

MINUTES

GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

April 27, 2016

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Joe Rogers, Jim Carr, Norma Kerlin

Alternates present: Jay Schondorf and Steven Fong

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

Others present: Nick Macri, Barry Hammons, Frank Petise, Rich Feminella, Kelly Dantas, Peter Finkbeiner, Elaine Baryn, Jan-Paul Bruynes, Gene Nazzaro, Brenda Felletter, John and Morgan Felletter, Peter Quigley, Larry Liebman, Lauren Lockwood, Rob Frangione, Matt and Madeline Popp, Jonathan and Meghan Olsson, Joe Pagliarulo, Christine O'Hare, Bill Kenny Ardy Loo, Anthony D'Andrea, Darin Overton, Jim Hoffman, Matt Sanford, Steve Wall

1. Call to Order

Chairman Brian Harris called the meeting to order at 7:05 p.m. in the Town Hall Meeting Room on the first floor of Greenwich Town Hall.

2. Seating of Alternates

Alternate Jay Schondorf was seated.

3. Review and approval of draft minutes

Joe Rogers made a motion to approve the draft minutes of March 28, 2016 with no corrections, second by Jim Carr. The motion carried 7-0-0.

4. Director's Report

Patricia Sesto provided an overview of her report. Lindsay Tomaszewski has joined the staff at the new assistant compliance officer. Interviews for the applications coordinator should begin next week.

The number of green sheets processed was lower than last month. School vacations throughout the area may account for the drop.

Ms. Sesto conveyed the limitations of the Town's Drainage Manual and other land use regulations as they relate to wetland and watercourse protection. The Agency shouldn't accept the approval from the host department as being the end of the discussion. The Agency can and should continue the dialogue if more is needed to fulfill their charge.

Ms. Sesto has been invited to speak with the Chamber of Commerce in early May.

She is awaiting confirmation regarding a high school intern and welcomes the opportunity to expose a student to the science of natural resource protection.

5. Compliance Report

Dorren Carroll-Andrews reviewed the content of her compliance report. The number of green sheets submitted was down. Nine bond releases were requested. Of these, only three are eligible for release. The most common reason to hold up the release is the need to complete and file final paperwork. With staff vacancies and vacations schedules, the combined-staff goal of completing 100 inspections was not met. Four stop work orders and violations were issued. A high number of planting holds and deadlines for implementation come due in May

Other Business

No other business was offered.

I. Town of Greenwich Projects

1. #2016-039 – 14 Ballwood Road – Town of Greenwich, Department of Public Works – Tax #06-4690 – for pump station replacement and drainage improvements in and adjacent to wetlands. - DELAY

Bob Clausi reviewed the content of the application. The pump station is 90 years old and in need of upgrades and floodproofing. The plan includes 635 s.f. of new impervious surface and a bio basin is being proposed to compensate for this.

Additionally, DPW is looking to reestablish a continuous open channel. The channel has been compromised by dense phragmites growth and the eastern end is blocked by a berm installed in the 1960's. The berm prevents flows from leaving the channel and surrounding wetlands, causing flooding issues.

Rich Feminella, Waste Water Division Manager, of the Town of Greenwich Sewer Division appeared before the Agency. He stated the bio basin extends beyond the limits of the pump station fencing and he is amenable to reconfiguring it to contain it wholly inside the fenced area. Fourteen trees will be removed and new trees are proposed within the upland buffer.

Norma Kerlin, Joe Rogers, Elliot Benton, Jay Schondorf, and Steven Fong visited the site.

Mr. Feminella continued, stating the two aspects of the permit application are not dependent on each other, rather it made sense to request review of the components simultaneously.

Barry Hammons, P.E. and L.S. appeared before the Agency on behalf of neighbor Mary Young. He commented the wetland mitigation is addressed appropriately and planting five trees is beneficial.

This area of town is subject to flooding, however no engineering documentation was made part of the application to support the proposal. It is not just vegetation in the channel that limits flows; daily tides also restrict outflow. Increasing the efficiency and efficacy of the channel may

be moot if the receiving 24” culvert cannot accept the additional volume. Removal of the berm will shorten the time of concentration of flows, which can be a source of scour.

