

**MINUTES  
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY  
March 27, 2017**

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

Alternates present: Peter Linderoth, Klaus Jander

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

Others present: Bill Kenny, Jeff MacDougal, Renee Seblatnigg, Wayne D'Avanzo, John Heagney, Meeta Vyas, Bryan French, Bryan Smith, David Lasnick, Bill Rutherford, Cheryl Steinman, Josh Hannant, Edward Martino

**1. Call to Order**

Chairman Harris called the meeting to order at 7:07 p.m.

**2. Seating of alternates**

Peter Linderoth and Klaus Jander were seated as alternates.

**3. Approval of draft minutes of February 27, 2017**

Jo Rogers made a motion to approve the minutes of February 27, 2017, second by Elliot Benton. The motion carried 6-0-0.

**4. Director's Report**

Patricia Sesto provided a summary of the discussion regarding the meeting schedule and thanked the members and consultants who provided input. The schedule will remain at one per month and the Cone Room will be held in reserve for a second meeting on the second Monday of each month.

Members were asked to hold the second Monday for April and June due to a high volume of applications and an expected public hearing.

Other topics reported on included updating the digitized wetland layer, the vernal pool survey, and an upcoming presentation to Greenwich Rotary.

**5. Compliance Review**

Doreen Carroll-Andrews reviewed the first quarter numbers for green sheets, applications, inspections, and violations. Excluding inspections for applications, 214 other inspections were made, 136 green sheets were processed, and 645 people were served during public walk in hours. Her full report is attached.

**6. Other business**

**I. Consent Approvals**

1. #2016-179 – 44 Mary Lane – Debra Hess – Tax #12-2385/S – for construction of a deck, retaining wall, and pigeon loft 10’ from wetlands.
2. #2017-012– 630 Lake Avenue – Nancy Risman – Tax #10-2966 – for chemical treatment of a pond.
3. #2017-013– 363 Riversville Road – Greenwich Council of Boy Scouts, Inc. – Tax #10-4036 – for chemical treatment of a pond.
4. #2017-037 – 52 and 56 Locust Road – 52 Locust Road, LLC – Tax # 10-1668, 10-1448 – for a residential addition to a garage, septic, drainage, landscaping, and grading.

Chairman Harris identified the applications recommended for consent approval. No questions were asked.

A motion to approve the declaratory ruling for 2017-037 and other applications with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Bill Galvin and carried 7-0-0.

**II. Pending Applications**

1. #2016-172 – 21 Lia Fail Way – Nayden Florida Family Trust – Tax #08-2422 – Construction of a single family residence, porch, patio, pool, septic, driveway, drainage, grading and landscaping 35’ from wetlands.

Bob Clausi restated the purpose of the application. Since the last time the agency discussed the application more information has been submitted. The Historic Overlay zone is no longer a factor as the existing house will be converted to a compliant accessory structure instead. This work will not entail any regulated activities. The driveway on the adjacent parcel serving the subject property no longer has any alterations to it proposed, thus authorization from the owner of 16 Lia Fail is not needed. Outstanding issues noted by DPW have been resolved.

The planting plan is necessary to correct a violation and a date by which this is to be complete is recommended in the staff report. The plantings would be done with or without the

residential redevelopment. A neighbor submitted a letter regarding the historic value of the trees on-site and urged the agency to require the planting plan include species to re-establish these.

William Kenny, William Kenny Associates, LLC, addressed the agency and expressed concurrence with the staff report recommendations. He agreed to develop a species list to include many of the species recommended by the neighbor. He would like to retain some flexibility to be sure the right plant is selected for the specific site condition.

Renee Seblatnigg, neighbor spoke to reinforce the character of Lia Fail Way and the importance of replanting to maintain this character. Ms. Seblatnigg urged the agency to help keep the Lia Fail neighborhood “weird.”

Jay Schondorf made a motion to approve IWWA 2016-172 with the general and special conditions presented by staff, seconded by Stephan Skoufalos, and carried 7-0-0.

