



# TOWN OF GREENWICH

Town Hall • 101 Field Point Road • Greenwich, CT 06830

Patricia M.P. Sesto  
Director of Environmental Affairs

Inland Wetlands  
and  
Watercourses Agency  
(203) 622-7736  
Fax (203) 622-7764

## MINUTES April 25, 2022

In attendance: Jay Schondorf, secretary, Klaus Jander, Norma Kerlin, Peter Linderoth, Bob Rimmer

Also in attendance: Patricia Sesto, Director; Jenn Urena, Assistant Compliance Officer; Sarah Coccaro, Natural Resource Manager, Jay Fain, Jay Fain and Associates; Matt Popp, Environmental Land Solutions; Bryan Finkel; Janet Brooks, Esq.; Larry Liebman, Kristen Lodato, S.E. Minor & Co.; William Kenny, William Kenny Associates LLC; Brendan Hoffman; Jonathan Ives, Tighe and Bond, LLC; Krist Dodaro, Dodaro Architects; Polly Hanson, Peter Tesei; Margie Bart; Mary Desmond; Fabio Silvagni; Ben Graviano; Michael Klein, Davidson Environmental Services.

### 1. Call to Order

Secretary Schondorf called the meeting to order at 7:02 p.m.

### 2. Seating of alternates

Klaus Jander was seated.

### 3. Review and approval of draft minutes of March 28, and April 7, 2022.

Bob Rimmer made a motion to approve the minutes of March 28, 2022 and April 7, 2022 as presented, seconded by Norma Kerlin and carried, 4-0-1. Mr. Linderoth abstained citing his absence from the March 28 meeting.

### 4. Director's Report

Director Sesto report Doreen Carroll-Andrews has accepted the Applications Coordinator position. Ms. Sesto spoke of the impact of Doreen's move and her high caliber work as the Wetland Compliance Officer.

### 5. Other business

### **Applications may be heard out of order if necessary**

Click this link to view application documents <https://www.greenwichct.gov/DocumentCenter/Index/2181>

Klaus Jander made a motion to add IWWA #2022-024 to the consent approvals. The motion was seconded by Peter Linderoth and carried, 5-0-0.

1. #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.
2. #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.

Norma Kerlin made a motion to approve IWWA #2022-024 and 2022-029 with the general conditions and special conditions proposed by staff. The motion was seconded by Bob Rimmer and carried, 5-0-0.

### **New Applications for Review**

1. #2022-022 – [300 Stanwich Road](#) – Fabio Silvagni – Corrective action for unauthorized installation of retaining walls 2’ from wetlands. Tax #11-2898.

Klaus Jander recused himself.

Jennifer Urena described the violation detected during the site inspection for the bond release. The demarcation wall was moved closer to the wetland and required plantings were incomplete. The wall is proposed to be relocated to the previously approved location and Ms. Urena recommended it be constructed without mortar. Native shade trees should be incorporated, too.

Fabio Silvagni, property owner, addressed the agency. He referenced discussions with staff member, Doreen Carroll-Andrews, and outstanding questions regarding other stonewall work proposed and compliance with the stormwater manual.

It was the consensus of the Agency that Mr. Silvagni can conduct soil testing for the purpose of designing the stormwater management system. His desire to also remove other materials at the same time needs to be coordinated with staff.

Discussion of the application was continued to the next regular meeting of the Agency.

Klaus Jander was reseated.

Bob Rimmer’s connection to the meeting dropped.

2. #2022-026 – [29 Montgomery Lane](#) – SOHO Group for Pricilla Cornell – Construct shed and retaining all 45’ from wetlands. Tax #08-3740.

Jennifer Urena described the project to build a shed 40 feet from a wetland. A boulder retaining wall will be used to match the grade. The wetland will be protected with erosion and sedimentation controls.

A low stone wall was substituted for a boulder delineation to satisfy a condition of approval for AA #2019-068. There is no mortar in the wall. Spaced boulders should be implemented in the remaining approved demarcation area to the western outcropping, where it is practical, and around the proposed shed.

Norma Kerlin made a motion to approve IWWA 2022-026 with the general conditions and special conditions proposed by staff, seconded by Klaus Jander and carried 4-0-0.

3. #2022-030 – [15 Grossett Road](#) – Bryan and Abigail Finkel – Corrective action for unauthorized tree removal adjacent to wetlands. Tax #05-2135/s.

Jennifer Urena described the violation of clearing trees slated to be retained as part of a previous permit and the resulting plan to restore the damaged canopy. The previously approved limit of lawn demarcation was extended westward along the northern property boundary. Ms. Urena recommended the limit of lawn demarcation also be extended south along the plantings on the eastern property line.