Mr. Clausi referenced other applications in the neighborhood where the stormwater strategy was to move stormwater out quickly to beat peak flows from above in the watershed.

Mr. Feminella conceded the focus of his division is on the pump station rehabilitation, however he is confident calculations will support the proposal. He pointed out the berm has limited influence over storm flows as water overtops it.

Frank Petise, Senior Civil Engineer, of the Town of Greenwich Engineering Department appeared before the Agency and reiterated the goal is to reduce the flooding impacts to the neighborhood.

There were no comments from the public.

A motion to delay the application was made by Brian Harris, seconded by Norma Kerlin and carried 7-0-0.

2. 2016-041 – Dingtowntown Road – Town of Greenwich, Department of Public Works – Tax # N/A – for rehabilitation of a bridge.

Bob Clausi reviewed the content of the application. The Dingtowntown Road Bridge is one of several on the highway department’s list of bridges requiring upgrades. This project includes adding safety rails, rebuilding the parapets, expanding the catch basin grate, and under-bridge work to address spalling. The work will take place during low flows.

Mr. Clausi recommended the curb line be extended beyond what is proposed to capture an area currently eroding.

Frank Petise, Senior Civil Engineer, of the Town of Greenwich Engineering Department appeared before the Agency and agreed with Mr. Clausi’s description and recommendations.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Jim Carr and carried 7-0-0.

II. PUBLIC HEARINGS

1. **APPLICATION #2016-030 – 25 Mead Avenue – Town of Greenwich – Tax #04-4602/s**

For reconstruction of the New Lebanon Elementary School, parking, and drainage 45 feet from wetlands.

Chairman Brian Harris introduced the application and recused himself, stating he is a member of the New Lebanon School Building Committee.

Patricia Sesto read the list of documents into the record, gave an overview of the project, and reviewed her staff report.

Norma Kerlin, Joe Rogers, Elliot Benton, Jay Schondorf, Steven Fong, and Jim Carr visited the site.

Nick Macri, representing the New Lebanon School Building Committee appeared before the Agency. This proposal is also before Planning and Zoning, who will be reviewing it on May 3rd.

Christine O'Hare, Tai Soo Kim Architects appeared before the Agency. She described the parcel as being a compilation of five lots that amount to 9.3 acres. The existing school sits on a ridge on the west side of basin area. Currently 270 students are accommodated in a one-story school. The proposed two-story building would be sited to the east in the basin. It will be 61,000 s.f. and will accommodate 374 children.

Five alternatives were submitted with the application. The original versions had circulation and parking problems. Presently, there are 24 parking spaces serving the school and 84 are proposed.

Darin Overton, P.E., Milone and MacBroom appeared before the Agency and described the character of the site. The west side drains to the north, eventually discharging via the town's stormwater system to the Byram River. The east side drains to the central basin, passes through the wetland, then through a 40" cross culvert under James Street before discharging to Tom's Brook.

Mr. Overton explained the proposal for stormwater management. A bio basin was originally proposed to avoid disturbing the wetland. The now favored plan would integrate the wetland into the management plan with the intent of enhancing this very low quality wetland. The stormwater would add to the hydrology, pretreatment would occur ahead of discharge to the wetland, and the wetland can better serve as an outdoor classroom. The emergency access road and school are in this sub watershed.

The proposed site plan maintains the division of the existing watersheds on-site. Low impact development (LID) is used in the parking lot islands. The islands are sunken and planted to create bioswales. There is limited area to work with in the western watershed, so a hydrodynamic separator is used. Conversations are underway with DPW to see what other opportunities exist; perhaps hooded catch basins with deep sumps in the western and northern sub-shed.

Elliott Benton asked for clarification on what plan the applicant is seeking approval for. Mr. Overton responded the alternative which utilizes the wetland south of the school is the preferred plan.

Matt Sanford, soil scientist, Milone and MacBroom appeared before the Agency and provided additional details regarding the wetland. The wetland is very similar in character to the surrounding woodlands. It has a surprisingly dry hydrologic regime. The first time Mr. Sanford dug to inspect the level of groundwater, he was unable to find it 20 inches down. In his most recent inspection earlier this day, no groundwater was visible 30 inches down. The soil was identified previously by another soil scientist, who declared the soil to be aquents. The vegetation is comprised of 70% facultative upland species. Other than the physical indicators in the soil, this wetland has no wetland characteristics.

