

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
March 26, 2018**

- Members present: Chairman Brian Harris, Acting Secretary Jo Rogers, Bill Galvin, Norma Kerlin and Jay Schondorf
- Alternates present: Alan Rossi
- Staff present: Patricia Sesto, Director; Robert Clausi, Senior Wetland Analyst; Doreen Carroll-Andrews, Compliance Officer
- Others present: Tom Heagney, Heagney, Lennon, & Slane, LLC; Tim Veith; Jim Michel, Town of Greenwich; Amy Siebert, Town of Greenwich; Jim McTigue, Joseph F. Risoli, P.E., LLC; Tim Welling; Chris Bristol, Gilbride, Tusa, Last, and Spellane, LLC; Bryan Muller, Sound View Engineers & Land Surveyors LLC; Larry Liebman of S.E. Minor & Co., Inc.; Brian McMahan, Redniss & Mead; Linda Bruno; Matt Popp, Environmental Land Solution, LLC; Tony D'Andrea, Rocco V. D'Andrea, Inc.; Frank Cortese; Rick Adams and Sergio Biagioni

1. Call to Order

Chairman Brian Harris called the meeting to order at 7:05 p.m.

2. Seating of alternates

Alan Rossi was seated.

3. Approval of draft minutes of February 26, 2018

Jo Rogers made a motion to approve the minutes of February 26, 2018, seconded by Bill Galvin, and carried 6-0-0.

4. Director's Report

a. Monthly Summary

Patricia Sesto provided an overview of her director's report. The task of researching soil media for rain gardens and the status of previously installed rain gardens is being handled by an intern, Hannah Peragine. Hannah is a master's candidate from Yale who is interested in stormwater management.

Mrs. Sesto and Doreen Carroll-Andrews both attended conferences this month; one regarding the threats to native trees and another one expected changes due to climate change. Both

conferences indicate the forests will be under increasing stress and an evolution in composition.

Post Road Iron Works has filed a motion to reconsider/set aside the decision of Judge Berger and also requested an articulation of elements of the decision. Our counsel has filed a counter motion. The articulation is for clarification and does not challenge Judge Berger's decision.

5. Quarterly Compliance Report

Doreen Carroll-Andrews reviewed the contents of the quarterly compliance summary, noting the volume of inspections, counter visits, applications, and violations. While these numbers indicate a lighter work load, the list of deadlines to enforce is substantial.

6. Other Business

Brian Harris updated the agency on the effort to consolidate IWWA and Conservation departments. Both commissions wrote letters supporting the merger and the BET passed the budget, consistent with this intent.

I. Town of Greenwich Projects

1. Department of Public Works Sound Beach Avenue reconfiguration – preliminary review

Patricia Sesto introduced the project, noting it is before the Planning and Zoning Commission for preliminary and municipal Improvement approvals. P&Z regulations require a report from IWWA as part of this review and DPW will present the project to the agency to facilitate this requirement. A full application will be submitted in the future.

Jim Michel, Deputy Commissioner, DPW and Amy Siebert, Commissioner, DPW appeared before the Agency.

Mr. Michel described the evaluation of the intersection on Sound Beach Avenue. The intent is to reconstruct the existing roundabout to make it code compliant and raise it to the level of the 100-year flood elevation. By raising the elevation 2.5-3 feet, Sound Beach Avenue can be relied on as an ingress and egress in times of flooding; a condition that is lacking under current conditions.

The bridge adjacent to the roundabout will be replaced as part of the project. The new footings will be constructed behind the existing footings, followed by a removal of the footings and placement of the new bridge deck. The intent to minimize traffic disruption coincides well with the desire to minimize impact to the watercourse.

Brian Harris asked if the existing hydraulics allowed the abutments to stay in place. Mr. Michel responded the bridge currently presents constraints for flow and debris passage and it is a mix of traditional bridge and box culverts. When a full application to the agency is made, these details, plus other supporting documentation will be provided, including cross sections and a scour analysis.

Mrs. Sesto will prepare a report for submission to P&Z indicating the agency has reviewed the preliminary plans and looks forward to a full application.

