



TOWN OF GREENWICH

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

MINUTES May 24, 2021

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

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; William Kenny, William Kenny Associates; Joseph Pajonas, Joseph Pajonas Studio, LLC; Bryan Muller, Muller Engineering, LLC; Antonio, Stantec; Gabriella Circosta-Cohee, Town of Greenwich Department of Public Works; Robert Zmarzlak, Sound View Engineers & Land Surveyors; Matthew Popp, Environmental Land Solutions; Thomas J. Heagney, Heagney Lennon & Slane, LLP; Ida Gheibi, Ahenman Kirby; Keith Werner, Ahneman Kirby; Thomas Ahneman, Ahneman Kirby; Larry Liebman, S.E. Minor & Co., Inc.; Jay Fain, Jay Fain & Associates, LLC; Michael Kirsch; Renee Seblatnigg; Michael Tebay;

1. Call to Order

Brian Harris called the meeting to order at 7:02pm

2. Seating of alternates – Klaus Jander was seated.

3. Review and approval of draft minutes of April 26, 2021 meeting.

Due to technical issues, Klaus Jander left the meeting.

Motion to approve by Joseph Rogers, seconded by Bill Galvin, carried 6-0-0.

4. Director's Report

Ms. Sesto reported some of the governor's executive orders have expired on May 20th. Most remote meetings will continue via Zoom through June 20. The status of next meeting is unknown.

5. Other business
None.

Public Hearings

1. #2021-044 – [8 Fox Run Lane](#) – Rocco V. D'Andrea, Inc. for Jennifer Yorke for demolition and construction of single-family residence, driveway, pool, pool house, tennis court, retaining walls, septic system and drainage adjacent to wetlands. (First 65 days 5/26/21) Tax #10-1127. PS/SC

Ms. Sesto noted Elliot Benton, Joseph Rogers and Norma Kerlin visited the site on Friday May 21, 2021.

Sarah Coccaro read the submitted documents into the record.

Ms. Coccaro reviewed the applicant's proposed work and confirmed there is a pending application with Planning and Zoning Commission for lot line revisions which would transfer half an acre to the abutting property to the north. Ms Coccaro reviewed the staff report. section 7.10.e of the regulations which requires alternatives has not been satisfied, the application lacked an of explanation or depiction of alternatives that show less dense and/or less grading for the proposed developments. The attached garage and driveway plan shows the removal of eight trees. An alternative should be submitted to alter the driveway and better protect the trees adjacent to wetlands and watercourse. Similarly, the pool leaching field and tennis court developments will see 14 trees removed and no submission of alternatives were given.

The current design has a limit of fill 40 feet from wetlands. A planting plan was submitted which will increase the average within the wetland buffer over the current limit of lawn. The wetland and watercourse assessment states the project will not adversely impact the wetlands but does not address the removal of 26 trees within the buffer nor does it address how the change in canopy will alter the wetlands or watercourses.

A phased construction plan, specified parking for construction personnel, details regarding the tennis court surface, and inconsistent depiction of a pool house leaching field need to be provided or clarified. The proposed tree replacement is not one to one and information is needed correlate the proposed shade trees to the loss of mature shade trees and details for long term eradication of pachysandra should be submitted.

Due to the extent of missing information, a delay in action is recommended.

Tony D'Andrea of Rocco V. D'Andrea, Inc. addressed the agency. Mr. D'Andrea suggested a meeting with staff regarding the comments and concerns to improve the development of the plan. Mr. D'Andrea took issue with the date the staff report was ready.

With a recent approval from the Planning and Zoning Commission, the lot will be reduced to 5.4229 acres from 5.9 acres. Revised plans have been submitted and additional alternatives will be considered in response to the staff comments and concerns.

The Health Department approved two permits for the septic systems that are designed to be constructed in the same general area as existing septic system located on the east side of lot. Soils on the property are limited and separations from the wetlands are significant.

The plan has been revised from its original submission; the septic system has been relocated and the proposed rain garden has been eliminated in favor of a level spreader filter.

The plan also proposes to demolish four accessory structures in proximity to the wetlands on the adjacent property (Lot 1R). Mr. D'Andrea asked that the agency consider approving the demolition of these structures while they continue to review other aspects of the project.

Bill Kenny's landscape plan will intensify additional planting and trees and although the preference is a one-to-one, Mr. Kenny and staff can discuss this. The tennis court's surface and phasing would be refined as the project progresses, including parking and construction staging which can all be reviewed by staff. Fill by the tennis court can be eliminated and the natural soil can be left as it exists. Mr. D'Andrea suggested that Bill Kenny speak to the removal of the invasive species and reiterated his request for the agency to consider separately approve the demolition of the accessory structures.

