



# 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** **March 28, 2022**

In attendance: Brian Harris, chairman, Bill Galvin (7:15 pm), Klaus Jander, Norma Kerlin, Bob Rimmer

Also in attendance: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carrol Andrews, Compliance Officer; Sarah Coccaro, Natural Resource Manager, Rob Natalei, Rocco V. D'Andrea, Inc.; Tom Heagney, Heagney, Lennon & Slane, LLP; Robert Zmarzłak, Soundview Engineers & Land Surveyors; Matt Popp, Environmental Land Solutions; Allan Noon, Bryan Finkel; Cela Bernie; Pamella Gallin; Eric Glasband, EG Properties; Janet Brooks, Esq.; Jill Botway; Larry Liebman, Kristen Lodato, Mariah Brown, S.E. Minor & Co.; Tim Erensen.

### 1. Call to Order

Brian Harris called the meeting to order at 7:02pm and welcomed new agency member Robert Rimmer.

### 2. Seating of alternates

Messrs. Jander and Rimmer were seated.

### 3. Review and approval of draft minutes of February 8, 2022 Special Meeting and February 28, 2022 Regular Meeting.

Klaus Jander made a motion to approve the minutes of February 8 and 28, 2022, as submitted. Mr. Harris seconded, and the motion passed 3-0-1, with Mr. Rimmer abstaining.

### 4. Director's Report

Ms. Sesto reported on a successful vernal pool education program, hosted by Sarah Coccaro with Matt Popp, Environmental Land Solutions, providing instruction. Staff members Jenn Urena and Bob Clausi attended along with 45± members of the public.

She went on to report Senior Wetland Analyst, Bob Clausi will be leaving the Agency. She acknowledged the many contributions of Mr. Clausi over his many years of service. Brian Harris echoed the value Mr. Clausi has brought to the Agency.

5. 1<sup>st</sup> Quarterly Compliance Summary  
Doreen Carroll-Andrews reviewed her compliance summary for Q1 2022 with comparisons to 2021.
6. Other business  
None

### **Public Hearing**

None.

Bill Galvin joined the meeting.

### **Consent Approvals**

1. #2022-017 – [143 Otter Rock Drive](#) – S.E. Minor & Co., Inc. for Jack & Morgan Melnikoff – Construct pool, spa, patio, and porch, modify driveway, and install drainage and enhancement plantings 40’ from wetlands. Tax #02-1441/s. BC
2. #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. BC
3. #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. DCA

Brian Harris made a motion to approve the applications listed for consent approval, seconded by Klaus Jander, and carried 5-0-0.

### **Pending Applications**

1. #2021-144 – [14 Fox Run Lane](#) – Rocco V. D’Andrea, Inc. for Andrew Philipp – Construct single-family residence, driveway, pool, pool house, retaining walls, septic system, and drainage system 10’ from wetlands.

Sara Coccaro introduced the draft conditions of approval.

Bill Galvin made a motion to approve IWWA#2021-144 with the agency’s general conditions and the special conditions as drafted. Mr. Rimmer seconded. The motion carried 4-0-1, with Mr. Rimmer abstaining.

2. #2021-161 – [1141 King Street](#) - Heagney, Lennon and Slane, LLP for Plaza 200 LLC – Designate 5-lot conservation cluster subdivision; construct five single-family residences,

driveways, pools, septic systems, drainage systems; greenhouse, tennis court, shed, and geothermal wells 45' from wetlands.

Sara Cocco introduced the draft conditions of approval.

Brian Harris made a motion to approve IWWA#2021-161 with the agency's general conditions and the special conditions as drafted. Mr. Jander seconded. The motion carried 4-0-1, with Mr. Rimmer abstaining.

3. #2021-187 – [43 Baldwin Farms North](#) – EG Properties, LLC for Don F. Gaston – Demolish tennis court and septic system, and install septic system 5' from wetlands.

Bob Clausi reviewed the outstanding issues associated with the stormwater management plan. DPW provided a cursory review of the revised plans and indicated they expect the plan to be workable. Proposed special condition #2 calls attention to the need to keep the driveway coverage the same as it exists in order to comply with the drainage manual. The planting plan needs to be enhanced, to which the applicant has already agreed. Debris has been removed from the wetland.