Mr. Sanford offered potential scenarios to explain the presence of wetland soils in the absence of other indicators. The area could have been a pond sometime before the 1930's. The soils are typical of a pond basin. The soils could have come on-site as a means to dispose of dredge spoils. The nature of the soil profile is mixed-up, which would be consistent with dumped soil. Perhaps there is an underdrain that is maintaining an artificially low water table. A drainage structure exists at the south end of the wetlands and it exceeds 18" in depth.

Regardless of its origin, the area has wetland soils and is a wetland. It has very low function and value. Accordingly, it is appropriate to improve the relic wetland and utilize it for stormwater management. The area will be excavated to the seasonally high water table. This combined with stormwater input will enable facultative wet plants to thrive.

An invasive species control plan is part of the proposal. Most material will be removed mechanically. The Japanese knotweed will have to be removed from the site or buried under the building or with at least 3 feet of cover.

Jay Schondorf asked if viable trees will be lost in the wetland and what is to become of the drain. Mr. Sanford replied the large trees in the wetland have fallen in past storms, leaving only one large tree at the perimeter. Smaller trees remain and will be removed to regrade. Woody debris will be stored and redistributed in the new wetland. The drain will be disabled, likely by plugging it. The existing wetland is approximately 13,000 s.f., and the reconfiguration will add some 10,000 s.f. to this.

Ms. Sesto asked about conformity with the town's Drainage Manual, noting the stormwater in the north and western sub-sheds receive little or no renovation and the volume is unchecked. She agreed the extent of impervious coverage is nearly the same as current conditions, however the parking lot will introduce pollutants not associated with the existing school roof. A pollutant renovation analysis was requested of the applicant.

Mr. Clausi suggested a subterranean reservoir below the playgrounds to assist in stormwater quality and quantity management. Mr. Overton noted the shallow to ledge conditions severely impedes one's ability to do this.

Matt Popp, 54 Mead Avenue, appeared before the Agency. He identified himself as a Licensed Landscape Architect, Professional Wetland Scientist, and an individual who is very well acquainted with the site. Mr. Popp to exception to the applicant's assessment the wetland has no recreational or educational value. He has personally recreated in the wetland through hiking and bird watching. The juxtaposition of the school makes this wetland a primed educational opportunity. Given the history of eradicating wetlands in Byram, this wetland has increased value as it is one of the last in this section of town.

The enhancement plantings of the wetland are likely good. Despite past oral commitments, the nature trail is not extensive.

Mr. Popp spoke to the drainage plan. He took issue with the large section of development that receives no treatment. This is inconsistent with the town's manual and the town should hold itself to the same standard private applicants are. The lack of treatment will have a negative impact on the receiving Byram River.

Alternatives exist to minimize the amount of stormwater generated. Mr. Popp displayed a mock up of a new school and parking layout, stating the plan is a better option for drainage. Pervious pavement could be incorporated. Lastly, trees with greater functional significance should replace the understory trees of the parking lot.

Peter Quigley appeared before the Agency and reiterated the need for the town to be an example of stormwater management. A large portion of the site drains directly to the Byram River, a river already impaired from polluted runoff. Mr. Quigley also questioned the capacity of the town's storm sewers and if they are able to take the additional flow.

Members of the public were invited to speak. No comments were offered.

Nick Macri concluded the applicant's presentation and explained this project is coming before Planning and Zoning in early May and a favorable decision from this Agency is desired and will help facilitate the P&Z review.

Elliott Benton expressed his position that there is sufficient documentation and revisions to warrant holding the hearing open.

Hearing no further comments, Vice Chairman Benton continued the hearing to the next public meeting, May 23, 2016.

III. Pending Applications

1. #2016-015 – 18 Hurlingham Drive – Michael Varshisky – Tax #11-3094 – demolition of tennis court and construction of a driveway and drainage system.

