



TOWN OF GREENWICH

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Inland Wetlands
and
Watercourses Agency
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Patricia M.P. Sesto
Director of Environmental/ Affairs

DRAFT MINUTES **February 28, 2022**

In attendance: Brian Harris, chairman, Elliot Benton, vice chairman, Jay Schondorf, secretary, Bill Galvin, Klaus Jander, Norma Kerlin, Peter Linderoth

Also in attendance: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carrol Andrews, Compliance Officer; Sarah Coccaro, Natural Resource Manager, Jenn Urena, Assistant Wetlands Compliance Officer

Anthony D'Andrea, Rocco V. D'Andrea, Inc.; Tom Heagney, Heagney, Lennon & Slane, LLP; John Conte, Conte & Conte, LLC; Larry Liebman, Robert Sandolo, Abed Yacoub, Kristin Lodato, and Hayley DeMarchis, S.E. Minor & Co.; LLC; Anthony DeRosa, DeRosa Builders, LLC; Eric Glasband, EG Properties, LLC; William Kenny, William Kenny Associates LLC; Robert Zmarzlak, Soundview Engineers & Land Surveyors; Anthony D'Andrea, D'Andrea Surveying & Engineering, P.C.; Janet Stone McGuigan, Selectperson; Alan Fenner; Andrew White, Rick Canavan, Sean Regan, Tighe and Bond; Joseph Cugno, Cugno Architects, Mariah Brown, Michael Klein, Davidson Environmental; Janet Brooks, Esq.; Tanner White; Stephen Keyes; Brian MacDonald; Bryan Finkel; David Chass, Henry Rowland; Jim Hoffman, SBP Builders; George Logan, REMA Environmental

7:00 p.m.

1. Call to Order
2. Seating of alternates

No alternates were seated.

3. Review and approval of draft minutes of January 24, 2022 meeting.

Bill Galvin made a motion to approve the minutes of January 24, 2022 as written. Seconded by Peter Linderoth and carried, 7-0-0.

4. Director's Report

Patricia Sesto reported on staffing changes and the budget presentation.

5. Other business

None

Public Hearing

1. #2021-144 – [14 Fox Run Lane](#) – Rocco V. D'Andrea, Inc. for Andrew Philipp – Construction of single-family residence, driveway, pool, pool house, retaining walls, septic system, and drainage system 10' from wetlands. (Final 65 days 3/23/22) Tax #10-1320. PS

Sarah Coccaro read the list of new documents into the record. Ms. Sesto described the changes and staff comments. An alternative was submitted locating the garage at the south end of the house. The house footprint is some 700 s.f. or 10% smaller. The retaining wall east of the house is 37-50 feet from the wetland.

She concurred with Mr. D'Andrea that the retention system behind the house is not sized in relation to the amount of impervious cover, rather that system facilitate maintaining pre-construction watershed flow.

The mitigation planting plan reflects the current site plan. At her recommendation, the proposed wetland expansion has been removed to reduce the risk of non-native invasive species degrading the wetland. The purported drain associated with the central wetland should be blocked to restore the wetland hydrology, if feasible. Trees should be added to the slope in the southwest corner to offset the loss of treated effluent uptake to be sustained as mature trees are cut. The stonewall in front of the house should be dry laid to promote habitat diversity.

The large wetland is no longer to be used for stormwater management. A level spreader will discharge some 15 feet from it. The stormwater management report for this latest design has not been submitted, consequently DPW has not reviewed it.

Brian Harris questioned the absence of the stormwater management plan and DPW's review. Ms. Sesto reminded the agency the public hearing has to close tonight. While the agency can call out specific information to be allowed in following the close of a hearing, that information is normally limited to staff and other Town departments' reports. It will be up to the agency to determine if the record is sufficient for an approval, if that is their inclination.

Andrew Phillip, applicant, addressed the agency. He emphasized the large volume of documents in the record and the various iterations of the site plan. There are documents that could not have been prepared in time, but these can be made conditions of approval. Mr. Phillip summarized the evolution

of reduction pertaining to the envelope of disturbance and impervious surfaces. He further detailed comments provided in his February 28, 2022 correspondence to the agency.