Eric Glasband, EG Properties, addressed the agency and sought to clarify special condition #2. Following discussion, the condition was modified to require the final construction plan indicate there will be no change in impervious coverage in either sub-watershed as compared to pre-demolition coverage.

Bill Galvin made a motion to approve IWWA#2021-187 with the agency's general conditions and the special conditions proposed by staff, as amended. Klaus Jander seconded, and the motion carried 5-0-0.

4. #2022-003 – [215 Old Mill Road](#) – S. E. Minor & Company, Inc. for Albert & Diana Betteridge – Demolish and construct single-family residence, driveway, barn, terrace, septic system and drainage 30' from wetlands.

Bob Clausi reviewed the status of the project and the last minute submission of a revised stormwater plan. The revisions correct prior deficiencies associated with the rain garden and fill in the floodplain. DPW provided a cursory review of the revised plans and indicated they expect the plan to be workable. Due to the timing, Mr. Clausi did not have written draft conditions of approval, but suggested the agency may be amenable to a motion to approve with applicable normal special conditions with the modification that the area disturbed for the infiltrator and cut/fill of the floodplain be maintained as meadow.

Brian Harris made a motion to approve IWWA#2022-003 with the agency's general conditions and the special conditions as articulated by staff. Bill Galvin seconded, and the motion carried 5-0-0.

5. #2022-005 – [369 North Street](#) – Sound View Engineers and Land Surveyors, LLC for Sierra Tobias – Construct pool, cabana, patio, and drainage, and replace bridge in and adjacent to wetlands.

Bob Clausi reviewed the outstanding issues with the bridge that lead the agency to delay taking action. The project has been revised to eliminate replacement of the bridge and underground utilities to serve the pool. DPW would not allow the utilities to be attached to the bridge, instead would require them to be installed under the stream. The proposal now only calls for the bridge and its abutments to be repaired and electricity be provided with overhead lines. The pool house will only have a sink and shower served by a new well. Mr. Clausi recommended the planting plan be expanded to include removal of multiflora rose and Japanese knotweed.

Discussion ensued regarding grey water disposal. No one was present to represent the applicant. The consensus of the agency was to add a condition of approval requiring the sink and shower to freely drain with no subsurface sewage treatment within 100 feet of the wetland or watercourse and no toilet will be installed in the pool house.

Brian Harris made a motion to approve IWWA#2022-005 with the agency's general conditions and the special conditions proposed by staff, as amended. Klaus Jander seconded, and the motion carried 5-0-0.

### **New Applications for Review**

1. #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.

Bob Clausi described the project for building additions in the office park. The adjacent pond banks are located upslope of the proposed site modifications. The proposed alterations to the drainage are on 581 West Putnam and are tied in with redevelopment that has not yet received P&Z or CT DOT approval. Evidence of those permits would be needed prior to construction to ensure all aspects of the project are feasible.

Rob Natalie, D'Andrea Surveying & Engineering, P.C., was asked if the owners of 581 West Putnam Ave have provided authorization to include their property in this application. The answer was not readily available.

Discussion was suspended while Mr. Natalie pursued documenting authorization.

2. #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.

Bob Clausi reviewed the project to install a dock and open questions about the extent of wetlands by flags 6 & 7. He is recommending a soil scientist revisit the site once the organic debris is removed. Otherwise, the dock complies with the agency's dock guidelines. Mr. Clausi went on to review various pieces of correspondence. He supports the dock location outside of the wetland as opposed to the location preferred by neighbors, which would position the dock in a wetland and necessitate a boardwalk to traverse it.

Larry Liebman, S.E. Minor & Co., addressed the agency stating he has no objections to the staff recommendations and confirmed there will be no tree removal.

Jill Botway, 45 Baldwin Farm South, spoke to the ongoing and extensive redevelopment in the neighborhood. When this site was redeveloped an IWWA violation resulted and the restoration plan was inadequate to ameliorate the damage. Ms. Botway requested the agency delay taking action for two months to allow perennial vegetation to emerge and be assessed.

Cela Bernie, 45 Baldwin Farm South, questioned the outcome if the soil scientist finds a portion of the wetland has been filled and why the entire wetland boundary will not be reexamined. What if the dock is proposed in a filled wetland?

