

## DRAFT

### MINUTES

### GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

April 23, 2018

Members present: Acting Vice Chairman Stephan Skoufalos, Bill Galvin, and Norma Kerlin

Alternates present: Klaus Jander and Alan Rossi

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

Others present: Tony D'Andrea, Rocco V. D'Andrea, Inc.; Tom Heagney, Heagney, Lennon, & Slane, LLC; Linda Bruno, GNPA; Bill Kenny, William Kenny Associates, LLC; Matt Popp, Environmental Land Solutions, LLC; Jim McTigue, Joseph F. Risoli, P.E., LLC; Ted Fowler, Greenwich Neighborhood Preservation Association; Jay Fain, Jay Fain & Associates, LLC; Jim McManus, JMM Wetland Consulting Services, LLC; Charles Mills, Mills Engineering, LLC; Bryan Muller, Sound View Engineers & Land Surveyors LLC

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

Acting Vice Chairman Stephan Skoufalos called the meeting to order at 7:05 p.m.

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

Alan Rossi and Klaus Jander were seated.

#### **3. Approval of draft minutes of March 26, 2018**

Bill Galvin made a motion to approve the minutes of March 26, 2018, seconded by Norma Kerlin, and carried 5-0-0.

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

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

Patricia Sesto reviewed her director's report. The consolidation of the departments is going well, with several opportunities to provide services across agency lines. Bob Clausi and Lindsey Tomaszewski completed a challenging GIS course from Pace University. Post Road Iron Works has filed an appeal of the lower court's decision in favor of the agency. The GIS layer showing mapped wetlands has been added to the town's aerial photos, providing a great service to staff and the public.

## **5. Other Business**

Patricia Sesto referred members to a letter submitted by Rocco V. D'Andrea, inc., requesting relief from the \$6,000 application fee for a subdivision. This property was previously permitted, resulting in the construction of Greenfield Place. The road abuts the wetland, separating the lots from that wetland. The re-subdivision includes approximately a quarter to a third of disturbance in the out limit of the Upland Review Area and is on the opposite side of the road from the wetland. Mrs. Sesto opined the fee was in excess of what staff resources would be needed to process the application and would support calculating the fee based on the extent of land disturbance.

After a brief discussion, it was the consensus of the agency to apply the fee of \$1,500 per quarter acre of disturbance for a total of \$1,500.

### **I. Public Hearings**

- 1. #2017-170 – 0 Hemlock Drive – Rocco V. D'Andrea, Inc. for Frank Cortese and Yolanda Cortese for construction of a single family residence, driveway, pool, drainage, and landscaping 27' from wetlands. Tax #07-2217/s (second 65 days 7/1/18)**

Patricia Sesto read the new information into the record.

Alan Rossi recused himself.

Mrs. Sesto reminded members the public hearing had been held open to allow DPW to comment on the latest revisions. The Engineering Division has conditionally approved the plan and none of the outstanding requirements will materially alter what has been presented here.

Tom Heagney, Heagney, Lennon, & Slane, LLC, provided an overview, concluding with a request for approval.

Stephan Skoufalos noted the consequential changes that have been made through the review process.

The public was invited to speak. Ted Fowler, Greenwich Neighborhood Preservation Association, presented two questions to the agency. First, presuming an approval is forthcoming, what is the legal basis on which the agency relied to allow the driveway so close to the vernal pool. Second, how is this not a precedent for allowing loss of the critical terrestrial habitat of Copp's pool.

Mrs. Sesto described the lot as being a lot of record in a residential zone. Consequently, the owner can rightfully expect a permit will be granted for conforming development. Since the accessway was the only location for the driveway, the agency was bound to allow a driveway to be built. These rights of development do not impose limits on how the development can take place, e.g. the agency can and did require modifications to the site plan to best protect the vernal pool given the circumstances.

Stephan Skoufalos further commented that each action of the agency is not precedent setting. Every application has to stand on its own merits.

With no further comments from the public, Norma Kerlin made a motion to close the hearing, seconded by Bill Galvin, and carried 4-0-0.

Bill Galvin made a motion to approved IWWA 2017-170 with the General Conditions and Special Conditions proposed by staff, seconded by Norma Kerlin and carried, 4-0-0.

Alan Rossi was reseated.

## **II. Consent Approvals**

- 1. #2017-177 – 63 John Street – Rocco V. D’Andrea, Inc. for Doron Sabag & James B. Hoffman for maintaining a deer fence within and around the boundary of the property through wetlands. Tax #10-3115 (second 65 days 4/27/18)**

Klaus Jander made a motion to approve IWWA 2017-177 with the General Conditions and Special Conditions proposed by staff, seconded by Norma Kerlin and carried 5-0-0.

### **2. Pending Applications**

- 1. #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)**

Bob Clausi reviewed the outstanding issues and the associated revisions. The area on-site with questionable surficial indicators of a wetland did not have the soils to support designating as a wetland. The extent of fill has been lessened in area and volume, with the closest portion of the wall being 37 feet from the wetland and the southern end being closer to 90 feet away. A buffer restoration plan has been submitted for the area below the wall.