Anthony D'Andrea, D'Andrea Surveying & Engineering, P.C., spoke to the absence of a revised stormwater management plan. As presented, the plan will not increase peak runoff. The final plan will need DPW sign off, which he expressed confidence in obtaining.

Elliot Benton began a discussion regarding trees to be cut and new planting in the southwest corner. Discussion ensued, resulting in a commitment by the applicant to work to retain the two westernmost trees and have an arborist review the tree removal plan in the field prior to cutting. The planting plan will be revised to include replanting of this area with deep-root trees to restore groundwater uptake; a necessary function to protect the off-site pond from the new effluent from the leaching fields.

George Logan, REMA Environmental, reviewed the contents of his report and acknowledged the revisions are an improvement from the initial plan. The site plan, with now six sets of subsurface stormwater infrastructure makes for a congested site plan within the limits of disturbance. The revised site plan was all that was available for review; it would have been better to review a full set of plans and details. Design elements such as the construction sequence, erosion and sedimentation control plan, and means to protect the infiltration areas from compaction are not available for review.

Mr. Logan raised the potential of pollution of the off-site pond from the nitrogen leaching from the septic field. There is a body of evidence that supports leaching fields as a source of anthropogenic nitrogen pollution to water bodies in excess of 100 feet away. To prevent or lessen the pollution deep-rooted trees, groundwater dilution, and soil renovation are needed. Accordingly, Mr. Logan supports the recommendation to replant trees to compensate for those cut in the southwest corner.

Mr. D'Andrea concurred regarding threats from nitrogen and reasoned this is why the proposed "geometric leaching system" is an asset to the site design. Along with the system, the plan provides adequate distance to the pond, dilution, and will have additional plantings.

Peter Linderoth suggested a permeable barrier be incorporated to increase leachate renovation. Mr. D'Andrea stated the fill down gradient will have high levels of organics as is the standard by David Potts designer of the leaching system.

Elliot Benton pursued the idea of quantifying the concentration of nitrogen that will be associated with the proposed leaching field. Mr. Logan responded the nitrogen dilution model is imperfect as it doesn't take into account plan uptake. Ideally, one would want a concentration of 5 mg/liter at the property line. Discussion ensued resulting in an agreement that a nitrogen concentration study shall be performed prior to construction and after the home is well established with residents.

William Kenny described the revisions intended for the planting plan. The southwestern slope will be largely vegetated in keeping with the nature of the planting plan to the east.

Anthony D'Andrea described the construction sequence. The septic will be constructed first along with the installation of tree protection. Development will proceed counterclockwise starting with preparation of the pool and pool house and construction of the retaining wall just east of the house. Protective mats of gravel will be placed over areas of intended infiltration and the soil will be scarified prior to their installation.

Brian Harris called for public comment. There was none.

Elliot Benton made a motion to close the hearing, seconded by Jay Schondorf, and carried 7-0-0.

Elliot Benton made a motion to direct staff to draft a resolution of approval, seconded by Brian Harris. Discussion of the motion yielded special conditions including:

- A quantitative study to model nitrogen concentration levels prior to construction and one year following the completion of the dwelling. The results shall be submitted to the agency.
- The westernmost trees in the southwest corner will be reevaluated to see if removal can be avoided.
- The permit will be subject to DPW approval of the drainage system.
- Recommendations provided in the staff report shall be included.

The motion passed 7-0-0.

2. #2021-161 – [1141 King Street](#) - Heagney, Lennon and Slane, LLP for Plaza 200 LLC for designation of 5-lot conservation cluster subdivision, construction of five single-family residences, driveways, pools, septic systems, drainage systems, greenhouse, tennis court, shed, and geothermal wells 45' from wetlands. (Final 65 days 3/23/22) Tax #10-2740. PS

Sarah Coccaro read the additional documents into the record and reviewed the staff report. The limit of lawn has been customized to reflect the layout of each home. Modifications have been made to the invasive-plant management plan to extend it around to the eastern side of the site. An arborist's report has been submitted detailing the status of the trees within the limits of disturbance. The cul-de-sac has been reduced to the extent deemed approvable by DPW. And the accessway has been widened at the western end to accommodate the two existing homes that use it.