Bob Clausi responded the topography surrounding the other portions of the wetland would not lead one to expect wetlands. In the area of flags 6 & 7 there are clues, such as flat topography and obligate wetland species, that suggest there may be a buried wetland.

Mr. Liebman reiterated the dock is proposed outside the area in question and is in compliance with the agency's guidelines.

Pamela Gallin, 33 Baldwin Farm South, revisited the violation of 2020 that she called in back then. She stated she is keenly aware of the site's condition's as she is on the opposite side of the pond. The site experienced unauthorized tree removal and the dock will yield the same, exacerbating existing erosion.

Brian Harris referenced aerial images he was viewing online and the numerous docks on the pond. Mr. Harris asked Mr. Clausi if he sees any negative impacts associated with this proposal. Mr. Clausi noted there is a five-foot gap in the vegetation to accommodate the catwalk and substantive vegetation will not be removed. He did not see that the project would cause impacts to the wetland or pond.

Discussion ensued.

Brian Harris made a motion to approve IWWA#2022-016 with the agency's general conditions, the special conditions proposed by staff, and the additional special condition that the planting plan be revised following removal of debris and reevaluation by the soil scientist, and any shrubs to be cut will be replaced at a ratio of 2:1. Seconded by Bill Galvin and carried 5-0-0.

3. #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.

The agency returned to the discussion of 2022-015. Robert Natalie, D'Andrea Surveying & Engineering, P.C., stated no separate authorization from the owners of 581 West Putnam Ave. was provided. However, he is aware the owners of the two lots are the same despite the differing LLC names.

Brian Harris made a motion to approve IWWA#2022-015 with the agency's general conditions, the special conditions proposed by staff, and the additional condition distinct authorization from the owners of 581 West Putnam Ave. is provided. The motion was seconded by Klaus Jander and passed 5-0-0.

4. #2022-019 – [36 Zaccheus Mead Lane](#) – Environmental Land Solutions, LLC for Sohel & Saheda Kapadia – Construct pool and deck 15' from wetlands. Tax #10-3225.

Bob Clausi described the project, noting the plan to bring a water line across the footbridge is no longer part of the plan. He is recommending the drainage manual standards for decks to be deemed pervious be added to the plan. The alternative provided by the applicant is not preferable from a wetlands' protection standpoint.

Bill Galvin made a motion to approve IWWA#2022-019 with the agency's general conditions, the special conditions proposed by staff. The motion was seconded by Klaus Jander and passed 5-0-0.

### **Applications to Be Received**

1. #2022-022 – [300 Stanwich Road](#) – Fabio Silvagni – Corrective action for unauthorized installation of retaining walls 2' from wetlands. Tax #11-2898.
2. #2022-023 – [30 Hunt Terrace](#) – Rocco V. D'Andrea for 30 Hunt Terrace LLC - Demolish and construct single-family residence and driveway 70' from wetlands. Tax #09-2620/s.
3. #2022-024 – [71 Ridgeview Avenue](#) – Joseph Pajonas Studio for Grace Bay Holdings II, LLC – Construct residential addition, remove trees, and install enhancement plantings 40' from wetlands. Tax #11-3004/s.