William Kenny, William Kenny Associates LLC, addressed the agency and expressed agreement with staff recommendations.

Brendan Hoffman, neighbor, spoke of the impact from the wrongful tree removal. He urged the Agency to impose requirements for larger replacement trees.

Bob Rimmer rejoined the meeting.

Members discussed the various outcomes of planting trees larger caliper trees, focusing on maximizing tree height and survivability. Norma Kerlin inquired if there are means of added care to optimize growth. Mr. Kenny responded diligent watering is the best means to support the trees in acclimating to the site and taking hold. Eighty to 90% of the planting plan can be installed early this growing season instead of waiting for the construction to finish.

Vanessa Curry, neighbor, asked about the penalty for the violation. Staff responded the maximum fine was issued and paid, and the application fee was tripled.

Upon further discussion it was determined the tree size would be 2.5-3 in caliper and the limit of lawn demarcation would encompass the new plantings along the eastern property boundary.

Mr. Hoffman again questioned why larger trees are not being required. They are attainable and would restore the canopy faster.

Mr. Kenny was noted the 2.5-3 inch caliper tree is one size larger than normally required. He cited the additional height generally realized with each 0.5 inch increase in caliper; each additional 0.5 inches gains about one foot in tree height.

Ms. Sesto suggested, to satisfy the desire to optimize growth through care, a qualified monitor inspect the plantings monthly for the first growing season, then bi-monthly for the second season. The goal is to respond promptly to signs of stress.

Modifications to the proposed conditions of the order were listed as increasing the size of the shade tree species to 2.5-3 inch caliper, the limit of lawn demarcation will be extended from the eastern-most proposed dogwood south between the two proposed black gum trees and extending to the end of the new

plantings along the eastern property boundary, and a qualified monitor shall be retained by the applicant to inspect the plantings monthly for the first growing season, then bi-monthly for the second season.

Jay Schondorf made a motion to issue an order with conditions presented by staff, as modified. Seconded by Peter Linderoth and carried 5-0-0.

4. #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.

At the request of the applicant, discussion of the application was continued to the next regularly scheduled meeting.

5. #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.

Jennifer Urena described the violation as unauthorized tree removal. The homeowners undertook the project in response to their insurance company's directive in association with mold problems. A soil scientist has declared no wetlands existed on-site. This finding was made in error and a second soils investigation determined there is a wetland. The applicant is seeking relief from the treble fee.

Jay Fain, Jay Fain and Associates, described cut vegetation as being old restoration plantings that included birch trees large enough to be susceptible to damage.

Discussion ensued regarding the fee waiver request, with members determining reliance on the original soils report was a reasonable action. Only the standard application fee will be charged.

Jay Schondorf made a motion to issue an order with conditions presented by staff. Seconded by Peter Linderoth and carried 5-0-0.

6. #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.

Norma Kerlin, Bob Rimmer, and Jay Schondorf were identified as having visited the site.

Sarah Cocco reviewed the elements of the application. A cottage immediately adjacent to the wetland will be razed and this should not put the wetland at risk. The remainder of the development includes reconstructing a pool and adding a loggia and pool house.

Adjacent to these is flowing water in a stone-lined channel. Ms. Cocco noted the feature meets the criteria for a watercourse at face value. The source of the water is unknown. Regardless, the flow directly discharges to an off-site wetland and pond. Proposed stormwater contributions to the channel put the wetland and pond at risk. Plantings from a previous order to correct are missing from this area, too.

Larry Liebman, S.E. Minor & Co., addressed the Agency stating the source of water is unknown at this time. Dye testing is proposed to gain additional information. The missing shrubs will be planted, and the plans will be revised to show any tree removal and the silt fence adjusted to reflect the presence of ledge.

Jay Schondorf asked that the discharge point of the yard drain also be determined. He pointed out the wetland appears to be being mowed. Mr. Liebman responded the wetland will be over-seeded and regular mowing will stop.

Discussion of the application was continued to the next regularly scheduled meeting.

7. #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.

Norma Kerlin, Bob Rimmer, and Jay Schondorf were identified as having visited the site.

Margie Bart described the property as having the house constructed on a built-up area. The project is intended to provide added outdoor living space.

The plants of the slope are stressed. The proposed retaining wall will align with the toe of slope and beyond the previously approved wetland 35-foot buffer. The level spreader has also been pulled back to a location greater than 35 feet from the wetland.

Sarah Coccaro reviewed her staff report, reiterating aspects of the project and calling attention to the drainage structure in close proximity to trees in the buffer. A rain gardens was suggested in lieu of Cultec units. The planting plan was called out as lacking information.

