



TOWN OF GREENWICH

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

Inland Wetlands
and
Watercourses Agency
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Patricia M.P. Sesto
Director of Environmental/ Affairs

MINUTES April 26, 2021

In attendance: Brian Harris, Chairman, Elliot Benton, Vice Chairman, Secretary, Joseph Rogers, Bill Galvin, Jay Schondorf, Norma Kerlin, and Peter Linderoth

Also in attendance: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carrol Andrews, Senior Compliance Officer; Jennifer Urena, Assistant Compliance Officer; Sarah Coccaro, Conservation Assistant/Compliance Officer; Brittney Veniga, Administrative Assistant; Tony D'Andrea, Rocco V. D'Andrea, Inc; Robert Zmarzlak, Sound View Engineers & Land Surveyors; Thomas J. Heagney, Heagney Lennon & Slane, LLP; William Kenny, William Kenny Associates; Jay Fain, Jay Fain & Associates, LLC; Matthew Popp, Environmental Land Solutions; Jim McTigue, Risoli Engineering; Janet Brooks, Atty; Michael Klein, Davidson Environmental; Faten Sabry

1. Call to Order

Brian Harris called the meeting to order at 7:01pm

2. Seating of alternates – No alternates were seated.

3. Review and approval of draft minutes of March 22, 2021 meeting.

Motion to approve by Joseph Rogers, seconded by Bill Galvin, carried 7-0-0

4. Director's Report

Ms. Sesto reported the governor's executive orders have been extended to May 20th. There are no updates on the Senate bill to allow meetings to continue via Zoom.

5. Other business

None

Public Hearings

1. #2021-043 – [46 Oneida Drive](#) – Rocco V. D'Andrea, Inc. for Craig Meyers – Construction of additions, pool, patio, septic system, rain garden and landscaping 12' from wetlands. (First 35 days 5/31/21) Tax #02-1394. BC

Robert Clausi read the submitted documents into the record.

Mr. Clausi reviewed the new plan for a reserve area, pool, and small additions. The original submission proposed to construct a new septic system where the reserve is now shown to facilitate a rain garden in the location of the existing system. The fill package for the reserve system extends into wetland, consuming approximately 100 square feet. Keeping this as reserve system and taking care of the existing system will hopefully result in not having the need to fill the wetland. An extensive wetland enhancement plan has also been submitted in the area of the reserve leaching area.

Mr. Clausi referenced DPW comments, stating concerns were not substantive to IWWA and accommodation for them has been incorporated into the conditions of approval. The location of the pool fence is unknown, and the applicant should define this. The pool is situated approximately 50 feet north of the wood line and shading from trees is not likely to be an issue for the pool. The wetland enhancement plan includes 22 deciduous trees, a few evergreen screening trees along the road, 97 shrubs, and 500 containerized perennials. Deer protection will be provided. A woodchip path is proposed through the wetland buffer and a boardwalk is planned through the wetland. There is no excavation required for the boardwalk and the materials are unlikely to degrade and get into the wetland.

The plan includes removal of landscaping debris, a multi-year plan to control and eliminate invasive species, and installation of a boulder demarcation. Lesser celandine has been added to the special conditions to be included in the plan for removal of invasive species.

Patricia Sesto confirmed agency members Joseph Rogers, Bill Galvin, and Jay Schondorf visited site.

Thomas Heagney addressed the agency and restated the elements of the development proposal. The enhanced planting plan from William Kenny will compensate for removal of trees. Mr. Heagney was in agreement with the staff report. The location of the fence will remain close to the pool and the final location can be included as part of the construction plans for staff review.

Joseph Rogers asked if the two trees south of the pool could be saved to which Mr. Clausi responded there will be grading through where trees are located. Ms. Sesto stated the oak adjacent to the beech would be at risk if the beech was removed. Discussion ensued regarding options to retain the trees.

Tony D'Andrea attempted to respond but had technical difficulties.