4. #2022-025 – [61 Woodside Drive](#) – Rocco V. D’Andrea Inc. for Milbrook Corp. – Demolish and construct tennis building, patio, and drainage 30’ from wetlands. Tax #01-1245/s.
5. #2022-026 – [29 Montgomery Lane](#) – SOHO Group for Priscilla Cornell – Construct shed and retaining wall 45’ from wetlands. Tax #08-3740.
6. #2022-027 – [27 Alden Road](#) – S.E. Minor & Co., Inc. for Keith & Julie Hochstin – Install spa and designate septic replacement area 8’ from watercourses. Tax #07-1118.
7. #2022-028 – [212 Sheephill Road](#) = Rocco V. D’Andrea, Inc. for Daphne L. White – Construct residential addition, deck, and drainage system 65’ from wetlands. Tax #12-2044/s.
8. #2022-029 – [73 Baldwin Farms South](#) – Rocco V. D’Andrea, Inc. for Thomas Love – Construct residential addition and drainage system, and modify driveway and patio 15’ from wetlands. Tax #10-2800.
9. #2022-030 – [15 Grossett Road](#) – Bryan and Abigail Finkel – Corrective action for unauthorized tree removal adjacent to wetlands. Tax #05-2135/s.
10. #2022-031 – [14 Baldwin Farms South](#) – Ahneman Kirby for Taylor Boswell – Construct pool, patio, retaining wall, drainage system, boardwalk, and pool/deer fence in and adjacent to wetlands. Tax #10-3680.
11. #2022-032 – [77 Rockwood Lane](#) – Jay Fain & Associates, LLC for Kelly Tschantz –Corrective action for unauthorized removal of trees and shrubs in and adjacent to wetlands. Tax #11-1579.
12. #2022-033 – [54 Pecksland Road](#) – S.E. Minor & Co., Inc. for Barry & Jaqueline Gosin – Demolish cottage and construct pool, pool house, and drainage system 12’ from wetlands. Tax #10-1667.
13. #2022-034 – [22 Oak Drive](#) – Risoli Planning Engineering for The Boone Living Trust – Construct patio, spa, retaining walls, and drainage system 12’ from wetlands. Tax #05-1617/s.
14. #2022-035 – [24 Ridge Brook Road](#) – Sound View Engineers and Land Surveyors, LLC – Construct residential addition, pool, and drainage system, and modify driveway 10’ from wetlands. Tax #11-1943/s.
15. #2022-036 – [0 King Street](#) –Risoli Engineering and Planning LLC for Zero King Street LLC – Corrective action for unauthorized removal of vegetation in and adjacent to wetlands. Tax #10-1472.
16. #2022-037 – [26 Cary Road](#) – Krist Dodaro for Jeannette Ogilvy – Construct residential addition and drainage system 40’ from wetlands. Tax #12-1484/s.

Patricia Sesto stated the agenda is missing IWWA#2022-038, 15 Surrey Drive, a corrective action application.

Brian Harris made a motion to receive items 1-16 as shown on the agenda and IWWA#2022-037, seconded by Bill Galvin, and carried 5-0-0.

Janet Brooks was present to discuss the application fee for IWWA#2022-036, 0 King Street. If calculated in accordance with the fee schedule using the land disturbance category, the base fee for the project would be over \$14,000 and this figure would be tripled to account for the violation. Ms. Brooks made the point that the high base fee stands as a deterrent for wetland restoration projects such as this. A fee based on \$1,000 per acre of disturbed wetlands was suggested and then triple this to reflect the violation in accordance with the fee schedule.

Ms. Sesto cautioned it should be acknowledged that the agency's decision here has the potential to set a precedent. Discussion ensued with the agency determining its preference to fully discuss the matter in a special session. The applicant shall not be penalized for not yet submitting the application fee.

### **Agent Approval Permits**

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 30' from wetlands. Tax #10-3073.
4. #2022-014 – [77 Sherwood Avenue](#) (aka 28 Chieftains Road) – S.E. Minor & Co., Inc. for Suzanne Jarvis – Construct wall and install drainage 33' from wetlands. Tax #10-3587.
5. #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.
6. #2022-021 – [40 Upland Drive](#) – Andrew Morgan & Joyce Zee – Replace fence in and adjacent to wetlands. Tax #07-1072/s.

### **Violations**

1. Cease and Correct Order #2022-005 for Gizmo Investment LLC – 160 Bedford Road. Unauthorized excavation around the foundation of the detached garage, unauthorized installation of a perimeter fence within the wetland and wetland buffer areas and failure to submit a corrective application by the given deadline. Tax #10-1115.

Doreen Carroll-Andrews read the list of documents into the record. A permit to construct a pool was previously issued and during a site inspection excavation around the garage was observed, as

well as the installation of a fence through wetlands. A notice of violation was issued requiring a corrective action application be submitted. The application was not forthcoming and a cease and correct order, #2033-004 was issued.

No one was present to represent the property owner.

Brian Harris made a motion to maintain the order, seconded by Bill Galvin and carried 5-0-0.

The agency agreed to meet via Zoom on April 7, 2022 at 5:30 to discuss fees associated with wetland restoration.

### **Adjourn**

With no further business, the meeting adjourned at 9:18 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](mailto:demetria.nelson@greenwichct.org) as soon as possible in advance of the event.*