Tom Heagney, Heagney, Lennon & Slane, LLP, addressed the agency and provided an overview of the project revisions. The septic systems for lots 4 & 5 are within the upland review area of the off-site eastern wetland. This is why this portion of the upland review area is not within the conservation easement area. All five septic systems have been conceptually approved by the Health Department.

Andrew White, Tighe and Bond, reviewed the specifics regarding the cul-de-sac and access road requirements determined by DPW. He conveyed DPW's approach was to reduce the amount of pavement to the extent feasible.

Questions and answers were exchanged. The arborist, Mr. Fenner, will be consulted regarding a limit of lawn demarcation that is safe for the trees. No further reduction in the size of the houses and their appurtenances has been proposed because there was no further benefit to the wetlands produced. "Wolf trees" will be planted in the wetland meadow. The woodchips will be removed from the site. Mr. Fenner's recommendations are part of the proposal. And trees will be planted along the northern property boundary to compensate for wrongfully cut trees.

Brian Harris called for public comment. There was none.

Brian Harris made a motion to close the public hearing. Seconded by Bill Galvin and carried. 7-0-0.

Brian Harris made a motion to direct staff to draft conditions of approval. The motion was seconded by Bill Galvin. Ms. Sesto recommended the conservation easement include language prohibiting electronic dog containment fencing from the protected area. The motion passed 7-0-0.

Consent Approvals

1. #2021-153 – [78 Rockwood Lane](#) – Conte & Conte, LLC for Robert & Piranian Mulcare – Construction of pool, patio, and drainage system 36' from wetlands. (Second 65 days 3/4/22) Tax #11-1560. BC

Peter Linderoth made a motion to approve IWWA#2021-153, seconded by Bill Galvin, and carried 7-0-0.

Pending Applications

2. #2021-149 – [4 Highgate Road](#) – S.E. Minor & Company, Inc. for Kristin and Henry Rowland – Construction of pool, patio, shed, retaining walls, driveway modifications, and drainage system 7' from wetlands. (Second 65 days 3/4/22) Tax #05-2563. BC

The application was withdrawn.

3. #2021-168 – [28 Montgomery Lane](#) - S.E. Minor & Company, Inc. for Randy Maultsby for demolition and construction of single-family residence, driveway, patios, pool, pool fence, retaining walls, septic system, drainage, and boardwalk, and designation of septic reserve area in and adjacent to wetlands. (Second 65 days 4/1/22) Tax #08-3805. BC

Bob Clausi reviewed the elements of his staff report. The alternative to move the driveway to the side of the house where it exists did not yield a notable savings in site disturbance. All other open issues had been addressed and Mr. Clausi recommended the agency approve the project with conditions.

Larry Liebman, S.E. Minor & Co., offered his agreement with staff recommendations.

Bill Galvin made a motion to approve IWWA#2021-168 with the general conditions and the special conditions proposed by staff. Seconded by Peter Linderoth and passed 7-0-0.

New Applications for Review

1. #2021-186 – [80 Birch Lane](#) – DeRosa Builders, LLC for Stephen Keyes – Corrective action for unauthorized demolition of single-family residence 45' from wetlands. (First 65 days 3/30/22) Tax #11-1986/s. DCA

Doreen Carroll-Andrews reviewed the permit previously issued for the site and the subsequent change in project scope that lead to a violation. The original permit was for an addition and instead the house was torn down.

A neighbor has expressed concern that too many trees were removed. Ms. Carroll-Andrews stated she conducted regular inspections of the site and the tree removal was conducted in compliance with the previous permit, except for two trees – only one of which was in a regulated area and will be replaced.

Anthony DeRosa, builder for the applicant, explained the series of events that lead to the house being torn down. Given there was no change in footprint, he did not realize the teardown violated the IWWA permit. There will be no change in footprint with the rebuild. The final stormwater management plan has not been approved by DPW, but any new structures will be within the existing limit of disturbance.

Brian Harris made a motion to approve IWWA#2021-186 with the general conditions and the special conditions proposed by staff. Seconded by Klaus Jander and passed 7-0-0.