Brian Harris called for questions from the agency or staff.

Patricia Sesto asked for clarification regarding the pool house septic system and whether the State Department of Health provides exemption, so a separate pool house can be served by the same septic system or leaching field as the main house.

Tony D'Andrea responded the health code states that if the additional structure is seen as an 'all season' building, i.e. a guest house or studio and not just seasonal pool house, a centralized system is not permitted. Discussion ensued. Mr. Harris stated he would like to see an alternative where the primary septic is used or getting a waiver as the pool house is not far from the main dwelling. Mr. D'Andrea agreed.

Elliot Benton asked if the soils to the north of the development tested as potential for the septic system. Mr. D'Andrea said extensive testing was done and it was revealed the only suitable area were in the area of the existing system.

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

In response to Mr. D'Andrea's request, Ms. Sesto stated one application can only be issued one permit.

Brian Harris stated this application will be held until next meeting when alternatives are submitted.

2. #2021-054 – [27 Pecksland Road](#) – Sound View Engineers & Land Surveyors for Scott Prince – Corrective action for unpermitted clearing adjacent to wetlands. (First 35 days 6/28/21) Tax #10-3659. DCA

Doreen Carroll-Andrews read in the submitted application documents for the record and reviewed the applicant's proposed corrective action to legitimize unpermitted clearing of vegetation.

The area of clearing is small, direct adverse impacts to the wetland and downstream areas may include thermal pollution, erosion and sedimentation, increased pollution due to impaired infiltration, changes in water level, drainage, flooding and loss of habitat. Six shade trees, nine understory trees, and 22 shrubs are proposed, which adequately restores the wetlands and the buffer and are sized appropriately in accordance with the agency planting plan memorandum. Staff recommends issuance of an order to correct with the special conditions provided.

Ms. Sesto confirmed that Norma Kerlin, Joseph Rogers and Elliot Benton visited the site on May 21.

Joseph Pajonas of Joseph Pajonas Studio, LLC addressed the agency and agreed with Ms. Carroll-Andrews' report.

There were no public questions or comments.

Brian Harris made a motion to close the hearing, seconded by Joseph Rogers. Carried 6-0-0. Joseph Rogers made a motion to issue an order to correct with the conditions outlined by staff, seconded by Elliot Benton and carried 6-0-0.

3. #2021-056– [Wesskum Road Bridge](#) – Stantec for the Town of Greenwich for replacement of Wesskum Woods Road Bridge over Cider Mill Brook. (First 35 days 6/28/21) PS/JU

Jennifer Urena read the list of documents into the record.

Ms. Urena reviewed the staff report and confirmed the latest inspection report and engineering analysis found the bridge to be structurally deficient. The bridge replacement proposed is about 100 feet downstream of Binney Pond. The project is proposed in two phases and a temporary 48-inch pipe will convey flow during phase two as the new superstructure including an arch and stone veneer is constructed. Stormwater management, hydraulic analysis and erosion controls are included in the plan and the bio retention will aid in pretreatment of storm water runoff as well as reduce peak flows to existing conditions.

The bridge replacement is about 20 feet from the western wetlands and a bio retention basin is proposed for this area only. No negative impact is anticipated. While the brook is tidally influenced and not in the jurisdiction of the IWWA, the concept that protects inland waterways applies to tidally-influenced waterways and the applicant was asked to consider a 15-foot deep buffer along the brook to help with non-point source pollution and bank erosion.

Issuance of a permit is recommended.

Gabriella Circosta-Cohee of DPW addressed the agency. Ms. Circosta-Cohee agreed with the staff report.

Brian Harris called for questions from the agency.

Joseph Rogers asked if the suggestion of adding buffer could be addressed with someone in the town. Discussion ensued. Ms. Sesto asked if anyone in DPW has discussed this with Parks and Recreation to which Ms. Circosta-Cohee said they had not. Ms. Sesto suggested the Conservation Commission can facilitate discussion for improvements.

No public comments or questions.

Joseph Rogers made a motion to close the hearing, seconded by Bill Galvin and carried 6-0-0. Motion to approve with the general and special conditions proposed by staff was made by Joseph Rogers and seconded Bill Galvin. The motion carried 6-0-0.

4. #2021-066 – [474 North Street](#) – Muller Engineering, LLC for Alfred Lobalbo – Corrective action for unauthorized clearing within and adjacent to wetlands. (First 35 days 6/28/21) Tax #11-2033. DCA

Doreen Carroll-Andrews read in the submitted application documents for the record.