II. Public Hearings

1. #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 (additional 65 days 5/2/18)

Alan Rossi recused himself.

Patricia Sesto read the list of documents into the record and reviewed the contents of her staff report. The applicant is not pursuing a driveway through his abutting parcel, citing difficulties with grades. The agency cannot legally incorporate that adjacent land into this application, despite the common ownership. They cannot determine a prudent and feasible alternative exists by way of the other parcel. Moreover, the applicant is entitled to use the accessway to the subject parcel, but the agency can regulate how this is accomplished.

The applicant has reduced the footprint of impact for the house and yard, reduced the width of the driveway, shortened the length of retaining walls, and modified the stormwater management plan to minimize tree loss. Additionally, the applicant was responsive to a recommendation by Dr. Klemens and will restore 3,200 s.f. of the vernal pool envelope to compensate for the 1,900 s.f. lost to the driveway. This work will take place on Mr. Cortese’s abutting parcel.

Tom Heagney, Heagney, Lennon, & Slane, LLC appeared before the Agency and provided background on the 2014 subdivision of the abutting Cortese parcel. The dismissal of a driveway off of Oak Street is not a matter of choice; elements of the subdivision and grades made this option infeasible. Mr. Heagney reviewed the various revisions to the site plan and landscape plan.

Tony D’Andrea of Rocco V. D’Andrea, Inc. continued, detailing the investigatory work completed since the last meeting. Test holes have been dug in the southern wetland and accessway to confirm suitability for drainage. The goal with all of the revisions is to maintain the existing soil and vegetation, to the extent reasonable. The southern wetland will not be a decoy problem as it will drain within a few hours of a storm.

Discussion ensued regarding proper pool protection, native species to be planted, and porous pavement. Brian Harris spoke of grass pavers for the lower portion of the driveway as opposed to porous asphalt or paving stone, to which Mr. D’Andrea responded positively.

Mr. Harris asked for comment on Dr. Klemens’ suggestion to elevate the driveway. Mr. D’Andrea stated an elevated driveway would need to be wider to accommodate a shoulder and guard rails, footings constructed, more canopy would be lost, and the grades are incompatible. Culverts for passage under the driveway were evaluated and dismissed. The existing grades of the accessway are too close to the water level of the pool. Culverts set low enough to minimize fill would drain the vernal pool and to set them higher would require a bigger footprint of fill or longer retaining walls.

Chairman Harris called for public comment.

Linda Bruno of the Greenwich Neighborhoods Preservation Association (GNPA) appeared before the Agency. She spoke of the information recently submitted and reviewed. The GNPA believes understanding of the vernal pool has grown substantially since the adjacent subdivisions were approved. Since the Oak Street Cortese approval was only conceptual, it should be revoked and reconsidered.

Tom Heagney provided a rebuttal and conveyed that once a subdivision is approved and the map filed, there is no opportunity to revoke it.

The public hearing was continued to the next meeting on April 23, 2018.

- 1. #2017-183 – 581 & 585 West Putnam Avenue – Joseph F. Risoli, P.E., LLC for Putnam 600 Acquisition & 585 West Putnam LLC for demolition of buildings and parking lots, and construction of a 4-story building, parking garage, drainage, and associated grading 40' from wetlands. Tax #07-2163, #07-2164 (additional 65 days 5/2/18)**

Alan Rossi was reseated.

Bob Clausi reviewed the status of the application, noting there are unanswered questions pertaining to the sewer. DPW is currently evaluating the submitted information. For this agency, there is concern as the sewer lies beneath the watercourse and any failure or overtaxing the capacity will negatively impact the stream. Other than the sewer issue, there are no outstanding concerns.

Chris Bristol of Gilbride, Tusa, Last, and Spellane, LLC appeared before the Agency. He affirmed the efforts to address the sewer capacity questions.

Chairman Harris called for public comment. None was heard.