2. #2021-187 – [43 Baldwin Farms North](#) – EG Properties, LLC for Don F. Gaston – Demolition of tennis court and septic system, and installation of septic system 5' from wetlands. (First 65 days 3/30/22) Tax #10-2629.BC

Bob Clausi reviewed the proposal and concluded the application documentation was insufficient to determine if the project qualified for a stormwater teardown exemption. He also sought alternatives for the fence location.

Eric Glasband, EG Properties, LLC, addressed the agency. He will endeavor to provide the necessary information for the stormwater exemption. He would prefer to have the fence where it is presently located and the tennis court area will be lawn once the court is removed.

Bob Clausi suggested mitigation plantings be incorporated into the wetland buffer.

Action on the application was delayed to the next meeting.

3. #2021-188 – [76 Birch Lane](#) – S.E. Minor & Company, Inc. for Robert & Susan Pelgrift – Replacement of septic tank 30' from wetlands. (First 65 days 3/30/22) Tax #11-2007. BC

Bob Clausi described the issuance of a temporary emergency permit with conditions to enable a cracked septic tank to be replaced. The agency needs to formalize the temporary permit.

Brian Harris made a motion to approve IWWA#2021-188 with the general conditions and the special conditions proposed by staff. Seconded by Jay Schondorf and passed 7-0-0.

4. #2022-002 – [409 Stanwich Road](#) – S.E. Minor & Company, Inc. for Thomas Messina – Construction of pool, patio, and drainage 3' from wetlands. (First 65 days 3/30/22) Tax #08-2583. BC

Bob Clausi introduced the application and reviewed his staff report. Of note, the conditions of the 2018 IWWA permit have not been upheld. The previous and current owners are in the process of correcting the violations and conditions to ensure completion are included in the recommendation of approval.

Jay Schondorf made a motion to approve IWWA#2022-002 with the general conditions and the special conditions proposed by staff. Seconded by Bill Galvin and passed 7-0-0.

5. #2022-003 – [215 Old Mill Road](#) – S. E. Minor & Company, Inc. for Albert & Diana Betteridge – Demolition and construction of single-family residence, driveway, barn, terrace, septic system and drainage 30' from wetlands. (First 65 days 3/30/22) Tax #10-1753. BC

Bob Clausi described the proposal to redevelop the parcel. While most of the project is straight forward, there are open questions regarding the plan to construct a rain garden and infiltrator in the floodplain. DPW is against this.

The agency delayed taking action.

6. #2022-004 – [19 Lower Cross Road](#) – William Kenny Associates, LLC for Zack Paige 19 Lower Cross Road LLC – Construction of garage, modification of driveway, and installation of drainage and wetland enhancement plantings in and adjacent to wetlands. (First 65 days 3/30/22) Tax #11-3161. BC

Bob Clausi described the application to permit a subterranean garage. The garage is more than 100 feet to the wetland, but the stormwater management system is not. Further, a large area of understory was cleared adjacent to the wetland. A replanting plan has been submitted and in

compliance with the agency's guidelines. Deer fence previously approved and installed with the requisite gap at the bottom has been altered to eliminate the gap. DPW recommended a hydrodynamic separator to protect the wetland from garage drainage.

William Kenny, William Kenny Associates LLC, addressed the agency. He is in agreement with staff recommendations and asked that there be flexibility afforded for the hydrodynamic separator. The intent can be met, but perhaps not as a proposed by DPW.

Brian Harris made a motion to approve IWWA#2022-004 with the general conditions and the special conditions proposed by staff and the additional special condition that the plan be revised to include a hydrodynamic separator or similar. Seconded by Jay Schondorf and passed 7-0-0.

7. #2022-005 – [369 North Street](#) – Sound View Engineers and Land Surveyors, LLC for Sierra Tobias – Construction of pool, cabana, patio and drainage 64' from wetlands. (First 65 days 3/30/22) Tax # 11-1033/s. BC

The applicant requested a postponement.

Bill Galvin made a motion to delay taking action on IWWA#2022-005, seconded by Brian Harris and passed 7-0-0.