Ms. Carroll-Andrews summarized the applicant's proposal to correct unauthorized land disturbance and entry clearing within the watercourse, wetland, and buffer. The clearing included removal of 30 trees ranging from 18-inches to 45-inches in diameter and encompassed an area approximately one half acre. This significant clearing resulted in adverse environmental impacts on site and to the surrounding areas. Long-term restoration of native shade trees is critical to mitigate these impacts.

Ms. Carroll-Andrews conveyed the perspective that had the project been proposed to the agency prior to clearing, approval would have been unlikely. The contractor was made aware of the wetland regulations and he stated about 30 trees were removed, including damaged and rotting trees. The applicant is proposing to install 23 trees in and alongside a narrow buffer less than 10 feet on either side of the wetland and watercourse. The restoration is insufficient and does not represent what was removed.

Further, the corrective action narrative does not meet the standards of Section 7-10F of the regulations. The narrative was prepared by a civil engineer and lacks biological assessment and discussion of how the proposed restoration compensates for the clear cutting of the wetland and its buffer.

The fence installed around the perimeter is raised and maintenance of the fence should have no short or long-term adverse impact on the wetland or watercourse. Ms. Carroll-Andrews continued that due

to the significance of the violation, a municipal citation issue to the homeowner is recommended as well as a recommendation for a delay in action.

Bryan Muller of Muller Engineering, LLC addressed the agency. Mr. Muller stated they accept the recommendation to delay action on the application and stated they were working with Stephen Danzer, PhD to work on an appropriate mitigation plating plan and a biological narrative and will reconvene next month.

Brian Harris called for questions from the agency.

Norma Kerlin stated that she, Elliot Benton, Joseph Rogers and Patricia Sesto visited the site on Friday May 21.

Elliot Benton asked how much the municipal citation is. Ms. Carroll-Andrews responded it could be up to \$1,000. Discussion ensued regarding determination of the citation amount, who the citation should be issued to and the appeal process. Mr. Harris proposed the citation should be issued \$1,000 to the homeowner and contractor.

Discussion of the application was continued to the next meeting of the agency.

Consent Approvals

Application #2021-067 was moved to New Applications for Review section on the agenda.

1. #2021-062 – [19 Edson Lane](#) – Vlatko and Alexandra Balic – Installation of deer fence and landscaping 28' from wetlands. (First 65 days 5/26/21) Tax #10-1737. BC
2. #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. (First 65 days 6/30/21) Tax #10-3455. BC
3. #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. (First 65 days 6/30/21) Tax #10-3026. BC
4. #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. (First 65 days 6/30/21) Tax #11-1780. BC

Brian Harris called for agency questions. There were none.

Motion to approve the applications listed for approval by consent was made by Joseph Rogers, seconded by Jay Schondorf, carried 6-0-0.

Pending Applications

1. #2021-050 – [35 Beechcroft Road](#) – Sound View Engineers & Land Surveyors for Panagiotis Georgakopoulos for construction of residential addition, septic system, drainage, and modification of driveway 35' from wetlands. (First 65 days 5/26/21) Tax #11-1817. BC

Robert Clausi stated the agency delayed taking action on this application last month to allow the applicant to address a clearing violation in the wetland. The proposed activities are not significant in that they will only require standard conditions to control construction.

Since last month, the applicant submitted a restoration planting plan that will adequately restore the areas cleared. A boulder demarcation proposed and it is recommended that a permanent demarcation be extended along edge of woods to north along the rubble wall. The restoration plan shows the removal of a log path through wetland however, there would be no impact if this was left. If the agency would consider leaving it, special condition #1 can be amended to state the path can be retained if owner wishes to do so.

Robert Zmarzlak of Sound View Engineers & Land Surveyors addressed the agency and is in agreement with Mr. Clausi.

Matthew Popp of Environmental Land Solutions addressed the agency. Mr. Popp is okay with the demarcation to continue north as suggested by Mr. Clausi.

Brian Harris called for agency questions.

Bill Galvin noted he agreed with Mr. Clausi about keeping the log path.

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

Joseph Rogers made a motion to approve with modification to special condition #1 to maintain the log path at the owner's discretion. The motion was seconded by Bill Galvin and carried 6-0-0.