Norma Kerlin asked Mr. Kenny if he was in agreement with including the removal of lesser celandine. Mr. Kenny responded it was uncertain if this species could be 100% eliminated.

Special condition 9, as proposed by Mr. Clausi, will be modified to include the intent to eradicate lesser celandine.

Mr. Clausi also suggests putting the pool fence location in proposed special condition three.

Mr. Heagney was able to get Mr. D'Andrea on the phone but there were still technical difficulties.

Brian Harris called for public questions or comments. Faten Sabry addressed the agency. Ms. Sabry is an abutting neighbor and asked for clarification about whether or not there will be a new septic system.

Mr. Galvin sought clarification on the feasibility of using a retaining wall to protect the trees south of the pool. Via a phone call, Mr. D'Andrea confirmed a wall can be worked into the ledge, and there would be no need for blasting.

Brian Harris made a motion to close the hearing, seconded by Elliot Benton, carried 7-0-0.

Robert Clausi restated the modifications to special conditions 3 and 9 previously discussed.

Brian Harris made a motion to approve the application with general conditions, special conditions proposed by staff, with the stated modifications, seconded by Joseph Rogers. The motion carried 7-0-0.

2. #2021-044 – [8 Fox Run Lane](#) – Rocco V. D'Andrea, Inc. for Jennifer Yorke – Demolition and construction of single-family residence, driveway, pool, pool house, tennis court, retaining walls, septic system and drainage adjacent to wetlands. (First 35 days 5/31/21) Tax #10-1127. PS/SC

Ms. Sesto stated the applicant's agent requested the agency continue this public hearing until the next meeting on May 24, 2021. Revisions to the plan are expected.

Brian Harris called for public comment, there was none.

Pending Applications

1. #2021-011 – [400 Stanwich Road](#) – Environmental Land Solutions, LLC for Noah and Jordan Rhodes – Corrective action for unpermitted land clearing within wetlands and wetland buffer. (Second 65 days 6/4/21) Tax #11-3182. DCA

Doreen Carroll-Andrews reviewed the application and staff report.

The deer fence within the wetland should be removed if it has not been already and the invasive management & planting plan should be adhered to. The trees that were installed and proposed to be installed are sized appropriately. A deeply eroded channel has developed and should be stabilized. An issuance of an order to correct with conditions is recommended.

Matthew Popp of Environmental Land Solutions, LLC addressed the agency. Mr. Popp and the applicants are in agreement with Ms. Carroll-Andrews staff report and proposed conditions of approval.

Brian Harris called for agency questions or comments; there were none.

No public questions or comments.

Joseph Rogers made a motion to issue an order to correct with the special conditions provided by staff, seconded by Peter Linderoth and carried 7-0-0.

2. #2021-037 – [26 Cary Road](#)– Heagney, Lennon & Slane, LLP for Jeanette Ogilvy – Construction of residential carport, driveway expansion, and drainage 32' from wetlands. (First 65 days 4/28/21) Tax #12-484/s. PS

Patricia Sesto referenced a letter requesting an extension be granted to review the application at the next meeting on May 24.

Elliot Benton made a motion to grant an extension for an additional 65 days to review the application, seconded by Bill Galvin, and carried 7-0-0.

New Applications for Review

1. #2021-041 – [40 Locust Road](#) – Sound View Engineers & Land Surveyors for Sanle Zhang & Yanping Li – Construction of raised garden beds within wetlands. Tax #10-1594. (First 65 days 5/26/21) JU

Jennifer Urena reviewed the application to construct raised garden beds in wetlands. The first submitted plans proposed two raised garden beds within the wetland with two feet of fill. Section 4.2 of the regulations allows growing crops as an except activity however, it excludes filling wetlands. The previously proposed raised beds would not be exempt.

The applicant submitted new site plans with only four inches of compost to be turned into the soil and contained by six-inch tall boards. The site plans have been revised to indicate an anti-tracking pad and erosion controls. The new proposal is found to be more reasonable and have lesser impact.