8. #2022-006 – [36 Perkins Road](#) – S.E. Minor & Company, Inc. for Dmitri Mirovitski & Olga Troitskaya – Corrective action for unauthorized clearing adjacent to wetlands. (First 65 days 3/30/22) Tax #11-2471. DCA

Doreen Carroll-Andrews described the violation that led to the corrective action application. A wetland had been cleared of long standing debris, then backfilled with soil. Ms. Carroll-Andrews recommended the fill be removed to an extent consistent with topography on file in association with a past permit. The site should be replanted at a density consistent with the agency's guidelines. The excavated soil should be tested and an on-site monitor should be used during excavation. Once the soil is removed, the wetlands should be reflagged and surveyed.

Brian Harris made a motion to issue an order for IWWA#2022-006 with the conditions proposed by staff. Seconded by Klaus Jander and passed 7-0-0.

Applications to Be Received

1. #2022-010 – [12 Sherwood Avenue](#) – Mike Antolino for Anthony Neri – Replace pool and patio 32' from wetlands. Tax #10-1681.
2. #2022-011 – [12 Ledge Road](#) – Muller Engineering LLC for Douglas & Vera Musicaro – Construct garage and modify driveway 20' from wetlands. Tax #06-2337/s.
3. #2022-012 – [68 John Street](#) – Robert & Elizabeth Berner – Demolish garage 50' from wetlands. Tax #10-3073.

4. #2022-013 - [212 Taconic Road](#) – Rocco v. D’Andrea, Inc. for Chantal Vonsaher Erensen & Timothy Erensen – Corrective action for unpermitted installation of dock and walkway. Tax #11-2611
5. #2022-014 – [77 Sherwood Avenue](#) (aka 28 Chieftans Road) – S.E. Minor & Co., Inc. for Suzanne Jarvis – Construct wall and install drainage 15’ from wetlands. Tax #10-3587.
6. #2022-015 – [51 Weaver Street](#) – Rocco V. D’Andrea, Inc. for New Greenwich Park LLC – Construct addition to commercial building and install drainage 30’ from wetlands. Tax #07-1078/s.
7. #2022-016 – [34 Baldwin Farms North](#) – S.E. Minor & Co., Inc. for Ashok & Bhavani Krishnan – Construct dock and install enhancement plantings in watercourse/wetlands. Tax #10-2664.
8. #2022-017 – [143 Otter Rock Drive](#) – S.E. Minor & Co., Inc. for Jack & Morgan Melnikoff – Construct pool, spa, patio, and porch, modify driveway, install drainage and enhancement plantings 40’ from wetlands. Tax #02-1441/s.
9. #2022-018 – [150 Clapboard Ridge Road](#) – Sound View Engineers & Land Surveyors, LLC for Joseph & Marisa Femenia – Construct residential addition and expand patio 26’ from wetlands. Tax #10-2962.
10. #2022-019 – [36 Zaccheus Mead Lane](#) – Environmental Land Solutions, LLC for Sohel & Saheda Kapadia – Construct pool and deck 15’ from wetlands. Tax #10-3225.
11. #2022-020 – [55 Orchard Drive](#) – Sound View Engineers & Land Surveyors, LLC for Frederick & Karen Henderson – Construct residential addition 60’ from wetlands. Tax #01-1345/s.

Brian Harris made a motion to accept the above applications. Seconded by Elliot Benton and passed 7-0-0.

Agent Approval Permits

1. #2022-001 – [133 Otter Rock Drive](#) – S.E. Minor & Company, Inc. for John & Ashlee Morningstar – Expansion of porch, removal of tree house, and modification of driveway 42’ from wetlands. (First 65 days 3/30/22) Tax #02-1127/s.
2. #2022-007 – [0 Cherry Valley Road](#) – Conte & Conte, LLC for Greenwich Land Trust – Construction of gravel parking area, rain gardens, and observation pavilion, and establishment of meadow 50’ from wetlands. (First 65 days 3/30/22) Tax #10-2245.
3. #2022-008 – [20 Cameron Drive](#) – Rocco V. D’Andrea for Neal J. and Amy C. Polan – Construction of residential addition, terrace, and drainage system, and designation of septic reserve area 27’ from wetlands. Tax #11-2709.
4. #2022-009 – [17 Bedford Road](#) – Joseph Pajonas Studio for Joyce and Fabio Volterra – Construction of terrace, deck, and fire pit 36’ from wetlands. Tax #10-1759.

