

**MINUTES  
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY  
April 24, 2017**

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Jo Rogers, Bill Galvin, Norma Kerlin

Alternates present: Klaus Jander

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

Others present: Bryan Muller, Peter Wiling, John Conte, Bill Kenny, Tony D'Andrea, Casey O'Donnell, Matt Popp, Elena Cantavero, Ali Mamudoski, Marlon Dale, Michael Mastrogiacomo, Tom Heagney, Matthew Vogt, Yuriy and Elena Shterk, Brian Gillespie, Diana Litchfield

**1. Call to Order**

Chairman Harris called the meeting to order at 7:03 p.m.

**2. Seating of alternates**

Klaus Jander was seated as an alternate.

**3. Approval of draft minutes of March 27, and April 10, 2017**

Jo Rogers made a motion to approve the minutes of March 27 and April 10, 2017, second by Bill Galvin. The motion carried 6-0-0.

**4. Director's Report**

Patricia Sesto stated there was no written report for this month as the activities of the department were largely consumed by processing the heavy application load from last month.

**5. Other business**

None.

**I. Consent Approvals**

1. #2017-020 – 14 Hope Farm Road – Kaity Geren – Tax #10-3084 – for construction of a tennis court, pool cabana, and drainage 28' from wetlands.

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

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 6-0-0.

## **II. Pending Applications**

1. #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.

Patricia Sesto reminded the members consensus to approved the preferred alternative had been reached at the last meeting and the agency was waiting on approvals from the tree warden and DPW.

Bryan Muller, P.E. of Sound View Engineers & Land Surveyors, LLC appeared before the Agency on behalf of the applicant and stated he has not yet received those approvals. Discussion ensued regarding how to move forward and what additional special conditions are appropriate to address the absence of these approvals. Ms. Sesto summarized the additional special conditions as 1. submitting approvals from the tree warden and DPW, 2. submitting a long-term invasive species management plan, and 3. submitting a revised construction sequence indicating the retaining walls will be build first, followed by implementation of the planting plan.

A motion to approve IWWA #2016-180 with general and special conditions included in the staff report and the additional conditions per Mrs. Sesto's summary was made by Elliot Benton, seconded by Bill Galvin and carried 6-0-0.

2. #2017-004– 30 Hunting Ridge Road – Jong Won Lee & Kyung Ok Lee – Tax #11-2182 – for installation of fill and regrading 90' from wetlands.

Patricia Sesto reviewed her staff report, noting the restoration plan is inadequate. The plantings are narrowly focused close to the vernal pool, there is no description of what was previously planted and how this plan complements this, and the proposal includes leaving the fill as is.

Peter Wiling of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant and requested the Agency table the discussion until the next meeting.

Mrs. Sesto stated the next meeting is the last one and the Agency will have to act. In the event a satisfactory restoration plan is not submitted, she will outline what is needed for the Agency to use in an order to correct.

A motion to delay action on the application was made by Elliot Benton, seconded by Jo Rogers and carried 6-0-0.

3. #2017-006 – 2 Apple Tree Lane – Elena Cantavero – Tax #12-1440/s – for maintenance of commercial activity 10’ from wetlands.

Bob Clausi provided an overview of the project elements. Since the last meeting, a berm has been added to the plans to define the boundary of the working area. Shrubs are also included and a boulder demarcation is shown north and west of the stream. Additional boulders are recommended to supplement the berm. With these revisions, the proposal is recommended for approval.

The property owner of 4 Apple Tree, Dan Arbaroa, whose land is impacted by the unpermitted activities, provided Mr. Clausi with an oral indication of his intent to provide authorization. Mr. Arbaroa wants assurance the stream crossing anti-tracking pad will not be used as an opportunity to upgrade the crossing.

The suggested conditions of approval included the requirement to submit a protocol for fuel dispensing and spill cleanup. Brian Harris asked what the concern was and expressed his preference is to see the tank removed entirely.

Anthony D'Andrea addressed the agency, stating his client wants to keep the fuel tank. The on-site business runs small equipment and it is easier and cheaper to refuel on-site. The tank is presently elevated, so leaks are easily detected. The applicant is amenable to installing bollards to protect the tank and a containment vessel to hold any spills.

A motion to issue an order to correct with general and special conditions as proposed by staff, and the additional special conditions the fuel tank be protected with bollards and a means of spill containment be installed and there will be no permanent upgrade to the stream crossing was made by Brain Harris, seconded by Klaus Jander and carried 6-0-0.