The public hearing was continued to the next meeting on April 23, 2018

III. Consent Approvals

- 1. #2018-015 – 38 Birch Lane – Sound View Engineers & Land Surveyors for TKS Group, LLC to remove a 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 Rachelle Spielvogel for construction of a cabana, pergola, and pool patio 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 school building and installation of temporary classrooms 21' from wetlands. Tax #07-4020/s (first 65 days 5/2/18)**

- 4. #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)**

Jo Rogers made a motion to approve for the applications and issue an order for the projects listed as consent approvals, seconded by Jay Schondorf and carried 6-0-0.

IV. Pending Applications

- 1. #2017-155 – 92 Orchard Street – Rocco V. D’Andrea, Inc. for Greenwich Reform Synagogue, Inc. for installation of a stormdrain connection 0’ from wetlands. Tax #08-2748/s (second 65 days 4/6/18) BC**

Mr. Clausi reviewed the history of the application review, noting the applicant has been working with DPW to address their concerns. The final plan provides a reduction in peak flows through the 25-year storm and facilitates better passage of high frequency, high volume storms. The proposed berm will cause the loss of several smaller trees. Replacement of these can be addressed via special conditions of approval.

Mr. Clausi suggested the application be approved.

Joe Rogers made a motion to approve IWWA Application #2017-155, with conditions as proposed by staff, seconded by Norma Kerlin, and carried, 6-0-0.

- 2. #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 (first 65 days 3/28/18)**

Bob Clausi reviewed the issues previously discussed and modifications to address those. The erosion and sedimentation control plan has been improved significantly. The application is still missing a biological evaluation for the stone-lined watercourse and fringe wetland. Regardless, Mr. Clausi expressed support for the proposal.

Bryan Muller of Sound View Engineers & Land Surveyors appeared before the Agency, describing the various revisions and site constraints. He also emphasized the mitigation plan to unearth and replant previously impacted wetlands between the driveway and watercourse.

Jo Rogers made a motion to approve IWWA Application #2018-008, seconded by Jay Schondorf, and carried, 6-0-0.

New Applications for Review

- 1. #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 (second 65 days 4/6/18)**

Patricia Sesto introduced the application, noting the agency received it some time ago, but this will be the first time it is discussed. The proposal is to construct several additions to the house. The parcel is bound by East Brothers Brook to the east. The watercourse is constrained by stone walls and the associated wetland has been degraded from filling and maintained lawn. This condition is many decades old.

The drainage has not been approved by DPW and the previously submitted mitigation plan is unfounded. A revised mitigation plan and narrative was due to be submitted, but it was not. In the absence of this information, the application is incomplete and should be denied.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency, explaining the project was held up at the Zoning Board of Appeals. Recognizing the agency is out of time to review and act on the application, Mr. Liebman withdrew it and asked the fee be waived upon resubmission. Consensus of the agency was to grant the fee waiver.

2. #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)

Doreen Carroll-Andrews reviewed the contents of her staff report. Permit #2007-004 was issued on January 22, 2007 and included a wetland restoration and a new residence, septic, driveway, pool, and guest house. As a result of dewatering the foundation excavation with inadequate sedimentation controls, a small stream, wetlands, and Byram Middle Branch watercourse received measurable deposits of sediment.

The sediment is proposed to be removed by hand and deposited on-site. The location and method of stabilization has not been provided. The erosion and sedimentation controls have been improved since the issuance of the order, however, breaches are still occurring. Ms. Carrol-Andrews recommended the silt fence be expanded and enhanced, there be more persistent monitoring by a qualified professional, and plantings.

A new area of clearing was observed at the last site inspection and this area may be within the 100-foot upland review area. She requested a survey to make this determination.

Rick Adams, neighbor, spoke to the site conditions, noting he is in the field of development and this site exceeds normal variation and problems. A professional is warranted to get the site under control and avoid wetland and watercourse impacts, which are of concern to him. Part of his property is encumbered by an easement with the Greenwich Land Trust, adding an additional layer of attention.

Discussion ensued regarding how to manage the site and what the best professional would be to conduct monitoring. The need to stop tweaking the existing E&S plan and start fresh gained support, as did the need for a construction sequence and phasing plan. Staff should have tasks and milestones to mark off and assess progress.