Ben Graviano addressed the Agency, stating the Cultecs were not proposed further west to avoid damaging the root system of large trees along the property line.

Ms. Sesto inquired about moving the retaining wall westward to align with the top of the slope. As proposed, the extent of lawn will be increased, and the filtering benefits of the shrubs will be lost.

Ms. Bart suggested there was a separating distance between the wall and existing infiltrators that was dictating the wall location. She was asked to substantiate this speculation.

Norma Kerlin asked to have the mitigation plan include an initiative to control the invasive ranunculus plants impacting the wetland.

Ms. Coccaro asked Mr. Graviano why the knowledge of impacting the root system of the trees on the northern property boundary was not applied to the trees in the wetland buffer.

Discussion of the application was continued to the next regularly scheduled meeting.

8. #2022-035 – [24 Ridge Brook Road](#) – Sound View Engineers and Land Surveyors, LLC for Cecilia Fernandez - Construct residential addition, pool, and drainage system, and modify driveway 10' from wetlands. Tax #11-1943/s.

At the applicant's request, discussion of the application was continued to the next regularly scheduled meeting.

9. #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.

Jennifer Urena described the project to clear 4.9 acres of non-native invasive plants from the subject property. The application stems from a violation where permission to conduct selective brush removal to facilitate wetland flagging and surveying turned into clearing the site. The application before the agency seeks permission to continue the project of non-native invasive species management. Conditions of an order were provided

Janet Brooks, esq. addressed the Agency. She referenced a rebuttal submitted to the Agency. This had not been circulated to the members and was then done so electronically during the meeting.

Ms. Brooks raised the issue of conflicting terminology in the staff report between the use of order and permit. An order was already issued, and the site is in compliance with the terms of that order. Her client is now seeking a permit to conduct clearing and restoration work.

The staff report also refers to establishing a meadow. No meadow is proposed. The plan is to have native vegetation re-establish itself naturally.

Ms. Brooks questioned the authority to require a declaration of wetlands be filed on the land records. This foundational question aside, the language of the Agency-provided declaration could be interpreted by future boards as expanding its jurisdiction. She referenced a discussion with Ms. Sesto and is satisfied to offer subtle language adjustments to eliminate the potential to misconstrue the intent in the future.

Ms. Sesto reviewed the purpose of the declaration as being an instrument to inform future landowners of the presence of wetland and the regulatory protections associated with them. She is open to revisions provided the plain-speak usefulness is not undermined.

Michael Klein, Davidson Environmental Services, spoke to the status of the installed erosion and sedimentation controls and the expectation naturally sprouting material will stabilize the soil. A conservation seed mix could be used as needed. Mr. Klein then reviewed each of the proposed conditions of the order.

Ms. Sesto responded to various points of Mr. Klein's assessment. She expressed doubt in the expectation native plants will recolonize once the invasives are cleared. The seed bank is dense, and it will be many years before native species can out pace the invasive species. In her experience, a nurse crop is needed that can be mowed or otherwise sustain itself as the undesirable species are managed.

Norma Kerlin asked for further explanation of intended pesticide use. Mr. Klein stated a licensed pesticide applicator will be hired. The intent is to spot-apply pesticides; however, with such a heavy infestation of invasive species wider applications of pesticides are likely unavoidable. The management plan calls for oversight by an ecological professional.

Ms. Sesto restated the conditions provided by staff need to be structured for permit not an order, the required declaration will be modified and approved by staff, reference to a meadow will be eliminated, and conservation seed mix will be spread at needed.

Jay Schondorf made a motion to issue a permit for IWWA #2022-035 with conditions presented by staff, as modified. Seconded by Peter Linderoth and carried 5-0-0.

10. #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 introduced the application stating this is the third submission; the first having been denied and the second withdrawn. The latest submission addresses the outstanding issues of the previous submissions. The house footprint has been revised and is now beyond the bulk of the critical root zone of the trees on the banks of Mianus Pond. The house is likewise no longer in conflict with the crown of the trees. The shed will be removed, which is beneficial.

Matthew Popp, Environmental Land Solutions, and Krist Dodaro, Dodaro Design, represented the applicant.

Ms. Sesto asked if the invasive species on the pond bank will be removed. Mr. Popp indicated that is possible, but he would not want to remove anything that would undermine slope stability.

Ms. Sesto stated the application fee submitted was less than required by the fee schedule. Is a waiver being requested? A brief discussion ensued. It appears the fee was determined by staff based on a misunderstanding of the scope of the project. Mr. Dodaro committed to submitting the balance.