Bob Clausi reviewed the contents of his supplemental staff report. There were no outstanding issues following the last Agency meeting except for the addition of more understory planting. The revised plan includes 25 shade tolerant understory trees. With this modification, Mr. Clausi recommended the Agency approve the plan.

Rob Frangione of Frangione Engineering, LLC appeared before the Agency on behalf of the applicant. He offered no comments regarding Mr. Clausi's summary and recommendation.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Jim Carr, seconded by Stephan Skoufalos and carried 7-0-0.

2. #2016-021 – 1 Carriage Road – Clover Hill Investments, LLC – Tax #08-3414 – construction of a new single-family residence, pool, patios, grading, landscaping, drainage and septic system 25 feet from a wetland.

Patricia Sesto reviewed the contents of her supplemental staff report. The plan has been revised to shift the house further from the wetland, configure the driveway to place the back out further from the wetland, pull the grading back, reposition a Cultec unit away from exposed ledge, and increase the planting plan. With these changes, the limit of house construction and grading will be 67 feet from the wetland. The planting plan does not include a rationale nor does it replace as many trees as were removed. Assuming these issues can be clarified, Ms. Sesto prepared draft special conditions for the Agency to review as part of an approval.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant. He indicated the shrubs included were intended to compensate for some of the lost trees in

accordance with guidance he received from Ms. Sesto. Ms. Sesto responded her interpretation of the plan was the shrubs were included to replace shrubs that were removed. She recommends eight additional shade trees be added to the plan and cautioned Mr. Liebman to be sure his client understands the proposed hemlock trees will need annual maintenance to keep ahead of the woolly adelgid.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff and the additional condition eight shade trees be added to the planting plan was made by Stephan Skoufalos, seconded by Elliot Benton and carried 7-0-0.

IV. New Applications For Review

1. #2016-029 – 25 Ferncliff Road – Jonathan and Meghan Olsson – Tax #08-3605 – restoration of disturbed wetlands.

Doreen Carroll Andrews provided a history of the application, noting it started as a violation. The violation consisted of unauthorized removal of shrubs and five mature trees in regulated areas. The application narrative indicates the property owners considered the trees to be hazardous. The restorative planting plan places the trees closer to the watercourse and accommodates expanding the lawn. The plan also includes replacement of two fences, which would need to leave a 6 inch gap at the bottom if they are solid.

The planting plan consists of 15 redbud dogwoods, five rhododendrons, and four river birch. The trees need to be 1.5-2 inch caliper and shrubs need to be 2-3 feet in height. Ms. Carroll-Andrews recommends the plan be revised to add four shade tree species in an effort to close the canopy over the stream. A five foot “no mow” buffer along the stream is also recommended.

Jonathan and Meghan Olsson, property owners, appeared before the Agency. Mr. Olson stated the fence will be picketed, so the lower gap is not needed. He is fine with the sizes suggested, but objects to the recommendation to increase the planting plan by four trees. He does not want to have shade trees close to his house. Mr. Olson also objected to the proposed five-foot stream buffer and instead would like to reduce this to two feet. Fox sedge will be seeded in the buffer.

Mr. Olson offered background information on the watercourse. It is a ditch created to address drainage. It dries out in the summer and weeds take over, creating flooding problems when the rain returns. He is asking for accommodations to enable him to control the weeds by removing them, in contrast to the language of proposed special condition four. Also, proposed condition eight calls for protective deer fencing. Mr. Olson objected, stating he has selected species which are not attractive to deer, so fencing is not necessary.

Discussion ensued regarding the points of objection. Chairman Harris noted these requirements are appropriate to protect the watercourse and are standard. Mr. Olson responded the streamside is not in the area of the violation and should not be subject to restoration in the Order. Chairman Harris noted the stream buffer helps compensate for the lost mature trees.

In response to concerns raised by Mr. Benton, Mr. Olson explained there is no net increase in lawn area. The new shrubs will take some lawn away. He wants to keep the location of the trees close to the watercourse to reduce the likelihood they will someday fall on his house.

To manage the weeds in the watercourse, it was resolved the weeds could be cut back with a weed whacker and will still be in conformance with the Oder as proposed.

There were no comments from the public.