Violations

1. Cease and Correct Order #2021-004 for Jongmin & Meeyoung Kim – 15 Surrey Drive - Unauthorized topping of trees, deposition of fill within regulated areas along the brook and side yard, and construction of a wall along the brook. Tax #12-2343/s

Doreen Carroll-Andrews listed the documents for the record. She conveyed the owners' daughter has requested an extension. They have not yet engaged a soil scientist. The need for a new survey as recommended in the staff report may not be necessary if it is established that no wetlands were filled.

No one was present on behalf of the property owners.

Brian Harris made a motion to defer granting the request for an extension in order to revisit the project in March. The motion was seconded by Bill Galvin and carried 7-0-0.

2. Cease and Correct Order #2022-001 for Andrew Toth – 16 Huckleberry Lane. Unauthorized removal of trees and vegetation within wetlands and wetland buffers. Tax #10-2310

Doreen Carroll-Andrews read the list of documents into the record. She stated the property owner has been cooperative and is asking for an extension to April 20, 2022.

Brian Harris made a motion to maintain the order with the requested extension, seconded by Jay Schondorf and carried 7-0-0.

3. Cease and Correct Order #2022-002 for Zero King Street LLC – 0 King Street. Unauthorized clearing of a significant amount of brush and vegetation within the wetland and wetland buffer areas. Tax #10-1472

Doreen Carroll-Andrews read the list of documents into the record. The activity consists of clearing vegetation in and adjacent to wetlands and a watercourse. The work was reportedly done to expand farming activities. The company doing the work was Hudson Valley Forestry and they were issued a stop work order. After this of woodchips were deposited to facilitate vehicle passage through the parcel. Staff is recommending Zero King Street LLC and Hudson Valley Forestry each be issued the maximum fine of \$1,000.

Janet Brooks, Esq. addressed the agency on behalf of the property owners. She described the site has having been very thickly vegetated and permission by Director Sesto was given to clear paths to facilitate wetland flagging and surveying. The scope was exceeded.

Michael Klein, soil scientist, Davidson Environmental Services, continued to describe the activities, noting the site would have had to be cleared for farming in any event. He further requested permission to remove the woodchip road now to take advantage of frozen conditions. Discussion ensued with a plan that the woodchips would be removed now except for an area needed to facilitate safe off-street parking for surveyors, etc. Stone check dams and other erosion and sedimentation controls will be installed. Mr. Clausi emphasized the site is in the NYC public drinking water supply watershed.

Brian Harris made a motion to uphold the order and place a notice on the land records if no application is received by the March meeting's submission deadline, the woodchips can be removed as conditions allow, erosion and sedimentation controls will be installed as warranted, and \$1,000 fines will be issued as recommended by staff. The motion was seconded by Jay Schondorf and carried 7-0-0.

4. Cease and Correct Order #2022-003 for Bryan and Abigail Finkel – 15 Grossett Road. Unauthorized removal of nine trees within wetland, watercourse and buffer areas. Tax # 05-2135/S.

Jennifer Urena read the list of documents into the record. The activity consists of clearing nine trees that we specifically called out to be saved during the application process of IWWA#2020-163. Davis Tree was responsible for the work.

Bryan Finkel, property owner, addressed the agency. He apologized for the error, explaining the work was not authorized. Discussion ensued.

Brian Harris made a motion to uphold the order, issue a find to Davis Tree for \$1,000, require a corrective action application be submitted for the March meeting, and allow core drilling to proceed. All other work on-site shall stop. The motion was seconded by Bill Galvin and carried 7-0-0.

Adjourn

With no further business, the meeting adjourned at 10:45 pm.



Patricia Sesto
Director

The Town complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for persons with disabilities. If you require an accommodation to participate, please contact the Commissioner of Human Services at 203-622-3800 or demetria.nelson@greenwichct.org as soon as possible in advance of the event.