Jo Rogers made a motion to issue an Order to Correct IWWA Application #2018-018 with the standard conditions and special conditions proposed by staff, and with the additional special

conditions to require construction sequencing and phasing plans be submitted, seconded by Brian Harris, and carried, 6-0-0.

3. #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)

Bob Clausi described the history of the parcel. A permit was issued in 2017, but this has now expired, there is a new owner, and a new plan with less site disturbance. The regulated area is a watercourse at the base of retaining walls, that cuts across the corner of the site.

The environmental assessment submitted with the application includes five recommendations, which should be followed. Also, the site is infested with Japanese knotweed and pointed care will be needed in handling the plants and excavated soil.

DPW’s site development review notes the new plan has much more impervious coverage than the previously approved concept due the driveway configuration. Alternatives that reduce this should be submitted.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency. He confirmed the extent of impervious coverage has increased by 1,300 s.f. This was the trade off in disturbing less of the site and it also meets the owners’ needs.

Jo Rogers, Norma Kerlin and Alan Rossi were identified as having visited the site.

Jo Rogers made a motion to approve IWWA Application #2018-021 with conditions as presented in the staff report, seconded by Jay Schondorf, and carried, 6-0-0.

4. #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)

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

Bob Clausi recommended the agency delay action on the application. The proposal includes extensive fill to create more yard, well in excess of what is needed for the leaching field. The fill would come within 25 feet of the wetland and would be 8-9 feet in depth. All of the trees in the filled area would be lost. No biological evaluation, mitigation plans, or alternatives have been provided. Lastly, an area that looks as though it maybe wetlands needs to be reviewed by a soil scientist.

Tony D’Andrea of Rocco V. D’Andrea, Inc. responded, stating he will be following up with staff.

Brian Harris made a motion to delay action on IWWA Application #2018-022, seconded by Norma Kerlin, and carried, 6-0-0.

5. **#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)**

Jo Rogers, Norma Kerlin and Alan Rossi were identified as having visited the site.

Bob Clausi described the existing and proposed development of this small parcel and its proximity next to wetlands and watercourses. Pervious pavement is proposed to compensate for runoff from the additions and expanded driveway. He recommends the restored pool patio be pitched to drain away from the wetland and a downspout discharge be cut back to eliminate the direct discharge to the watercourse. The erosion and sedimentation controls should be inspected by staff prior to the start of construction.

Bryan Muller of Sound View Engineers and Land Surveyors responded to Mr. Clausi's comments and further described the parcel. The site is encumbered by a waterline bisecting it and significant drainage entering from up gradient parcels.

Jo Rogers advocated for disconnecting downspouts from discharging to the stream and adding planting along the stream. Discussion ensued with members, staff, and Mr. Muller and owner, Sergio Biagioni regarding various drainage issues and solutions.

Jo Rogers made a motion to approve IWWA Application #2018-023 with conditions recommended by staff, with the modification that the northwest gutter be disconnected and a three foot border of plantings be added, seconded by Bill Galvin, and carried, 6-0-0.

6. **#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)**

Bob Clausi reviewed the proposal and conveyed few concerns. DPW has reviewed the stormwater management plan and approved removing the liner from the rain garden to promote infiltration.

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

Jim McTigue of Joseph F. Risoli, P.E., LLC expressed support for removing the rain garden liner and installation of plantings by the watercourse.

Jo Rogers made a motion to approve IWWA Application #2018-024 with conditions as recommended by staff, seconded by Jay Schondorf, and carried, 6-0-0.

7. **#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)**

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

Bob Clausi reviewed the proposal, stating it was an uncomplicated pool reconstruction and would include a new pool house. The wetlands on-site are considered high quality and the property is within the public drinking water supply watershed. The septic system and rain garden are proposed within wooded areas, which is not desirable in the context of protecting the nearby wetlands and probable vernal pool. Rather than using a rain garden, the drainage manual would allow runoff to sheet flow across the site given the 50-foot conservation easement adjacent to wetlands. A second probable vernal pool is located south of the tennis court and this area is being revisited by the soil scientist.