A motion to issue an order to correct the application with general and special conditions as proposed by staff, and the additional condition to allow in-stream weed control by cutting was made by Brian Harris, seconded by Elliot Benton and carried 7-0-0.

2. #2016-031 – 20 River Road – John and Brenda Felletter – Tax #08-2446/s – for construction of a stone retaining wall 5 feet from wetlands.

Doreen Carroll Andrews provided an overview of the site and proposal. The applicant proposes to construct a retaining wall along the western property boundary five feet from wetlands in order to reduce erosion. The area behind the wall currently maintained as lawn, is then to be backfilled to correct erosion of the yard. There are trees to be saved and a licensed arborist provided recommendations to ensure the trees survive. Ms. Carroll-Andrews noted past plantings have not been successful in protecting the slope, and questioned if there are other alternatives to a wall.

John and Brenda Felletter, property owners, appeared before the Agency. Mrs. Felletter explained failed past attempts to manage the erosion with plants and showed photographs of the erosion and root exposure.

Discussion ensued to clarify the plan. The new wall will be flush with the final grade and an arborist will be consulted further to be sure the needs of the trees are accommodated.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff with the understanding no fill will be placed behind the existing wall was made by Brian Harris, seconded by Joe Rogers and carried 7-0-0.

3. #2016-033 – 125 Pecksland Road – 125 Pecksland Holdings, LLC – Tax #10-2913 – for dredging a pond.

Bob Clausi provided an overview of the site and proposal. Mr. Clausi acknowledged the expertise of Mr. Nazzaro in the field, but noted the plans cannot stand on their own as they lack information. Issues such as water handling, diversions, filtering, and discharge need more information. The dredging proposes to remove 750 c.y. from the pond, but no information is provided about the stream excavation. The pond presently supports carp and information on how these permitted fish will be managed is warranted. Lastly, no mitigation or enhancements were proposed.

Gene Nazzaro of Nazzaro, Inc. appeared before the Agency on behalf of the applicant. He explained approximately 100 feet of stream will be cleared using hand tools and perhaps a small machine. To protect the carp, a low spot will be dug in the pond to hold them. Mr. Nazzaro will revise the application documents to address Mr. Clausi's requests.

Mr. Clausi asked if the presence of arsenic in the pond spoils dictates a different protocol for handling, with additional concerns regarding the dewatering of these spoils.

Norma Kerlin, Joe Rogers, Elliot Benton, Jim Carr, Jay Schondorf, and Stephen Fong indicated they visited the site.

There were no comments from the public.

A motion to delay the application was made by Brian Harris, seconded by Elliot Benton and carried 7-0-0.

4. #2016-034 – 21 Leeward Lane – Robert and Stephanie Ehrhart – Tax #05-2530 – for demolition and construction of a single-family residence, drainage system, and utilities in and adjacent to wetlands.

Bob Clausi provided an overview of the site and proposal. The project includes razing the current house and rebuilding. The drainage plan controls the peak rate of discharge through the 100 year storm, however the volume increases. The drainage plan includes constructing a rain garden partially within the on-site wetland. The wetland is in the northeast corner of the property and has been substantially impacted. The rain garden with its planting plan is an opportunity to improve the wetland. This wetland leads to an off-site watercourse that is piped across the subject property.

Patricia Sesto directed the Agency to her memorandum which raises additional concerns regarding the increase in runoff volumes. The memo highlights the various impacts associated with prolonged, bank-full conditions. The applicant has not provided any discussion of this potential impact, nor have any alternatives been discussed.

Anthony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the Agency on behalf of the applicant. Mr. D'Andrea noted the drainage plan is in compliance with the town's Drainage Manual. Peak rates have been reduced. The receiving watercourse is stable and capable of handling the additional volume.

Infiltration is not an option as the soils are not permeable. The lower soils are tight, mottled, clay loams. An area for a code complying septic system could not be found, so sewers are being brought to the site. This is a positive change for wetland protection.

Mr. D'Andrea described the stormwater management plan. A subsurface detention feature consists of tight pipe because the soils do not allow any infiltration. An alternate system of galleries could be used to partially offset the increase in volume through evaporation and limited exfiltration into the buried topsoil horizon. Regardless, the added volume produces only a minimal extension to the peak. The use of galleries would need the cooperation of DPW and this Agency.