4. #2017-019 – 471 Stanwich Road – Ning Li & Yuan Gao – Tax #11-3252 – Wetland remediation.

Doreen Carroll-Andrews reviewed the project and outstanding issues. The basin was revised to create an elongated flow path; however, the planting diversity was not increased. The neighbor to the north had her engineer evaluate the project and Mr. Risoli indicated there would be no impacts to her property. He also recommended the orifice be revised from 2” to 3”. Lastly, the northern portion of the basin crosses into the utility easement and may need to shift to the south.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency on behalf of the applicant. He stated the grading in the easement will not affect the operations of the utility company. Mr. D’Andrea was otherwise in agreement with Ms. Carrol-Andrews assessment and recommendations.

A motion to issue an order to correct with special conditions as proposed by staff was made by Elliot Benton, seconded by Jo Rogers and carried 6-0-0.

### III. New Applications For Review

1. #2017-033 – 21 Birch Lane – Paula Katz – Tax #11-1885 – for installation of plantings and restoration of wetland and buffer reas.

Doreen Carroll-Andrews introduced the application and the protracted history of violations, with the first being 2009. The violations have resulted in 3,200 s.f. of wooded buffer being converted to lawn. The plan is to revegetate this area and mark its boundary with six stone pillars.

The violation also includes the addition of a spa and patio around the pool. Documentation to confirm the area is under 1,000 s.f. has yet to be submitted.

Ms. Carrol-Andrews recommended the low stonewall to the rear of the existing lawn be removed to better assure the intent of the restoration plan is upheld. The pillars are too far apart to be effective and the one boulder installed flush with the ground does not convey its purpose. Five trees, 12-30” dbh were removed over the course of the violations. The 3 shadblow and 2 red maple trees proposed do not adequately compensate to the lost trees. A total of 5 canopy trees in addition to the 3 shadblow should be planted.

It was noted for the record Messrs. Rogers, Benton, and Galvin visited the site.

Matt Popp of Environmental Land Solutions, LLC appeared before the Agency on behalf of the applicant. He stated the increase in impervious cover is 600 s.f. In response to the staff report, the planting plan was revised to increase the size of the proposed shadblow to 2-2.5 in. dbh and shrubs to 3-4 ft. in height. His client is requesting the stonewall be allowed to stay. Mr. Popp argued the 6 pillars are sufficient to delineate the limit of lawn, and his client is open to adding one more sunken boulder, bringing the total to 2.

Mr. Popp also requested the agency waive the fee multiplier for after-the-fact work. His client, although a resident in the home during the time the work was done, was not involved. Her husband orchestrated the landscaping. No decision on this request was made.

Elliot Benton stated, while he is sympathetic to the expense, his position is the low wall invites re-encroachment and prefers to have it removed. Mr. Popp offered a compromise to perhaps remove the wall where it traverses the wetland. Ms. Sesto suggested that portion of the wall be relocated to the space between the two sets of pillars at the pathway.

A motion to delay action on the application was made by Bill Galvin, seconded by Jo Rogers and carried 6-0-0.

2. #2017-036 – 15 Stone Brook Lane – Dario Erceg – Tax #08A-1311 – for construction of a residential addition and drainage 77’ from wetlands.

Doreen Carroll-Andrews reviewed her staff report. The majority of the activities on-site are in excess of 100 feet to the wetland. The drainage work is a concern as it is proposed to discharge to the regulated resource. The revised plan is to add a water tight tank and drainage

pipe, a curtain drain, and footing drain, all of which will flow to a dry well. The plan also includes extending a line of demarcation boulders to better protect the vernal pool.

Doreen Carroll-Andrews recommended an order be issued.

Bill Kenny of William Kenny Associates appeared before the Agency on behalf of the applicant. He had nothing further to add to Ms. Carrol-Andrews' assessment and recommendations.

A motion to issue an order to correct the violation with special conditions as proposed by staff was made by Bill Galvin, seconded by Jo Rogers and carried 6-0-0.

3. #2017-038 – 5 Orchard Hill Lane – Craig & Deborah Cogut – Tax #10-2330 – for dredging of a pond.

Patricia Sesto reviewed her staff report. The pond was last dredged 30 years ago and is in need of dredging again. The pond is surrounded by lawn, making it prudent to address other aspects of pond management. A 15-foot no-mow buffer is recommended with shade trees.