Robert Zmarzlak of Sound View Engineers & Land Surveyors addressed the agency. Mr. Zmarzlak is in agreement with Ms. Urena's staff report and all outlined conditions.

Norma Kerlin asked if the revised site plan in compliance with section 4.2 of the regulations to which Ms. Sesto responded this is a judgment call. The applicant is still proposing 4 to 6 inches of soil amendment. Technically yes, this is fill so this is not 4.2 exempt. The agency needs to approve or deny the addition of soil amendments.

Robert Clausi questioned if subsequent additions of soil will be needed to make the beds continuously viable. Ms. Urena stated the homeowner conveyed to her this would not be needed.

Robert Zmarzlak proposed adding a condition to explicitly state additional permits would be required if more fill needs to be added to the garden beds. Agency members agreed.

Brian Harris called for public questions or comments: there were none.

Joseph Rogers made a motion to approve with the general conditions, special conditions proposed by staff with the modification that any additional soil or amended soil added would be subject to a new application. Second by Elliot Benton. The motion carried 7-0-0.

2. #2021-046 – [35 Farwell Lane](#) – Jay Fain & Associates, LLC for Kim Sands – Request for review under Section 4.2 for construction of horse barn, paddocks, and garage within upland review area. (First 65 days 5/26/21) Tax #10-3555. BC

Robert Clausi stated the activities in the upland review area are portions of three northwestern paddocks. The barn, garage, drainage, and a majority of paddocks are more than 100 feet from the onsite and offsite wetland. The paddocks within the upland review area are necessary for the keeping and maintenance of horses. The applicant is proposing best management practices and a double line of erosion and sedimentation controls. Plans include a drainage system for the new impervious area to maintain and improve water quality run off. Mr. Clausi recommended the agency acknowledge this as an exempt activity according to 4.2a of the regulations.

Jay Fain of Jay Fain & Associates addressed the agency. Mr. Fain agrees with Mr. Clausi. He added that between wetland and paddock area, there is a robust stone wall and existing driveway.

There were no questions from the agency.

Mr. Harris called for public questions or comments: there were none.

Joseph Rogers made a motion to issue a declaratory ruling acknowledging the installation and use of the proposed paddocks are as of right per section 4.2a of the regulations, seconded by Bill Galvin and carried 7-0-0.

3. #2021-048 – [15 Birdsong Place](#) – Rocco V. D’Andrea, Inc. for Thomas Macken & Laura Fox – Construction of patio 25’ from wetlands. (First 65 days 5/26/21) Tax #12-2508/s. BC

Robert Clausi recapped the application. The proposal is a 1,200 square foot patio with a stone reservoir underneath for runoff collection. The engineering division has reviewed the application. Any outstanding issues with the drainage can be handled as a condition of approval.

The applicant proposes to rebuild a stonewall along the northern property line and there is a trench aimed at wetland. Therefore, there is a condition outlining erosion controls to block concentrated flow out of the open trench. Mr. Clausi is recommending tree protection around the 36-inch red maple be extended as far as possible toward the construction of the patio so there is no disturbance to the root zone.

Juan Porro with Rocco V. D’Andrea, Inc, addressed the agency. Mr. Porro stated he is aware of tree and agrees with all outlined conditions.

There were no questions from the agency or public questions or comments.

Joseph Rogers made a motion to approve with the general conditions, special conditions proposed by staff, seconded by Bill Galvin. The motion carried 7-0-0.

4. #2021-049 – [56 Locust Road & 62 Bedford Road](#) – Davidson Environmental, LLC for 52 Locust Road, LLC & Rocco and Donna Caputo – Request for review under Section 4.2 for corrective action for unpermitted fill within a wetlands. (First 65 days 5/26/21) Tax #10-1448 & 10-1781. JU

Jennifer Urena reviewed the applicant's request for an after-the-fact review to obtain a non-regulated-use determination and summarized the staff report. The application also includes activities to correct fill placed in wetlands. Ms. Urena stated her position that the farm roads are as-of-right, but the fill not associated with the road was not. Since the time the notice of violation was initially issued, the fill was removed.