Joe Rogers asked about the yard drain to which Mr. D’Andrea stated the yard drain will be removed from the plan.

Elliot Benton questioned the changes expected to small storms, expressing concern flows from small storms will not make it to the wetland. Mr. D’Andrea described the contributing watershed as being large and this site as not being important in the context he described. Discussion ensued.

There were no comments from the public.

A motion to delay the application was made by Elliot Benton, seconded by Joe Rogers and carried 7-0-0.

5. #2016-036 – 114 Overlook Drive – Elaine Baryn – Tax #01-2511/s – for construction of residential additions, deck, driveway, and drainage system 35 feet from a wetland.

Bob Clausi provided an overview of the site and proposal. The development will result in 800 s.f. of new impervious cover. The additional runoff will be handled by an infiltrator.

Mr. Clausi recommended approving the application.

Peter Finkbeiner of Sound View Engineering & Land Surveyors LLC appeared before the Agency on behalf of the applicant and had no objections to staff comments and recommendations.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Jim Carr seconded by Jay Schondorf and carried 7-0-0.

6. #2016-037 – 25 Cutler Road – Paul Ferraro – Tax #01-2511/s – for construction of a pool, patios, and drainage system 50 feet from a wetland.

Bob Clausi provided an overview of the site and proposal. A previous permit was issued in 2008 for a new house, pool, and patio. That permit expired before the pool and patio were built, thus the applicant is requesting a new permit. The new work would occur on the high side of a retaining wall built when the house was constructed. This wall was intended to be the limit of lawn. The adjacent wetland received restorative plants a while ago and those plants are in good condition. Mr. Clausi recommends approving the project as submitted, with the stipulation the pool equipment also go on the high side of the retaining wall.

Peter Finkbeiner of Sound View Engineering & Land Surveyors LLC appeared before the Agency on behalf of the applicant and had no objections to staff comments and recommendations.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Jim Carr and carried 7-0-0.

7. #2016-038 – 249 Bedford Road – Felix and Miosotis Cabrera – Tax #10-2872 – for construction of residential additions, driveway, pool, patio, and drainage system 10 feet from a wetland.

Patricia Sesto provided an overview of the site and proposal. The original application is for the construction of an addition, pool, driveway relocation and rain garden. The driveway relocation was requested to address sight line issues with the current driveway. No information was submitted to substantiate the request and justify the relocation to a point so close to the wetland. There are actually two wetland delineations for the site. The first delineation outlined a wetland which ran continuously along the eastern property boundary. William Kenny Associates' line shows a break in the wetland. It is in this break the relocated driveway would go.

Bill Kenny addressed the discrepancy, stating his line took into account disturbed soil likely associated with an old wood road. The Agency should choose one line to create consistency going forward with as-built plans and the like. Discussion ensued. The two soil scientists shall meet on-site to discuss their respective delineations with Agency staff. The cost of Mr. Wellings' service will be borne by the applicant.

The application was revised to eliminate the driveway relocation and now consists of an addition greater than 100 feet to the wetland, 60 s.f of patio 95 feet from the wetland, and the rain garden. A sketch showing a planting plan and limit of lawn demarcation was submitted. Sesto recommended the limit of lawn demarcation be located at the top of the slope at the 128 foot proposed contour, while the applicant advocated for this at the bottom of the slope.

Peter Finkbeiner of Sound View Engineering & Land Surveyors LLC appeared before the Agency on behalf of the applicant.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff, with the additional condition that Mr. Welling and Mr. Kenny meet on-site with staff to deliberate the wetland delineation, was made by Stephan Skoufalos, seconded by Elliot Benton and carried 7-0-0.

8. #2016-040 – 36 Zaccheus Mead Lane – Fisk Management, LLC – Tax #10-3225 – for renovation of a residence and relocation of a driveway.

Bob Clausi provided an overview of the site and proposal. The proposed project would abandon the current driveway and reconstruct the new driveway on the south side of a watercourse to address sight line issues. The abandoned driveway area would be planted and the existing stream crossing removed and replaced with a foot bridge.