New Applications for Review

1. #2021-055 – [483 Round Hill Road](#) – Devore Associates for Jason C. Hancock & Melissa L. Larusso – Construction of driveway, pool, deer fence, reset existing terrace, add retaining walls, remove bamboo, install bamboo barrier within and adjacent to wetlands. (First 65 days 6/30/21) Tax #10-2145. BC

Robert Clausi reviewed the proposal. Construction access will be around side of house opposite the wetlands. Maintaining erosion controls between disturbance and the wetlands should be sufficient. The applicant will need to verify the 773-foot increase in impervious coverage will disperse via sheet flow across, a variance for the proposed pool fence has been obtained, and the applicant should inform the agency if they've spoken to the neighbor about having the bamboo on their property.

Mr. Clausi went on to review the section of the watercourse that disappears under the lawn and the applicant will see if daylighting that section of the watercourse is feasible. The plan will require channel stabilization measure and the applicant suggests they will use core logs or boulders. Mr. Clausi asked for clarification for tree retention in the proposed work in the woods at the southern end of watercourse corridor and suggested adding a buffer demarcation feature along the east side of the stream planting beds to the restoration plan. The operation along watercourse needs to be supervised by a professional.

Mr. Clausi recommended the agency approve provided the applicant or agent gives enough information to the questions asked.

Diane DeVour of DeVour Associates addressed the agency responding to Mr. Clausi's report. Sheet runoff is planned, as is protecting the catch basins. There will be an automated cover on the pool that can be locked and per Joseph Cassidy, state building inspector, it conforms to the ASTM F1346. Ms. DeVour continued that in regard to the underground watercourse, they are planning to work directly with IWWA. The trees that are dead, dying or diseased have been tagged. They were not picked up on the survey but a list can be made to outline the number of trees that are proposed to be removed or do a site walkthrough with staff. Ms. DeVour stated she has spoken to the neighbor about the dying trees and they are okay with the removal of the applicant's trees but not interested in removing the ones on their property therefore the bamboo removal may not be of interest to neighbor, but she will ask. They are in agreeance with the permanent demarcation and to have all the work be supervised by a professional.

Patricia Sesto confirmed the bamboo was running and stated the agency has been charged with the enforcement associated with statutory confinement required. Because it originated from the neighbors, Ms. Sesto offered Ms. DeVour assistance in conveying to the neighboring property owners what their responsibilities are.

Mr. Clausi asked whether the maples in the southern area are proposed for removal since the focus is on dead ash and white pines. Ms. DeVour responded that she visited the site with an arborist they chose whichever they thought had decay or were possibly Norway maples.

Brian Harris suggested someone on staff do a walkthrough. Discussion ensued regarding the removal and restoration of trees and plantings. The general consensus was that staff will do a walkthrough.

Norma Kerlin confirmed that she, Joseph Rogers and Elliot Benton visited the site.

Ms. Kerlin suggested adding a reference to having someone oversee the chemical treatment of the bamboo to Special Condition #7. Discussion ensued regarding how the removal would be done and specification in the condition. A condition to add a staff review prior to tree removal will also be added.

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

Joseph Rogers made a motion to approve with modification to special condition #7 to include a site walk prior to tree removal and oversight of chemical treatment for bamboo eradication plan. Motion was seconded by Jay Schondorf and carried 6-0-0.

2. #2021-057 – [99 Overlook Drive](#) – Sound View Engineers & Land Surveyors for Mandeep Johar – construction of a pool 20’ from wetlands. (First 65 days 6/30/21) Tax #01-1140/s. BC

Robert Clausi reviewed the proposal stating it should have qualified for an Agent Approval. During the site visit he saw an additional retaining wall constructed at the southern end of the main wall within a buffer area previously excluded from development in a past permit.

The applicant and agent were made aware of the wall issue on April 1, 2021 and staff has not received a formal request the wall be considered for an after the fact permit or an additional filing fee that the agency may not require for this applicant. Mr. Clausi stated if the agency requires the removal of the wall and fill, it should be noted the fill surrounds the bottom of a trunk of a 40-inch oak and will eventually have an impact on the tree in the wetland buffer. A delay of action is recommended.

There were no outside parties to speak on this application.

Brian Harris continued the discussion until next month.

3. #2021-058 – [157 Cat Rock Road](#) – Muller Engineering, LLC for Nicholas Bavarro and Alison Tepper – Construction of single-family home, driveway, pool, patio and drainage 50’ from wetlands. (First 65 days 6/30/21) Tax #08-2328. BC

Robert Clausi stated this lot was created as part of subdivision and the agency gave a conceptual approval in 2015. The house and septic are within the approved, conceptual envelope on the previous plans for redevelopment of the lot.