Janet Brooks, attorney for the applicant, addressed the agency. Ms. Brooks stated the applicant is in agreement with the staff report.

Michael Klein of Davidson Environmental affirmed and would like to note the wetland seed mix has been spread on the previously filled areas.

Patricia Sesto sought to clarify that, unlike the proposal to fill wetlands for crops, under section 4.2, case law has determined the statutes allow fill as part of building farm roads.

Ms. Urena noted there are two parts to this application- the exemption portion and issuance of order.

Mr. Harris called for public questions or comments. There were none.

Joseph Rogers made a motion that agency acknowledge the farm paths fall within scope of the agricultural operations of section 4.2a of the regulations and are permitted as of right and the agency issue an order to correct with the outlined conditions. The motion was seconded by Bill Galvin and carried 7-0-0.

5. #2021-050 – [35 Beechcroft Road](#) – Sound View Engineers & Land Surveyors for Panagiotis Georgakopoulos – Construction of residential addition, septic system, drainage, and modification of driveway 35' from wetlands. (First 65 days 5/26/21) Tax #11-1817. BC

Mr. Clausi reviewed the proposal. The applicant's proposed erosion and sedimentation controls and septic system protections are sufficient to protect the wetland during construction of the addition, drainage and driveway modification. Mr. Clausi went on to say during an inspection last month he observed clearing in the wetland. Understory has been removed from part of the wetland, the southwest portion of the wetland has been cleared and grubbed, and a log-disc path has been installed in the wetland. The applicant will be addressing the matter. Accordingly, Mr. Clausi recommended to delay action.

Robert Zmarzlak of Sound View Engineers & Land addressed the agency. He stated the restoration plan will be submitted tomorrow.

Patricia Sesto stated Joseph Rogers, Bill Galvin and Jay Schondorf visited this site.

Elliot Benton asked Ms. Sesto if this is a violation. Ms. Sesto responded that the agency will see better definition of areas that were modified and the response from ELS and then the agency can decide if the restoration is appropriate. If a permit is issued, it will effectively have an order associated with it.

Mr. Clausi explained that the landscaper was told log piles could be removed and was specifically told that no living wood could be removed.

Joseph Rogers questioned the drainage over grass that runs to the wetlands and suggested the wetland should be protected.

Discussion ensued regarding lawn and wetland protection. Mr. Clausi reviewed the 2004 application and permit and stated the limit of lawn does not have to be the same going forward.

Brian Harris called for public questions or comments, there were none.

Action on the application will be delayed to the May meeting.

6. #2021-052 – [307 Cognewaugh Road](#) – Sound View Engineers & Land Surveyors for Patrick Eldredge – Demolition of single-family residence, detached garage, and shed 7' from wetlands. (First 65 days 5/26/21) Tax #08-2316. BC

Ms. Sesto confirmed Bill Galvin, Jay Schondorf and Joseph Rogers visited the site today.

Robert Clausi reviewed the application to demolish the residence and outbuildings. The structures to be removed are directly accessed from driveway and adequate erosion and sediment are planned. Mr. Clausi identified the wetland as being of high quality.

An application to redevelop this property has been submitted, so stabilization may be temporary. The bottom of a deer fence running through and adjacent to the wetland should be raised six inches off the grade. Additionally, there should be no mowing within 35 feet of the wetland until the application for redevelopment has been reviewed. A leaf pile deposited to the east of garage should be removed. Mr. Clausi suggested that agency members who have not been to the site visit prior to discussing approval for the additional application.

Robert Zamarzlak of Sound View Engineers & Land Surveyors is in agreement with all the conditions.

Mr. Harris called for public comments. There were none.