Stephan Skoufalos questioned if the limit of fill has been minimized to only accommodate what is required to support the leaching field. Mr. Clausi reiterated the extent to which the limit of fill has been reduced.

Anthony D'Andrea, Rocco V. D’Andrea, Inc., described the soil limitations on-site, leading to the proposed location, which he described as the best soil on-site. He added the location of the retaining walls accounts for lateral flow of effluent. When asked for clarification, Mr. D’Andrea stated the Health Code only requires the wall to be 15 feet from the leaching field and the wall is shown at 30 feet. If the wall were pulled back, no additional trees would be spared and this location of the wall better satisfies the owners’ preferences.

Norma Kerlin made a motion to approve on IWWA Application #2018-022 with the General and Special Conditions as proposed by staff, seconded by Klaus Jander, and carried, 5-0-0.

### **3. New Applications for Review**

- 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)**

Doreen Carroll-Andrews reviewed the contents of her staff report. This application was submitted for Cease and Correct #2018-06.

Tony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the Agency

Ms. Carroll-Andrews recommended an Order to Correct.

Stephan Skoufalos made a motion to issue an Order to Correct IWWA Application #2018-030 with the standard conditions and special conditions proposed by staff, seconded by Bill Galvin, and carried, 5-0-0.

**2. #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)**

It was the consensus of the agency to reorder the agenda so the two applications concerning this property could be discussed simultaneously.

Doreen Carroll-Andrews reviewed the nature of the violation which led to the corrective action application. The proposal is to replant from the previous limit of lawn over to the wetland. The plan did not include a means to demarcate the limit of lawn.

Bob Clausi described the application to redevelop the parcel. Presently, there is no stormwater management system and the new development would provide this. The reconstructed house is a fair distance from the wetland, is in areas previously developed for residential use, and close to half of the lot drains away from the wetland/watercourse. The stormwater system has received conditional approval from DPW. Should an approval be granted, a condition supporting DPW requirements needs to be added to the conditions recommended in the staff report.

Anthony D'Andrea, Rocco V. D'Andrea, inc., has been working with DPW and characterized the outstanding details as minimal.

Stephan Skoufalos made a motion to issue an order for IWWA 2018-030, with conditions proposed by staff and the additional condition that a limit of lawn demarcation be added to the planting plan, seconded by Bill Galvin and carried, 5-0-0.

Stephan Skoufalos made a motion to approve IWWA 2018-036 with conditions proposed by staff and the additional condition that the requirements of DPW be met prior to the start of construction, seconded by Norma Kerlin, and carried 5-0-0.

**3. #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)**

Bob Clausi referenced a previous approval for a terrace at this site. The current proposal calls for a larger deck to connect to the proposed pool. The pool is located on exposed ledge, thus

the net increase in impervious coverage is less than 1,000 s.f. and therefore allows for a less intense stormwater management system.

Mr. Clausi questioned where the new septic tank was shown on the plan, noting it coincides with an outcropping of ledge. Discussion ensued with Bryan Muller, Sound View Engineers & Land Surveyors LLC. The tank will be moved or the ledge excavated to accommodate the tank.

Discussion moved to the 34-inch oak tree adjacent to the pool and the applicant's intent to keep it. Stephan Skoufalos expressed dissatisfaction with the non-committal language associated with this intent. If this and other trees are to stay, appropriate measures to accomplish this are needed. There was agreement an arborist would evaluate the proposal and its effects on the trees. Any recommendations by the arborist will be executed and any trees lost to construction will be replaced by three trees.

Stephan Skoufalos made a motion to approve IWWA Application #2017-031 with the General and Special Conditions proposed by staff and the additional special conditions that an arborist be retained and any trees lost will be replaced 1:3, seconded by Norma Kerlin, and carried, 5-0-0.

**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)**

Bob Clausi reviewed the contents of his staff report and described the project. He noted the pool location will effectively consume the rear yard, and given the proximity of the wetlands, this or other future owners should not seek a permit to compensate for the lost yard.

Three alternatives were presented, with the applicant's preference being A. None of the alternatives was particularly better than the other. The plans include a buffer enhancement plan to restore 1,600 s.f. of lawn and a clear demarcation.

Jay Fain of Jay Fain & Associates, LLC appeared before the Agency, and concurred with Mr. Clausi's warning regarding future expectations for lawn.

Bill Galvin made a motion to approve IWWA Application #2017-033 with conditions provided by staff, seconded by Norma Kerlin, and carried, 5-0-0.

**5. #2018-034 – 35 Lakewood Circle North – Joseph F. Risoli, P.E., LLC for Camilla Love McGraw to construct a septic system 35' from wetlands. Tax #02-1033 (first 65 days 5/30/18)**

Bob Clausi detailed the state of the existing system and the owners need to pump the tank until a new leaching field is built. The proposed location for the field was the only suitable area found on-site. It is in a lawned portion of the property, adjacent to the wetland and watercourse corridor. The configuration of the land in this location is bowl-like, resulting in a good deal of fill and impact to nearby vegetation. To compensate, planting is being proposed

between the toe of slope and the wetland. Mr. Clausi is recommending the slope itself be maintained as meadow grasses.

