residential redevelopment. The site is characterized by the longer slopes converging above the watercourse. Extensive cutting will result in an excess of 2,000 c.y. A phasing plan and comprehensive erosion and sedimentation controls are needed to ensure the site work is handled properly. The application documents do not include alternatives or a biological evaluation.

Bryan Muller of Sound View Engineers & Land Surveyors appeared before the Agency. He agreed the site has slope directions that compete in the redevelopment design. Slopes too steep to traverse, grade plane regulations, and suitable area for the leaching field drove the design. For mitigation, the plan call for removal of fill between the driveway and brook. Mr. Clausi recommended this application be delayed.

Brian Harris made a motion to delay action on IWWA Application #2017-008, seconded by Bill Galvin, and carried, 7-0-0.

**7. #2018-009 – 22 The Avenue – Michael Genkerell for Angelo & Joan Cate Genkerell to correct violations 10’ from wetlands. Tax #11-1428 (first 65 days 3/28/18)**

Doreen Carroll-Andrews reviewed the nature of the original violation and the mitigation plan. Approximately 150 feet of pond shoreline was cleared of small trees and vegetation to enhance views and recreation. The plan for restoration complies with Ms. Carroll-Andrews expectations.

Michael Genkerell, agent, appeared before the Agency and had nothing to add to Ms. Carroll-Andrews’ description and recommendations.

Ms. Carroll-Andrews recommended the application be issued an Order to Correct.

Stephan Skoufalos made a motion to issue an Order to Correct IWWA Application #2017-009 with the standard conditions and special conditions proposed by staff, seconded by Jo Rogers, and carried, 7-0-0.

8. **#2018-010 – 181 & 185 Clapboard Ridge Road – Joseph F. Risoli, P.E. LLC for 181 Clapboard LLC & 185 Clapboard Ridge Road LLC for a lot line revision and construction of a residential addition and drainage improvements 74’ from wetlands. Tax #10-1251 & 10-2566 (first 65 days 3/28/18)**

Bob Clausi reviewed the contents of his staff report. This project consists of an addition with a portion of it associated stormwater management features falling within the upland review area. The disturbance is minor.

Ben Graviano of Joseph F. Risoli, P.E., LLC addressed the Agency, stating he has no issues with staff recommendations.

Brian Harris made a motion to approve IWWA Application #2017-010 with the standard conditions and special conditions proposed by staff, seconded by Jo Rogers, and carried, 7-0-0.

#### **V. Applications to Be Received**

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

1. **#2018-115 – 38 Birch Lane – Sound View Engineers & Land Surveyors for TKS Group, LLC for removal of drainage pipe constructed in upland area and correct violations 5’ from wetlands. Tax #11-1792 (first 65 days 5/2/18)**
2. **#2018-016 – 19 Doverton Drive – Sound View Engineers & Land Surveyors for Scott and Rachele Spielvogel for construction of a cabana and bbq area and pool patio reconfiguration 51’ from wetlands. Tax #10-2984 (first 65 days 5/2/18)**
3. **#2018-017 – 16 Ridgeview Avenue – Redniss and Mead, Inc. for Greenwich Academy for demolition and reconstruction of pre-school building and install temporary classrooms 21’ from wetlands. Tax #07-4020/s (first 65 days 5/2/18)**
4. **#2018-018 – 212 Old Mill Road – James Martin for Old Mill Development, LLC for correction of violations from dewatering activities and installation of erosion controls 0’ from wetlands. Tax #10-2889 (first 65 days 5/2/18)**
5. **#2018-019 – 82 Rockwood Lane – S.E. Minor & Co., Inc. for Rockwood Savings LLC to correct violations for a utility trench through wetlands. Tax #12-2037/s (first 65 days 5/2/18)**
6. **#2018-020 – 56 Locust Road – Davidson Environmental for Versailles Farm, LLC for installation of a farm path through wetlands. Tax #10-1488 (first 65 days 5/2/18)**
7. **#2018-021 – 0 South Street – Rocco V. D’Andrea, Inc. for Jack DeLuca for construction of a new single family residence, drainage system, driveway, utilities and grading 7’ from wetlands. Tax #08-2740/s (first 65 days 5/2/18)**