Matthew Vogt of New England Aquatic Services, LLC appeared before the Agency on behalf of the applicant. This will be a hydraulic dredge project, which is less disruptive to wildlife than conventional dredging. The pond will be excavated to “hard bottom” and the material will be taken off-site. Soil testing for contamination has not been conducted, but can be.

A motion to approve IWWA #2017-038 with standard and special conditions as proposed by staff and the additional special condition the sediment will be tested in situ was made by Brian Harris, seconded by Bill Galvin, and carried 6-0-0.

4. #2017-040 – 5 Lighthouse Lane – Charles E.P. Otton & Penelope S. Otton – Tax #06-3631/S – for demolition of the existing residence, construction of a new single family residence, deck, driveway, drainage, grading and landscaping 2' from wetlands.

Bob Clausi reviewed the project and his comments. A previously issued permit allowed the house to be raised. The current application requests permission to demolish the house and reconstruct the house above the 100 year flood elevation. The new development would have less impervious coverage and qualifies for a Conditional Residential Teardown. It is recommended the pipe under the house be inspected. Lastly, in keeping with restoration efforts on nearby properties, a restoration of the lawned wetland to the south of the house is advised.

Anthony D'Andrea, P.E. of Rocco V. D'Andrea, Inc. appeared before the Agency on behalf of the applicant. He stated the house has been moved to clear the pipe. He otherwise has nothing further to add.

A motion to approve IWWA #2017-040 with standard and special conditions as proposed by staff was made by Jo Rogers, seconded by Norma Kerlin and carried 6-0-0.

5. #2017-042 – 65 Conyers Farm Drive – 65 Conyers Farm, LLC – Tax #11-3053 – for construction of a single family residence, pool, pool house, drainage, grading and landscaping 40’ from wetlands.

Patricia Sesto reviewed the contents of his staff report. The parcel is a 15.6-acre, undeveloped lot. The development is in the eastern portion of the site and encompasses about 11% of the site. Sixty percent of the site is protected with a conservation easement. The site is wooded, except for an acre of old meadow, which is overrun with multiflora rose. A wetland and stream run down the south side of the development envelope and a pocket wetland is to the north. West of the house is the large wetland system. Drainage will be handled by a rain garden and infiltration units. The stream to the south will be protected by additional plantings in between the proposed lawn and stream.

It was noted for the record Messrs. Rogers, Benton, and Galvin visited the site.

Anthony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the Agency on behalf of the applicant. He concurred with Ms. Sesto's report and recommendations and additionally consented to restack the loosely formed stonewall west of the house.

Mrs. Sesto suggested the application be issued a permit.

A motion to approve IWWA #2017-042 with standard and special conditions as proposed by staff and the additional special condition the stonewall west of the development envelope be enhanced was made by Elliot Benton, seconded by Bill Galvin and carried 6-0-0.

6. #2017-043 – 41 Rock Ridge Avenue – Brandon & Blair Hall - Tax #10-1279/S – for demolition of the existing residence, construction of a new single family residence, pool, pool house, sports court, driveway, patio, drainage, grading and landscaping adjacent to wetlands.

It was noted for the record Messrs. Rogers, Benton, and Galvin visited the site.

Bob Clausi reviewed the proposed residential redevelopment of the site. The new construction includes 30% more impervious coverage, although new structures are generally located further from the wetland than the previous development. The old pool has been demolished and the cavity will be retrofitted as a rain garden and plantings are proposed along the eastern property boundary, coincident with the wetlands

DPW has not approved the drainage plan, thus a delay of action is recommended.

Anthony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the Agency on behalf of the applicant. He acknowledged the drainage plan will need adjustment pursuant to DPW's concerns. A meeting with DPW's Scott Marucci is scheduled for May 3<sup>rd</sup>.

Jo Rogers questioned the efficacy of the pool basin as a rain garden since it is holding water. Anthony D'Andrea stated there is layer of fine sediment which needs to be removed and a soil mixture appropriate for the rain garden will be added to raise the floor of basin above the level

of groundwater. The system is will provide filtration, and not be a meaningful source of infiltration.

A motion to delay action on the application was made by Jo Rogers, seconded by Elliot Benton and carried 6-0-0.