Jay Schondorf made a motion to approve IWWA#2022-037 with the general conditions and the special conditions proposed by staff, seconded by Klaus Jander and carried 5-0-0.

11. #2022-038 – [15 Surrey Drive](#) – Erin Kim for Jongmin Kim – Corrective action for unauthorized topping of trees, placement of fill, and construction of retaining wall in wetlands. Tax #12-2343/s.

Jennifer Urena reviewed the circumstances of the violation. Mature red maple trees were topped, and fill was placed in the floodplain after the stone lining of the channel was increased in height. The fill is reportedly four inches deep, but this has not been confirmed.

Erin Kim represented her parents. She had not seen the staff report and was not prepared to respond. Ms. Kim committed to obtaining a soils report to attest to the depth of fill.

Discussion of the application was continued to the next regular meeting of the Agency.

12. #2022-041 – [West Brother Drive Bridge](#) – Andrew Wiener Tighe & Bond for Milbrook Owners Association – Emergency authorization for bridge repair over watercourse.

Ms. Sesto described the project to replace the decking of the bridge over West Brothers Brook. The bridge was closed after tropical storm Ida in 2021. With utilities still attached to the bridge and a bifurcation of the neighborhood, Ms. Sesto recommended the Agency approve this under their emergency provisions.

The sidewalls of the bridge are fine. Only the decking needs to be replaced. The opening will not be enlarged to pass larger storms. Peak flows will overtop the road just as it does now. She questioned the storage area and imposition on a larger adjacent tree.

Jonathan Ives, Tighe and Bond, addressed the agency. He reviewed various design considerations. Mr. Ives cited the construction notes, etc. associated with the Riversville bridge replacement and will incorporate similar details into this proposal. He stated the storage area could be shifted away from the tree, but there is no ability to move it out of the flood plain. The nature of what is stored would not become water borne if a flood occurred.

Jay Schondorf made a motion to issue a temporary permit for the emergency replacement of the West Brothers Brook Drive Bridge, seconded by Peter Linderoth, and carried 5-0-0.

### **Applications to Be Received**

1. #2022-041 – [West Brother Drive Bridge](#) – Andrew Wiener Tighe & Bond for Milbrook Owners Association – Emergency authorization for bridge repair over watercourse.

2. #2022-042 – [29 Cliffdale Road](#) - Euro Fence Inc. for Danielle Earls – Install deer fence partially through wetlands. Tax #10-3647.
3. #2022-043 – [6 Ledge Road](#) – Ahneman Kirby, LLC for Matt Burke – Demolish garage, construct addition and patio, modify driveway and install drainage system 10’ from wetlands. Tax #06-2605/s.
4. #2022-044 – [38 Copper Beech Road](#) – Andes Consulting Engineering and Surveying, PLLC for Mark Fortunato – Designate a septic replacement area 60’ from wetlands. Tax #11-1985.
5. #2022-045 – [141 Weaver Street](#) – Patricia Bressman – Invasive species management adjacent to wetland and the addition of a dog enclosure.
6. #2022-046 – [14 Hilton Heath](#) – S.E. Minor & Co., Inc. for Ziv Cohen & Rina Levy – Stream maintenance and wetland restoration plan. Tax #08A-1244.
7. #2022-047 – [50 Burying Hill Road](#) - S.E. Minor & Co., Inc. for Hunter Ryan – Construction of additions, pool, patios, with associated septic and drainage work 45 feet from wetlands. Tax #10-1385.
8. #2022-048 – [53 Brookridge Drive](#) – Rocco V. D’Andrea, Inc. for James & Sonya Donald – Redevelopment of a single family dwelling adjacent to wetlands. Tax #07-1238/s.
9. #2022-049 – [31 Dublin Hill Road](#) – Diane Devore for Crowley’s Pub, LLC – Wetland restoration plan with access road 16’ from the wetlands. Tax #08-3062.
10. #2022-050 – [41 Grossett Road](#) – William Kenny Associates LLC for Todd and Morgan Gilbert – Construction of a pool, pool fence, patio and driveway less than 10’ from wetlands. Tax #05-2130.

Peter Linderoth made a motion to receive the applications listed on the agenda, seconded by Jay Schondorf and carried 5-0-0.

#### **Agent Approval Permits**

1. #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.
2. #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.
3. #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.
4. #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.
5. #2022-040 – [5 Kernan Place](#) – Aleeza Cooperman and Steven Hanke – Install fire pit, gravel patio and plantings. Relocate stone wall and replace timber steps with slab steps. Tax #06-3772/s.

There were no questions or comments.

**Adjourn**

With no further business the meeting adjourned at 10:10 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.***