8. **#2018-022 – 37 Baldwin Farms North – Rocco V. D’Andrea, Inc. for 37 Baldwin Farms North, LLC for construction of residential additions, retaining walls, and septic system 25’ from wetlands. Tax #10-2628 (first 65 days 5/2/18)**
9. **#2018-023 – 34 Concord Street – Sergio Biagioni for construction of residential and garage additions 10’ from wetlands. Tax #09-2843/s (first 65 days 5/2/18)**
10. **#2018-024 – 26 Mayfair Lane – Joseph F. Risoli, P.E., LLC for Thomas J. Heagney, Trustee for construction of a pool house, patio, drainage, and grading 20’ from wetlands. Tax #10-1052 (first 65 days 5/2/18)**
11. **#2018-025 – 88 Conyers Farm Drive – Joseph F. Risoli, P.E. LLC for The AF-SF Family Trust for construction of a pool, pool house, walkways, and septic system 45’ from wetlands. Tax #11-3045 (first 65 days 5/2/18)**

## **VI. Agent Approvals**

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

1. **#2017-185 – 24 Thunder Mountain Road – Landtech for John Dabbs for construction of a single family residence, pool, and tennis court 70’ from wetlands. Tax #**
2. **#2018-001 – 45 Husted Lane – Landtech for Yoav Wiegenfeld for construction of a residential addition 62’ from wetlands. Tax #11-3147**
3. **#2018-002 – 364 Old Church Road – Rocco V. D’Andrea, Inc. for Greenwich Country Day School for removal of pool and patio 5’ from wetlands. Tax #07-1962**
4. **#2018-013 – 5 Meadow Wood Drive – S.E. Minor & Co., Inc. for 5 Meadow Wood Drive, LLC for construction of an in-ground pool and drainage 75’ from wetlands. Tax #02-1165/s**

There were no questions or comments.

## **VII. Violations**

1. **Cease and Correct Order #2018-04 – 8 Burning Tree Road – Erica and Kristopher Spraker for unauthorized clearing of trees and understory vegetation within wetland and watercourse areas. Tax #11-2483**

Doreen Carroll-Andrews read the list of evidentiary documents into the record and reviewed her Violation Summary for unauthorized clearing of trees and understory vegetation within wetland and watercourse areas.

While inspecting a nearby site, she observed 15-20 trees, sized 2”-15” dbh, and shrubs had been cut and were lying within the wetland area at 8 Burning Tree Road. Although there may have been some deadwood, not all of the trees or shrubs were dead as purported by the homeowner.

Kris Spraker, property owner appeared before the Agency, explaining three of the trees had storm damage and he is amenable to working on a corrective action plan.

Ms. Carroll-Andrews recommended the Agency maintain Cease & Correct Order #2018-04. Staff further recommends that a Certificate of Violation be filed on the Land Records if an application to address the subject violation is not submitted by the deadline of April 3, 2018.

Stephan Skoufalos made a motion to uphold the cease and correct order, with the requirement to submit a corrective action application by April 3, 2018, seconded by Bill Galvin, and carried 7-0-0.

**2. Cease and Correct Order #2018-05 – 82 Rockwood Lane – Rockwood Savings LLC and Dennis Vlahakis for unauthorized excavation and ground disturbance adjacent to wetlands and watercourse areas. Tax #11-1562**

Doreen Carroll-Andrews stated a corrective action application was submitted and received earlier in the meeting.

Larry Liebman of S.E. Minor & Co., Inc. addressed the Agency, explaining other work was ongoing at the site and appropriate Green Sheet sign offs were obtained. Unfortunately, a trench was dug through the wetland to bring electrical service to the additions. This work was not accounted for on the Green Sheets and the electrician was unaware of this. Mr. Liebman requested the Agency waive the punitive portion of the after-the-fact application fee.

Brain Harris made a motion to uphold the cease and correct order and waive the punitive factor of the application fee, seconded by Bill Galvin, and carried 7-0-0.

**VII. Other Business**

**a. 56 Locust Road – As of right determination**

Mrs. Sesto explained this property has already been before the Agency where they determined raised planking to access farmed mushrooms was consistent with section 4 of the regulations. The property owner is seeking the same determination to expand the farming operation.

Brian Harris made a motion to deem the proposed expansion of plank travelways for mushroom farming is a permitted activity and further to delegate the authority to agency staff to make this determination for future activities, seconded by Peter Linderoth, and carried 7-0-0.

***IV. Adjourn***

With no further business, the meeting adjourned at 11:06 p.m.

Patricia Sesto  
Director