2. #2016-180 – 249 Bedford Road – Felix & Miosotis Cabrera – Tax #10-2871 – Construction of a new driveway, driveway modifications, drainage, grading and landscaping adjacent to wetlands.

The agent for the applicant previously requested the project be continued to the next meeting.

### **III. New Applications For Review**

1. #2017-018 – 155 Parsonage Road – Meeta Vyas – Tax #11-3019 – Restoration plantings 5’ from wetlands.

Doreen Carroll-Andrews described the activities which led to the violation. One large tree fell, damaging others. In the course of cleaning up the damage, two more dead trees were removed and an additional five live trees were removed. The applicant is proposing five trees be replanted and Ms. Carroll-Andrews is recommending ten trees for a 2:1 ratio.

Property owner, Meeta Vyas addressed the agency. She provided an overview of her professional career to convey her long standing commitment to the environment. She stated the trees were removed to clean up damage and clear away trees perceived as being dangerous. There is no issue replacing the trees, however she questions the 2:1 ratio requirement and would like more time to do the work. Additionally, Ms. Vyas requested a reduction in the corrective action fee.

Brian Harris suggested the five proposed trees be supplemented with five shrubs. He stated the reduction in the fee was appropriate given the initial damage the fallen tree inflicted. Discussion ensued.

Brian Harris made a motion to approve the application with conditions provided by staff with the following modifications. The planting plan will consist of five trees, 1.5-2.0 in caliper and five shrubs. If the plantings do not occur by the end of June 2017, plantings must be complete no later than October 1, 2017. If the delayed planting allows non-native invasive to take hold,

the applicant will be responsible for submitting a management plan and implementing it. If drainage pipes are encountered, they may not be replaced without further permitting. Lastly, the fee shall be reduced to the standard charge, with no corrective action multiplier. Jo Rogers seconded this motion and it carried 7-0-0.

2. #2017-019 – 471 Stanwich Road – Ning Li & Yuan Gao – Tax #11-3252 – Wetland remediation.

Doreen Carroll-Andrews recounted the activities leading up to the issuance of a cease and correct order. A wetland exists in the eastern portion of the property, beyond the parking lot. In 2016 a site inspection was conducted and bulky woody debris was observed in the area between the parking lot and wetland. This area previously had a detention basin constructed there coincident with a 1970's permit. The plan is to restore the basin to its original configuration and replant the wetland buffer area around it. The planting plan is fine, except the size of the material needs to be larger.

Bryan Smith, P.E., Rocco V. D'Andrea, Inc. addressed the agency. He stated there were no issues with staff recommendations. Ms. Sesto questioned the proposed plantings and flow path in the detention basin. Improvements to basins have been made since the 1970's and that knowledge should be incorporated. Mr. Smith agreed to revise the plan to include a diversity of plants instead of the proposed grass and include elements to create a more circuitous flow.

Attorney David Lasnick spoke on behalf of his client, requesting the agency waive the punitive portion of the application fee. The property owners are currently facing substantial property taxes due to an error in the tax assessment. Brian Harris asked Ms. Sesto for her opinion. Mrs. Sesto stated she has not heard any mitigating circumstances to justify a reduction. She sympathizes with the applicant's tax problems, but that has no bearing on the violation.

Brian Harris called for public comment. Cheryl Steinman, neighbor to north described the clearing and import of fill she and her husband observed. The changes on-site and the reconstruction of the detention basin give her concern, a concern an engineer has confirmed as warranted. Accordingly, Ms. Steinman is requesting the agency delay action on the application for one meeting to allow her engineer the opportunity to evaluate the plan.

Discussion ensued regarding the jurisdiction of the agency and the drainage concern of Ms. Steinman, clarification of whether fill was brought to the site or not. Jo Rogers requested verification any fill is free of contamination, and if fill was deposited, and Norma Kerlin requested representation from the responsible company regarding the origin of the fill.

Brian Harris made a motion to delay action on this application, seconded by Elliot Benton, and carried 7-0-0.

3. #2017-020 – 14 Hope Farm Road – Kaity Geren – Tax #10-3084 – Construction of a tennis court, pool cabana, and drainage 28' from wetlands.