Joseph Rogers made a motion to issue a permit with general and special conditions proposed by staff, seconded by Peter Linderoth, and carried 7-0-0.

7. #2021-053 – [40 Cliffdale Road](#) – Joseph Risoli PE, LLC for The Renee Shafer Lux Living Trust – Construction of residential addition, enlargement of deck, and replacement of footbridge over watercourse. (First 65 days 5/26/21) Tax #10-1928. BC

Mr. Clausi stated the additions are well removed from the watercourse corridor. Erosion controls installed between the work site and watercourse should be coir logs or a tubular product, rather than silt fence, due to the number of trees and shallow soil. The replacement of the foot bridge should have no impact as the applicant is not proposing to replace the abutments. The new roof areas will have downspouts disconnected and is compliant with the drainage manual. Clarification was requested regarding the driveway not being shown as modified to meet front of new garage base. A new

exemption form needs to be submitted and if new impervious area is over 500 square feet, the applicant may have to do additional mitigation. Mr. Clausi recommended the agency issue a permit.

Jim McTigue of Risoli Engineering is in agreement with Mr. Clausi's comments. Mr. McTigue stated they will adjust driveway and keep it within 500 square feet or less to comply with the drainage exemption.

There were no agency questions, nor public questions/comments.

Joseph Rogers made a motion to approve the application with the general and special conditions proposed by staff, seconded by Jay Schondorf and carried 7-0-0.

Applications to Be Received

Brian Harris made a motion to add Application #2021-076 to the agenda for receipt, seconded by Elliot Benton. The motion carried 7-0-0.

1. #2021-054 – [27 Pecksland Road](#) – Sound View Engineers & Land Surveyors, LLC for Scott Prince – corrective action for unauthorized clearing adjacent to wetlands. Tax #10-3659.
2. #2021-055 – [483 Round Hill Road](#) – Devore Associates for Jason Hancock & Melissa Larusso – construction of pool, terrace, retaining walls, and deer fence, modification of driveway, and landscaping within and adjacent to wetlands. Tax #10-2145.
3. #2021-056 – [Wesskum Wood Road](#) – Stantec for the Town of Greenwich, Department of Public Works – Replacement of Wesskum Wood Road bridge.
4. #2021-057 – [99 Overlook Drive](#) – Sound View Engineers & Land Surveyors, LLC for Mandeep Johar – Construction of pool and patio 20' from wetlands. Tax #01-1140/s.
5. #2021-058 – [157 Cat Rock Road](#) – Muller Engineering, LLC for Nicholas Bavaro & Alison Tepper – Construction of single-family residence, driveway, pool, patio, and drainage 50' from wetlands. Tax #08-2328.
6. #2021-060 – [43 Lafrentz Road](#) – Ahneman Kirby, LLC for Peanut Properties, LLC – Corrective action for unauthorized clearing within wetlands. Tax #10-2870.
7. #2021-061 – [0 Porchuck Road](#) – Ahneman Kirby, LLC for Joe Pagliarulo – Construction of single-family residence, driveway, pool, patio, septic system and drainage 40' from wetlands. Tax #10-3644.
8. #2021-062 – [19 Edson Lane](#) – Vlatko and Alexandra Balic – Installation of deer fence and landscaping 28' from wetlands. Tax #10-1737.
9. #2021-063 – [100 Old Church Road](#) – Rocco V. D'Andrea Inc. for Ralph Adorno – Demolition and construction of single-family residence, driveway, pool, retaining walls, and drainage within and adjacent to wetlands. Tax #07-1518/s.