Outstanding questions relate to the Health Department's authorization to have the new driveway partially over the leaching field. It appears the Health Department has approved this. A retaining wall was requested on the north side of the proposed driveway to reduce the footprint

of disturbance. This was included on newly submitted plans. Mr. Clausi expressed concern lawn would be developed on the north side of the driveway, adjacent to the stream, but the newly included retaining wall makes this much less likely.

Ardy Loo of Fuller Engineering and Land Surveying appeared before the Agency on behalf of the applicant and provided further clarification to Mr. Clausi's statements.

Joe Rogers inquired if there was the potential for treating the driveway runoff as it otherwise discharges directly to the watercourse. Mr. Loo stated it would be possible to add a rain garden.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff, with the additional condition the plan be revised to include a rain garden as discussed was made by Joe Rogers, seconded by Elliot Benton and carried 7-0-0.

9. #2016-049 – 51 Gilliam Lane – Sudip Thakor – Tax #05-2094/s – for construction of a pool, patio, and drainage system 40 feet from a wetland.

Bob Clausi provided an overview of the site and proposal. He noted areas of the stream banks were slumping and the applicant was responsive in providing a planting plan to address this. Mr. Clausi recommended approving the application.

Brian Harris recused himself and Steven Fong was seated.

Lauren Lockwood of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant and offered no further comments.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Joe Rogers, seconded by Jim Carr and carried 7-0-0.

Chairman Harris was reseated.

10. #2016-051 – 75 Lower Cross Road – Jackson and Kay Yee Tia – Tax #11-3063 – for installation of a deer fence crossing wetland.

Bob Clausi provided an overview of the site and proposal. The site has particular complications given the presence of an easement granted to this Agency and an additional conservation area on-site not under this Agency's charge. The applicant is proposing to erect a deer fence, crossing a wetland. The fence is also proposed within the easement, however the easement specifically states there are no structures permitted. This Agency has deemed fences to be structures.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant and expanded on the description of the easement and conservation area. Discussion ensued resulting in an acknowledgement that keeping deer out of the wetland and buffers is to the

benefit of the wetland and the placement of the deer fence in the woods would not be considered an invitation to expand the lawn. A limit of lawn demarcation would reinforce this position.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff and the additional special conditions the limit of lawn demarcation and final placement of the fence are subject to approval by staff was made by Stephan Skoufalos, seconded by Elliot Benton and carried 7-0-0.

V. Agent Approvals

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

1. #2016-035 – The Greenwich Skating Club for extension of water and natural gas service lines along Cardinal Road is approved with conditions (Permit #2016-036).
2. #2016-042 – Daniel and Lauren Stein for construction of residential additions, patio, and driveway modification 35 feet from wetlands at 212 Cognewaugh Road is approved with conditions (Permit #2016-039).
3. #2016-045 – Michael Cochrane and Katharine Ashworth for construction of a residential addition 50 feet from a wetland at 141 Overlook Drive approved with conditions (Permit #2016-040).
4. #2016-046 – Phoebe and Greg Slater for construction of a residential addition and deck 40' from a wetland at 1 Caroline Place is approved with conditions (Permit #2016-038).
5. #2016-048 – Paul and Lauren Ghaffari for construction of a pool house and covered porch 70' from a wetland at 61 Clapboard Ridge Road is approved with conditions (Permit #2016-037).
6. #2016-050 – Jorge Beristain for the temporarily stockpiling of 80 cubic yards of fill 40' from a wetland at 34 Wescott Street is approved with conditions (Permit #2016-035).

No questions were presented and no public comments were received. No action by the Agency was required.

VI. Applications To Be Received

Brian Harris made a motion to receive the eleven applications listed on the agenda and schedule them for discussion or public hearings as appropriate, at the next meeting of the Agency, second by Elliot Benton and carried 7-0-0.

VII. Violations

1. Cease & Correct Order #2016-04 – 14 Birdsong Place – Yongfeng He and Qi Shi – Tax #12-2503/s

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary. The unauthorized activity includes removal of five trees from wetland and upland areas on and off-site. Ms. Carroll-Andrews recommended the Agency uphold the Order.