Bob Clausi described the proposal to construct a tennis court in a wetland buffer, between two ledge outcroppings. The location of the court was selected to minimize regrading. Mr. Clausi

recommended the agency delay action on the application to allow the applicant the opportunity to respond to outstanding issues of the Department of Public Works, Engineering Division, and to submit a planting plan as requested by Mr. Clausi.

Members Peter Linderoth, Elliot Benton, and Jay Schondorf visited the site. Brian French, P.E., Rocco V. D'Andrea, Inc., spoke to the application, citing the rationale for the court location. DPW has stipulated the rain garden needs to be larger. This can be readily accommodated without bringing disturbance any closer to the wetland than what is already proposed. Additionally, the court is pitched to drain east and away from the wetland.

Mr. Clausi noted nine large canopy trees will be cut and the six new trees are insufficient to compensate for this. He acknowledged the robust proposal for shrubs. The trees are needed to restore shade to the wetland and stream. Mr. French was encouraged to look beyond the buffer and into the wetland for breaks in the canopy which could benefit from the plantings.

Stephan Skoufalos made a motion to delay action on the application, seconded by Jo Rogers, and carried 7-0-0.

4. #2017-021 – 64 West Brother Drive – Daniel & Jennifer Daniels – Tax #01-1378 – Construction of a pool and landscaping 15' from wetlands.

Bob Clausi explained the residential nature of the lot, the proposal to construct a smaller than average pool adjacent to the patio in an area of existing lawn, and the inclusion of plantings to increase the buffer to the water and increase diversity. The documentation includes the report verifying the pool will cause no more than a 0.1 foot rise in the flood elevation.

Josh Hannant, P.E. Rocco V. D'Andrea, Inc. appeared on behalf of the applicant. Mr. Hannant was in agreement with staff recommendations.

Stephan Skoufalos made a motion to approve the application with the standard and special conditions provided in the staff report, seconded by Jo Rogers, and carried 7-0-0.

5. #2017-022 – 16 Knollwood Drive – Linda & Steven Munger – Tax #11-1352 – Residential redevelopment 1' from wetlands.

Patricia Sesto introduced the application and the approval for residential redevelopment previously issued in 2015. This plan incorporates conditions of approval pertaining to stream stabilization and sediment control. The agent for the applicant has made interim changes, as requested.

Josh Hannant, P.E., Rocco V. D'Andrea, Inc., stated he is in agreement with staff recommendations.

A motion to approve the application with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Norma Kerlin and carried 7-0-0.

6. #2017-023– 44 Cutler Road – MCJB, LLC – Tax #10-1860 – Maintenance of gravel drive and shed 10’ from wetlands, and a yoga platform and landscaping within wetlands.

As detailed by Doreen Carroll-Andrews, the application is intended to correct a violation. The on-site pond was dredged with a permit and spoils were allowed to be spread on-site. The next permit was for residential redevelopment and included a planting plan in an area impacted with debris. By this time, trees were dying. The applicant states there are still 42 trees in the mitigation area. Ms. Carroll-Andrews recommended the trees proposed to delineate the limit of lawn should be located to the previously approved location. Other issues in the staff report have been addressed.

Tom Ryder, Land Tech Consultants, was supportive of staff recommendations, except for the limit of lawn demarcation. He is requesting the limit of lawn stay in its current location. He detailed other environmentally sensitive improvements on-site which have earned the designation of an Audubon “Healthy Habitat.” This is ample compensation for the area of lawn the applicant would like to retain.

Bob Clausi offered historical information of past permits and site conditions. The requested limit of lawn is in keeping with the intent of these permits.

Elliot Benton made a motion to approve the application with standard and special conditions presented by staff and an additional special conditions to require the trees as shown on the presentation map and placards be used to define the limit of lawn, seconded by Stephan Skoufalos, and carried 7-0-0.

7. #2017-024– 29 Richmond Hill Road – Fernando Lourenco – Tax #10-2556 – Construction of an addition, porch, patio, and landscaping 26’ from wetlands.