Jim McTigue, Joseph F. Risoli, P.E., LLC appeared before the Agency, describing the various constraints associated with the parcel, despite its 12 acres. They will return at the next meeting with responses to staff questions.

Jo Rogers made a motion to delay action on IWWA Application #2018-025, seconded by Bill Galvin, and carried, 6-0-0.

V. Applications to Be Received

Chairman Brian Harris made a motion to receive the eight applications listed on the agenda, seconded by Jo Rogers, and carried 6-0-0.

- 1. #2018-030 – 9 Alpine Road – William Kenny Associates LLC for Grammercy South LLC to correct violations via the installation of native plants and a demarcation fence within wetland buffer. Tax #11-2052 (first 65 days 5/30/18)**
- 2. #2018-031 – 11 Old Forge Road – Sound View Engineers & Land Surveyors for Marco Schnabl & Maria Herrmann for construction of a pool, patio, and subsurface drainage system 20' from wetlands. Tax #11-2664 (first 65 days 5/30/18)**
- 3. #2018-032 – 139 Old Church Road – Sound View Engineers & Land Surveyors for Donald & Christina Young for construction of residential addition, porch, reconfiguration of driveway, and drainage system 50' from wetlands. Tax #07-1537/s (first 65 days 5/30/18)**
- 4. #2018-033 – 38 Dairy Road – Jay Fain & Associates, LLC for Priscilla & Tashen Kandasamy for construction of in-ground pool 30' from wetlands. Tax #11-2104 (first 65 days 5/30/18)**
- 5. #2018-034 – 35 Lakewood Circle North – Joseph F. Risoli, P.E., LLC for Camilla Love McGraw for construction of a septic system 35' from wetlands. Tax #02-1033 (first 65 days 5/30/18)**
- 6. #2018-035 – 25 Cobb Island Drive – S.E. Minor & Co., Inc. for Chris Ohl for construction of a pool and deck 39' from wetlands. Tax #02-1726 (first 65 days 5/30/18)**
- 7. #2018-036 – 9 Alpine Road – Rocco V. D'Andrea, Inc. for Grammercy South LLC for construction of a single family residence, driveway, and drainage system 7' from wetlands. Tax #11-2052 (first 65 days 5/30/18)**

8. **#2018-037 – 17 Windabout Drive – Mills Engineering, LLC for Cone Home River, LLC for construction of a single family residence, driveway, pool, patio, deck, septic system, and drainage 18' from wetlands. Tax #10-2537 (first 65 days 5/30/18)**

VI. Agent Approvals

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

1. **#2018-026 – 652 Riversville Road – Rama and Selvue Balidemaj for removal of unauthorized fill 80' from a wetland and installation of enhancement plantings. Tax #10-2103**
2. **#2018-027 - 2 Rockwood Lane Spur – Amy and Dan Jurkowitz for demolition of the existing residence and removal of the driveway through wetlands. Tax #11-1671**
3. **#2018-028 – 1 Montgomery Lane – Michel and Virginia Hanigan for construction of a residential addition 44' from wetlands. Tax #08-3538**
4. **#2018-029 – 81 Brookside Drive – Alex and Hayley James for construction of a deck 26' from a wetland. Tax #07-1461/s, 07-2708/s**

There were no questions or comments.

VII. Violations

1. **Cease and Correct Order #2018-06 – 9 Alpine Road – Grammercy South LLC for unauthorized cutting of trees within and adjacent to wetland and watercourse areas. Tax #11-2052**

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

Neighbors alerted staff that tree work had occurred on site adjacent to wetland and watercourse areas. Approximately 22 large trees, ranging in size from >30" to 8" were cut on the western side of the property. Many other trees were removed from the site outside of the 100' upland review area.

The property owners have submitted an application to correct the violation and this was received earlier in the meeting.

Jo Rogers made a motion to uphold the cease and correct order, seconded by Bill Galvin, and carried 6-0-0.

VII. Other Business

The agency discussed no other business.

V. Adjourn

With no further business, the meeting adjourned at 9:43 p.m.

Patricia Sesto
Director