7. #2017-045 – 86 Cutler Road – Cutler Road LLC – Tax #10-2108 – for construction of a new single family residence, driveway, pool, pool house, drainage, grading and landscaping 10’ from wetlands.

Bob Clausi stated the cease and correct order was issued by the agency in December of 2016. The violation consists of fill in and adjacent to a wetland. The applicant sought to combine the restoration of the wetland violation with the proposal to redevelopment the site into one application.

Steve Danzer extrapolated the historic on-site wetland boundary from conditions on the neighboring parcels to the north and south. The fill, which tested clean, is proposed to be removed, although no substantive plan to do this was submitted. Additionally, only a five-foot buffer is provided between the rear yard retaining wall and the proposed re-created wetland boundary. Alternatives which provide greater separating distance should be provided.

DPW has commented the plan does not meet their standards and revisions will be needed.

It was noted for the record Messrs. Rogers, Benton, and Galvin visited the site. The applicant was requested to provide additional information regarding the street drainage which enters the site.

Michael Mastrogiacomo of Mastragiacomo Engineering PC appeared before the Agency on behalf of the applicant. He stated he has requested road drainage information from DPW and will present it when he gets it. Otherwise, Mr. Mastragiacomo is working to address the comments in the staff report.

Bill Galvin restated the need to submit alternatives to compress the rear yard development and pull it off of the wetland.

Mr. Clausi recommended the application be delayed.

A motion to delay action on the application was made by Elliot Benton, seconded by Bill Galvin and carried 6-0-0.

8. #2017-047 – 2 Lower Cross Road – Jordan Wolowitz – Tax #11-1219 – for construction of a pool, patios, drainage, grading, landscaping, and fence relocation adjacent to wetlands.

Bob Clausi reviewed the project proposal to construct a pool and terrace. A permit for these activities was issued previously in 1994 and this proposal is similar, with the addition of more tree clearing and grading. The property was re-flagged by JMM whose line encompasses a

larger area than what was delineated by Bruce Laskey in 1994. The 1994 permit included a condition that there would be no disturbance within 75 feet of the wetland. When the Laskey line is viewed, this proposal conforms to the requirement.

A planting plan is also proposed to remove lawn present within 75 feet of the Laskey line. The plan would include herbaceous plants, shrubs, and was revised to include trees to compensate for trees removed for the pool. Mr. Clausi posed the question if the rain garden were relocated, could more trees be saved. Lastly, the plan would address erosion from drain discharge and dumped landscaping debris.

Pete Wiling of S.E. Minor & Co., Inc. PC appeared before the Agency on behalf of the applicant. He stated the rain garden can be moved, however his client still would like to remove the trees for other aesthetic reasons.

A motion to approve IWWA #2017-047 with standard and special conditions as proposed by staff was made by Bill Galvin, seconded by Jo Rogers and carried 6-0-0.

9. #2017-048 – 32 Hettiefred Road – Pasquale & Rosina Iachetta – Tax #10-2055 – for installation of restoration plantings and grading in wetlands.

Doreen Carroll-Andrews stated the applicant has requested the agency delay action on this application.

Pete Wiling of S.E. Minor & Co., Inc. PC appeared before the Agency on behalf of the applicant, confirmed this request.

A motion to delay action on the application was made by Brian Harris, seconded by Norma Kerlin, and carried 6-0-0.

#### **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**

Elliot Benton made a motion to receive the 14 applications submitted as identified on the agenda and schedule them for discussion or public hearings as appropriate, at the next meeting of the Agency, second by Bill Galvin and carried 6-0-0.

## **VI. Other Business**

- a. Ms. Sesto stated there is a request by the owners of 13 Carriage Drive to reopen the discussion on their application. The applicant's received conflicting information from the agency staff regarding the date the application would be heard. Consequently, they were unaware of the special meeting when the application was considered.

Brian Harris made a motion to reopen IWWA#2017-028, seconded by Elliot Benton, and carried 6-0-0.

Applicant and property owner, Yuriy Shterk, explained he did not know wetlands were on his property. When he removed the trees toppled during Superstorm Sandy an opening in the woodlands was created and they took the opportunity in 2016 to construct a low retaining wall and add fill to expand and level the yard. He asked the Building Department and Planning and Zoning if he needed permits, telling them there were no wetlands, and they responded no permit would be needed.