10. #2021-064 – [10 Ricki Beth Lane](#) – S.E. Minor & Co., Inc. for Pilar Ramos & Kaihan Krippendorff – Construction of pool, spa, and deck 60' from wetlands. Tax #12-1518/s.
11. #2021-065 – [62 Khakum Wood Road](#) – Ahneman Kirby, LLC for Thomas Foley – Watercourse dredging. Tax #10-1414.
12. #2021-066 – [474 North Street](#) – Muller Engineering, LLC for Alfred Lobalbo – Corrective action for unauthorized clearing within and adjacent to wetlands. Tax #11-2033.
13. #2021-067 – [21 Lia Fail Way](#) – Edgewater Development – Installation of deer fence 12' from wetlands. Tax #08-2422.
14. #2021-068 – [504 Stanwich Road](#) – S.E. Minor & Co., Inc. for Class V 1911, LLC – Construction of ice rink and designation of septic reserve area 45' from wetlands. Tax #11-2091.
15. #2021-069 – [11 Partridge Hollow](#) – Environmental Land Solutions, LLC for Mark Mariani, Inc. – Removal of invasive plants and installation of fence within and adjacent to wetlands. Tax #10-3455.
16. #2021-070 – [16 Oakwood Lane](#) – Jay Fain & Associates, LLC for David and Lauren Cranston – Expansion of patios and extension of retaining wall 8' from wetlands. Tax #11-1140.
17. #2021-071 – [109 Pecksland Road](#) – S.E. Minor & Co., Inc. for Tara & Paul Vittone – Construction of pool, patio, and fence, and designation of septic reserve area adjacent to wetlands. Tax #10-3026.
18. #2021-072 – [34 North Ridge Road](#) – Sound View Engineers & Land Surveyors, LLC for Carlos Collazo – Construction of residential addition and deck 95' from wetlands. Tax #12-1298/s.
19. #2021-073 – [181A Clapboard Ridge Road](#) – Joseph F. Risoli, PE, LLC for 181A Clapboard, LLC – Demolition of single-family residence and associated structures, construction of barn and driveway 30' from wetlands. Tax #10-2565.
20. #2021-074 – [22 Birch Lane](#) – Sound View Engineers & Land Surveyors, LLC for Pamela Chasin – Construction of single-family residence, driveway, pool, septic system, and drainage 38' from wetlands. Tax #11-1780.
21. #2021-075 – [307 Cognewaugh Road](#) - Sound View Engineers & Land Surveyors, LLC for Patrick Eldredge – Construction of single-family residence, driveway, septic system, and drainage 28' from wetlands. Tax #08-2316.
22. #2021-076 – [979 Lake Avenue](#) – Alberto Gonzalez for construction of pool, spa and wooden deck 19' from wetlands. Tax #11-1164.

Elliot Benton made a motion to receive the 22 applications, seconded by Peter Linderoth, and carried 7-0-0.

Agent Approval Permits

1. #2021-040 – [189 Valley Road](#) – Rocco V. D’Andrea, Inc. for Lori & Colin Kronewitter – Construction of pool and patios 50’ from wetlands. Tax #08-2639/s.
2. #2021-042 – [39 Guilford Lane](#) – Ronald Brown for Ronald M. Brown – Construction of deck 30’ from wetlands. Tax #09-3094/s.
3. #2021-045 – [120 Perkins Road](#) – Rocco V. D’Andrea, Inc. for Burning Tree Country Club – Construction of paddle tennis court 27’ from wetlands. Tax #11-2504
4. #2021-047 – [201 Clapboard Ridge Road](#) – Environmental Land Solutions, LLC for Hawthorne Development III, LLC – Construction of pool house 40’ from wetlands. Tax #10-1608
5. #2021-051 – [22 Birch Lane](#) – Sound View Engineers & Land Surveyors for Pamela Chasin – Demolition of single-family residence 43’ from wetlands. Tax #11-1780/s.
6. #2021-059 – [17 Ivanhoe Lane](#) – Frangione Engineering, LLC for Issam Bazzi – Construction of pool, patio and drainage 60’ from wetlands. Tax #11-2744.

Brian Harris called for agency questions. There were none.

Adjourn

With no further business, the meeting adjourned at 8:34pm.

Brittney Veniga
Recording Secretary

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 as soon as possible in advance of the event.