Bob Clausi described the various small additions and new driveway configuration, which includes pervious pavement. The work is 45 feet from the wetland, however the flat nature of the site minimizes potential impacts. Comments by DPW are minor and not germane to wetland protection. Lastly, a code complying leach field is shown cross slope and adjacent to a ditch. The Health Department and the state sanitarian approve of the location.

Bryan Mueller, P.E., S.E. Minor & Co., Inc. stated the leaching field could move west, if it were ever to be constructed. Mrs. Sesto cautioned the agency if the septic fails during the life of this permit, the applicant has the right to construct the code complying area as shown. She suggested a condition of approval be added that requires the submission of a revised plan to move the system west, if appropriate, and to show associated erosion and sedimentation controls.

Elliot Benton made a motion to approve IWWA #2017-024 with the standard and special conditions proposed in Mr. Clausi’s staff report and the additional special condition articulated by Mrs. Sesto, second by Jo Rogers, and carried 7-0-0.

#### **IV. Agent Approvals**

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

1. #2017-016 – 27 Perkins Road – Christopher & B. Kasey Musumeci for construction of a residential addition and septic system 80' from a wetland. Tax #11-2188
2. #2017-017 – Riversville Road – Town of Greenwich, Department of Public Works for installation of a catch basin, pipe and rip rap. Tax #N/A
3. #2016-026 – 23 Porchuck Road – Charles B. Kaufmann, III, Trustee for construction of a residential addition, patio, deck, and landscaping 60' from wetlands. Tax #10-2024
4. #2017-027 – 52 John Street – Winnetka Partners, LLC for construction of a new single-family residence, driveway, septic system, drainage, and grading 100' from wetlands. Tax #10-3072
5. #2017-032 – 38 and 40 Strickland Road – 38 Strickland Road, LLC and 40 Strickland Road, LLC for construction of an addition, patios, deck and permeable parking court 8' from wetlands. Tax #08-1916/s, 08-2102/s

No questions were presented and no public comments were received. No action by the Agency was required.

#### **V. Applications To Be Received**

Bill Galvin made a motion to add the six applications listed on the revised agenda and to then receive the 21 applications submitted and schedule them for discussion or public hearings as appropriate, at the next meeting of the Agency, second by Elliot Benton and carried 7-0-0.

#### **VI. Other Business**

- a. Application #2015-028 – 269 Palmer Hill Road – 269 Palmer Hill Road, LLC

Bob Clausi provided an overview of the April 2015 conceptual approval on the subdivision. In the course of issuing the conceptual approval for the lots, the Habitat Enhancement Plan was inadvertently approved without conditions. The property owner is cooperating and has agreed to abide by conditions drafted by Mr. Clausi. He is asking the agency to acknowledge their intent in 2015 to approve the Habitat Enhancement Plan so this work can go forward.

William Kenny, William Kenny Associates, LLC appeared on behalf of his client. He is in agreement with the project characterization provided by Mr. Clausi. Mr. Kenny submitted the additional details requested and explained modifications to these details he would make to accommodate the steeper grades of the streambed. The restored streambed will mimic the elevations of the culvert. Despite the steeper grade, the currently exposed streambed is not

experiencing erosion. He will take his cues from this area in devising the substrate of the reconstructed portion.

Stephan Skoufalos made a motion acknowledging the agency's intent in 2015 to approve the Habitat Enhancement Plan, second by Jo Rogers, and carried 7-0-0.

b. General Procedural Discussion

None.

**VII. Violations**

1. Cease & Correct Order #2009-02 – 3 Carriage Road – Edward Martino – Tax #08-3478

Doreen Carroll-Andrews reviewed the violation summary for failure to comply with the conditions of IWWA Permit #01-145 and failure to maintain plantings and restore a wetland and buffer.

In 2008, fill was identified on-site 15 feet from the wetlands, 7 feet deep in places, and trees were buried. A certificate of violation was placed on the land records. Fill was removed and the area replanted. The inspection of 2011 found the plants to be in good shape and all that was needed to close out the file was a letter from a qualified professional certifying the fill was removed and pre-existing grades were re-established. This was not filed.