Jim McTigue, Joseph F. Risoli, P.E., LLC appeared before the Agency. He stated the property is just outside of the sewer benefit boundary and he has been unsuccessful gaining relief from the Sewer Division of DPW.

Mrs. Sesto spoke to language of the Town Code, which is clear that the sewer benefit area will not be extended if the property can support on-site sewage disposal. DPW is bound by this language.

Stephan Skoufalos made a motion to approve IWWA Application #2017-034 with the General and Special Conditions proposed by staff, seconded by Bill Galvin, and carried, 5-0-0.

**6. #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)**

Bob Clausi reviewed the proposal. This is a redevelopment of a parcel, where the new development will largely overlay the previous footprint. There is no expansion of the landscape envelope and some areas of lawn will be planted out as restoration of the buffer. DPW has approved the storm drainage plan. CT DEEP sent correspondence regarding the eastern box turtle and recommendations for best practices.

James McManus of JMM Wetland Consulting Services, LLC appeared before the Agency. Mr. McManus provided a schematic of what the buffer enhancement plantings would conceptually be and the nature of the scrub areas that will be replanted. The rain garden will receive similar plantings in and adjacent to it. A wood fence will be used to mark the limit of lawn and additional infilling of plants is proposed.

Silt fence is proposed to be reinforced with gravel, however Mr. Clausi expressed preference for a second row of silt fence.

Charles Mills of Mills Engineering, LLC reviewed the evolution of the design process leading to the preferred plan, which has a smaller hardscape footprint and is further from the wetland. The driveway and courtyard will drain to the rain garden rather than overland to a catch basin, as it does now.

Bill Galvin made a motion to approve IWWA Application #2017-037 with the General and Special Conditions as proposed by staff, seconded by Norma Kerlin, and carried, 5-0-0.

**V. Applications To Be Received**

Bill Galvin made a motion to receive the applications listed on the agenda, seconded by Norma Kerlin, and carried 5-0-0.

1. **#2018-038 – 11 Hillside Road – S.E. Minor & Co., Inc. for George and Ashley Cole to construct a residential addition, porch, terrace, driveway, and associated drainage and septic improvements 7' from wetlands. Tax #07-1094 (first 65 days 6/27/18)**
2. **#2018-040 – 10 Blanchard Road – Barbara Wilson Landscape Architect, LLC for Thasunda Duckett for removal of wood deck and replacement of deck and raised patio 72' from wetlands. Tax #10-3468 (first 65 days 6/27/18)**
3. **#2018-041 – 101 Orchard Street – Town of Greenwich, DPW for Town of Greenwich for repair of stone spillway and arched footbridge, clearing trees, regrading the dam crest, and erosion controls in wetlands. Tax #08-4615/s (first 65 days 6/27/18)**
4. **#2018-042 – 45 Husted Lane – LandTech for Yoav Wiegenfeld for relocation of the existing pool and patio, and construction of a pool, patio, stairway to the basement, and ledge removal 30' from wetlands. Tax #11-3147 (first 65 days 6/27/18)**
5. **#2018-043 – 46 Baldwin Farms North – S.E. Minor & Co., Inc. for Farzana Sarah Habib for construction of a two story addition 30' from wetlands. Tax #10-2666 (first 65 days 6/27/18)**
6. **#2018-044 – 15 Orchard Hill Lane – Joseph F. Risoli, P.E., LLC for WAMS LLC for relocation of a stone wall 5' from wetlands. Tax #10-1647 (first 65 days 6/27/18)**
7. **#2018-045 – 409 Stanwich Road – Sound View Engineers & Land Surveyors for Joe & Linda Castellana for construction of a single family dwelling, driveway reconfiguration, new septic and drainage 17' from wetlands. Tax #08-2583 (first 65 days 6/27/18)**

## **VI. Agent Approvals**

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

1. **#2018-032 – 139 Old Church Road – Donald & Christina Young for construction of a residential addition and drainage system, and reconfiguration of a driveway 65' from wetlands. Tax #07-1537/s**
2. **#2018-035 – 25 Cobb Island Drive – Chris Ohl for construction of a pool and deck 39' from wetlands. Tax #02-1726**
3. **#2018-039 – 34 Copper Beech Road – Murphy Brothers Landscaping, LLC for Mark Neuman and Beth Kallet-Neuman for designation of a septic reserve area 65' from a pond. Tax #11-2411**

There were no questions or comments.

***VII. Old Business***

- 1. Cease & Correct Order #2009-04 for Ronnie Shemesh - 28 Dairy Road. To remove a Certificate of Violation. Tax #11-1922. DCA**

No action required.

***VIII. Other Business***

The agency discussed no other business.

***IX. Adjourn***

With no further business, the meeting adjourned at 8:26 p.m.

Patricia Sesto  
Director