Yongfeng He and Qi Shi appeared before the Agency. Mr. He described his reasoning, stating the trees were a threat to his home. He was fine to submit an application to correct the situation, but took issue with the fee at three times the base application fee. Mr. He requested the fee be dropped to the base fee with no multiplier.

A motion to reduce the fee to \$1,500 was made by Brian Harris, second by Joe Rogers. The motion carried 7-0-0.

A motion to uphold the Order with staff recommendations, including an application deadline by May 20, 2016 was made by Brian Harris, second by Stephan Skoufalos. The motion carried 7-0-0.

2. Cease & Correct Order #2016-05 – 21 Walker Court – Peter Bria – Tax #09-2723/s

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary. In the course of inspecting a planting plan associated with a 2012 violation, Ms. Carroll-Andrews found an unauthorized shed straddling a watercourse. A violation and Cease and Correct Order were issued. The property owner has indicated a permit will be sought to keep the shed. The application is due by May 20, 2016.

Staff recommended the Agency maintain Cease & Correct Order #2016-02 and that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by May 20, 2016.

A motion to uphold the Order with staff recommendations, including an application deadline by May 20, 2016 was made by Stephan Skoufalos, second by Jay Schondorf. The motion carried 7-0-0.

3. Cease & Correct Order #2016-06 – 1 Reynwood Manor – Steve and Roxanna Wall – Tax #11-2941

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary. A 2015 permit to construct a fence included requirements to remove surface piles of debris from the wetland and adjacent areas. During an inspection it was discovered brush and trees were also removed and the Cease and Correct Order was issued. Ms. Carroll-Andrews recommends the Order be upheld.

Steve Wall, property owner, appeared before the Agency. He explained the nature of the debris piles as being extensive and brush was inadvertently cleared with the garbage removal. Trees were also knocked down. The trees were described as being dead or of ill health. Mr. Wall is amenable to replanting, but doesn't want to pay another application fee.

A motion to require a permit application submitted by May 20, 2016 but waive the fee was made by Elliot Benton, second by Joe Rogers . The motion carried 7-0-0.

Staff recommended the Agency maintain Cease & Correct Order #2016-02 and that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by May 20, 2016.

A motion to uphold the Order with staff recommendations, including an application deadline by May 20, 2016 was made by Brian Harris second by Elliot Benton. The motion carried 7-0-0.

4. Cease & Correct Order #2016-07 – 44 Parsonage Road – Jan-Paul and Ashley Bruynes – Tax #11-1213/s

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary. The unauthorized activity includes removal of trees from wetland areas. Sandoval tree service conducted the work, affecting a 20'X60' area. The area has skunk cabbage in it, thus there was no way to claim ignorance. The homeowner has been responsive.

Ms. Carroll-Andrews recommended the order be upheld, with the requirement the application be submitted by May 20, 2016 and a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by May 20, 2016.

Jan-Paul Bruynes, property owner, appeared before the Agency. The four trees removed are in the play area and were routinely dropping limbs. The loss of the trees did not result in creating any holes in the canopy. Mr. Bruynes is amenable to replanting and would like to receive the same consideration as the previous violators and have his fee reduced.

A motion to uphold the Order with staff recommendations, including an application deadline by May 20, 2016 with no multiplier added to the fee was made by Elliot Benton, second by Joe Rogers. The motion carried 7-0-0.

VIII. Bond Releases

1. Application #2006-018 – Permit #2006-037 for Nicholas Bavaro – 1363 King Street. The \$6,000 bond is to be returned to Nicholas Bavaro.
2. Application #2009-056 – Permit #2009-054 for James Johnston – 27 Greenbriar Lane. The \$5,000 bond is to be returned to James Johnston.

3. Application #2014-052 – Agent Approval #2014-005 for Saddle River Greenwich, LLC – 647 River Road. The \$3,000 bond is to be returned to Saddle River Greenwich, LLC.

A motion to release the bonds was made by Stephan Skoufalos second by Jim Carr, and carried 7-0-0.

IX. Other Business

- a. General Procedural Discussion
No discussion took place.

X. Adjourn

With no further business, the meeting adjourned at 11:38 p.m.

Patricia Sesto
Wetlands Director