Staff again conducted an inspection in June 2016 with the intention of releasing the bond and lifting the Certificate of Violation from the Land Records provided that the wetland was found to have naturalized and the plantings were thriving. The wetland was found to have been used to dump landscaping debris and no shrubs were observed. Again, a letter was sent on June 20, 2016 requiring the area to be replanted.

Mr. Martino came to public counter hours on March 8, 2017 looking to be refunded the bond. When presented with the letter from staff to replant the area, he emphatically refused to complete any additional work.

Staff resent Cease & Correct Order #2009-02 to Mr. Martino via certified and regular mail on March 20, 2009.

Edward Martino, property owner, appeared before the Agency. He described the past plantings and attributed their absence to the drought and stated he will replant, but only the minimal amount necessary. Discussion ensued to gain clarity of the site's condition, the nature of the ponded area, and what is reasonable to correct the situation. Ms. Sesto offered to conduct a site inspection with Ms. Carroll-Andrews and Mr. Martino to assess if the fill was completely removed and what planting would be appropriate.

A motion to maintain Cease & Correct Order was made by Stephan Skoufalos, second by Elliot Benton. The motion carried 7-0-0.

2. Cease & Correct Order #2017-07 – 327 Riversville Road – Louis Jr. and Marie Gioia – Tax #10-3527

Doreen Carroll-Andrews reviewed the violation summary for unauthorized deposition of fill and removal of vegetation adjacent to wetland and watercourses.

A large amount of fill material was deposited along an existing slope at 325 Riversville Road and then spilled onto the adjoining property at 327 Riversville Road.

On February 23, 2017, Staff met with attorney Doug Dubitsky, agent for George Mead of 325 Riversville Road who agreed to submit an application to correct the violation. However, since the violation also exists on 327 Riversville Road, a Violation letter and Cease and Correct were also issued to the owners of 327 Riversville Road. Louis Gioia, Jr. has been in contact with Mr. Mead and he will be cooperating to enable Mr. Mead to correct this violation.

Staff recommends that the Agency maintain Cease & Correct Order #2017-07. 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 24, 2017.

A motion to uphold the Order with staff recommendations was made by Brian Harris, second by Bill Galvin. The motion carried 7-0-0.

3. Cease and Correct Order #2017-08 – 8 Sioux Place – Luis Morocho – Tax #09-1789/s

Doreen Carroll-Andrews reviewed the violation summary for unauthorized excavation, grading and filling, construction of stone walls, and failure to install erosion controls within wetland and watercourse areas.

The owner did receive a permit from the Building Department, but the owners exceeded the scope of activities represented on their application.

A Stop Work Order was issued on March 6, 2017.

Staff recommends that the Agency maintain Cease & Correct Order #2017-08. 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 18, 2017.

A motion to uphold the Order with staff recommendations was made by Stephan Skoufalos, second by Bill Galvin. The motion carried 7-0-0.

***VIII. Bond Releases***

1. Application #2011-022 – Permit #2011-032 for Fred and Irene Shen – 9 Wyckham Hill Lane. The \$5,000 bond is to be returned to Fred and Irene Shen.

2. Application #2014-051 – Permit #2014-050 for Saddle River Greenwich, LLC – 647 River Road, Lot #2. The \$10,000 bond is to be returned to Saddle River Greenwich, LLC.
3. Application #2015-041 – Agent Approval #2015-005 for Patricia Jackson – 542 North Street. The \$2,000 bond is to be returned to John Desmond Builders Inc.
4. Application #2016-005 – Agent Approval #2016-011 for Pamela Stonehouse – 43 Hettiefred Road. The \$1,000 bond is to be returned to Martin and Pamela Stonehouse.

A motion to release the bonds was made by Stephan Skoufalos, second by Bill Galvin and carried 7-0-0.

***IX. Adjourn***

With no further business, the meeting adjourned at 9:51 p.m.

Patricia Sesto  
Director