Agency staff became aware of the violation during an inspection for a proposed garage. Doreen Carroll-Andrews and Bob Clausi spoke with the property owners and provided guidance on the possible mitigation which the agency might find an acceptable exchange for keeping the wall and yard. Accordingly, Mr. Shterk is proposing plantings below and above the wall to filter runoff from the new lawn.

Mrs. Sesto asked the agency to evaluate the project as if it were not already in place. Is this expansion of yard, twelve feet from a wetland and vernal pool, something they would have approved if a permit was sought beforehand?

Discussion ensued.

Brian Harris made a motion to approve the proposal with applicable normal special conditions and standard conditions, seconded by Klaus Jander, and failed 1-5-0 with Messrs. Harris, Benton, Galvin, Rogers, and Ms. Kerlin voting against.

Discussion continued regarding the need to better protect the vernal pool.

Elliot Benton made a motion to approve the proposal with applicable normal special conditions, standard conditions and the additional special condition the rain garden be expanded to a depth of 10 feet back from the top of the retaining wall, seconded by Jo Rogers, and carried 5-1-0, with Mr. Jander voting against.

b. General Procedural Discussion

None.

**VII. Violations**

1. Update: Cease & Correct Order #2017-03 – 325 Riversville Road – George Mead – Tax #10-1683 – for unauthorized deposition of fill and clearing of vegetation adjacent to wetland and watercourse areas, and Cease & Correct Order #2017-07 – 327 Riversville Road – Louis Gioia Jr. – Tax #10-3527 – for unauthorized deposition of fill and clearing of vegetation adjacent to wetland and watercourse areas.

Doreen Carroll-Andrews advised the agency the corrective action applications for these two sites were due by April 21, 2017 and were not submitted. The agent for Mr. Mead stated the survey work is wrapping up and the application “is coming.” Ms. Andrews cited the long history of this violation and recommended the two violations be sent to the Law Department for enforcement. Should the application be submitted, additional legal action can be suspended.

Brian Harris made a motion to refer the two violations to the Legal Department, seconded by Jo Rogers, and carried 6-0-0.

2. Cease and Correct Order #2017 – 09 for Tamarack Country Club – 55 Locust Road – Tax #10-1638 – for unauthorized deposition of material within a wetland and buffer area.

Ms. Carroll-Andrews read the list of documents and introduced the violation stating a call was received alerting the office that trees were being cut. Agency staff conducted an inspection. While no tree cutting was found, landscape dumping within regulated areas was sighted along the 16<sup>th</sup> fairway and the 17<sup>th</sup> tee.

It is recommended the agency uphold the order and require the filing of a corrective action application by May 19, 2017.

William Kenny appeared before the agency on behalf of Tamarack Country Club. He conveyed his client’s intent to be responsive to the agency’s directives.

Jo Rogers made a motion to uphold the Cease and Correct Order, seconded by Bill Galvin, and carried 6-0-0

3. Cease and Correct Order #2017-10 – 36 Sherwood Avenue – Diana Litchfield – Tax #10-266 – for unauthorized tree removal within a wetland and buffer area and reconstruction of a deck within a wetland buffer area.

Patricia Sesto introduced the application, describing the extensive wetlands on the property, the nature of the tree clearing and deck reconstruction. The Litchfields purchased the house at the end of 2016 and were sent a letter advising them of the presence of wetlands on their property.

Property owner, Diana Litchfield, addressed the agency. She confirmed receipt of the letter, however it came after the work was done. The deck was deemed unsafe by her contractor, which prompted its replacement with a smaller deck. The trees were removed in response to the building inspection report recommendation. Ms. Litchfield expressed her intent to legitimize the work with an application to the agency.

Brian Harris made a motion to uphold the Cease and Correct Order, seconded by Bill Galvin, and carried 6-0-0.

### **VIII. Bond Releases**

1. Application #1987-046 – Permit #1987-045 for Horse Meadow Farms Assoc. – Lot 3 Round Hill Road. The \$3,000 bond is to be returned to Arlene Mercede.
2. Application #2013-003 – Permit #2013-015 for the Greenwich Land Trust – 370 Round Hill Road. The \$3,000 bond to is be returned to the Greenwich Land Trust.
3. Application #2016-152 – Permit #2016-143 for CTF Holdings, LLC – 42 John Street. The \$2,000 bond is to be returned to William Sheehan and Melissa Egbert.

### **IX. Adjourn**

With no further business, the meeting adjourned at 9:33 p.m.

Patricia Sesto  
Director