DPW is looking at the drainage design and obtaining DPW’s approval should be required as a condition of approval. The drainage system designed with two rain gardens and a porous motor court will maintain peak run off rates through the 100-year storm. There will be tree removal in the upland review area. A planting plan submitted will replace canopy trees one for one and add 14 understory trees, and two dozen shrubs and perennials to the buffer around the landscape envelope. Mr. Clausi questioned the applicant’s proposed 30x50 pool that leaves 25 feet for a yard and wants to clarify the applicant is okay with the small amount of yard left.

Mr. Clausi recommended the agency issue a permit.

Thomas J. Heagney of Heagney Lennon & Slane, LLP addressed the agency. Mr. Heagney stated the client agrees the pool is large and it will be reduced. The remaining area will be planted as meadow. There are no issues with staff comments and conditions.

Brian Harris called for questions from agency, there were none.

There were no public questions or comments.

Joseph Rogers asked Robert Clausi if special condition #3 needed to be altered as it covered most of what was discussed. Discussion ensued regarding modification to the conditions. No special conditions will be modified.

Joseph Rogers made a motion to approve, seconded by Bill Galvin. Approved 6-0-0.

4. #2021-060 – [43 Lafrentz Road](#) – Ahneman Kirby for Peanut Properties, LLC c/o Ivey Barnum & O’Mara – Corrective action for unauthorized clearing of trees and vegetation within wetlands. Proposed plantings, clearing of debris, grading, fencing and other site improvements within wetlands. (First 65 days 6/30/21) Tax #10-2870. JU

Jennifer Urena stated a stop work order was issued in March for unauthorized clearing. Ms. Urena recapped the removal of ten small trees under eight inches in diameter within the upland review area, one tree 12 inches in diameter and three trees under four inches in diameter. The applicant is proposing five planting stations, 4 shrubs and 3 trees. The trees would restore the canopy and all the stations and trees planting are along buffer. An order to correct is recommended.

Ida Gheibi of Ahneman Kirby addressed the agency on behalf of Adam Shack. Ms. Gheibi reviewed Ms. Urena’s staff report and have moved the three proposed trees as suggested. Mr. Shack spoke with a planting company and is ready to move forward upon approval.

Brian Harris called for questions from the agency. There were none.

There were no public questions or comments.

Joseph Rogers made a motion to issue an order to correct, seconded by Bill Galvin. The motion carried 6-0-0.

5. #2021-061 – [O Porchuck Road](#) – Ahneman Kirby for Joe Pagliarulo – Construction of single-family home, driveway, patio, swimming pool, septic system and drainage 40' from wetlands. (First 65 days 6/30/21) Tax #10-3644. BC

Mr. Clausi stated the property is a densely wooded, undeveloped site that includes a non-disturbance easement area and dramatic topography. There is a vernal pool to the west of the house site and an environmental assessment was received by Matthew Popp. This project would develop the northwest part of property. As part of a 1998 subdivision approval, a conceptual development plan and 35 foot wide non-disturbance easement area were approved. The agency also directed a 50-foot-wide buffer to the wetlands should be maintained where feasible. The proposed development is generally consistent with that concept.

DPW completed their review and asked more information that the applicant has started to address.

Mr. Clausi questioned why the reserve leaching area is not being proposed as the primary leaching area, which is farther from the wetland. The wooded area southeast of the pool was not shown to be protected. Erosion and sedimentation controls are insufficient for the amount of grading. The construction area could be a sediment source running down Porchuck Road into the river if it is not properly contained. The applicant added retaining walls to the north east of the house but not south where the grading is being done. A biological report was received. A delay in action is recommended.

Keith Werner of Ahneman Kirby addressed the agency. The original plan submitted has been revised to meet the staff's comments. It does not address all of the recommendations or Matthew Popp's comments, but they will work to meet the staff comments and mitigation measure recommendations.

The demarcation wall is now established along the no-clear buffer, outside the non-disturbance easement. The proposed reserve septic system was not able to meet the MLSS statue, which is why the primary area was selected. Despite its adjacency, this leaching area is in a different watershed than the vernal pool. The watershed analysis has been discussed with the health department and with engineering.

Mr. Werner described alternatives investigated to limit grading. Adding retaining walls did not show a reduced amount of sitework due to height limits and needed separation between them. Mr. Werner continued that the recommended mitigation measures seem plausible and he would seek input from the engineering division about the proposed raingarden. If the agency and staff feel it the raingarden would be detrimental or act as a decoy to the vernal pool on site, then he will speak to engineering about an alternative to meet the low impact requirements for the drainage manual.

Matthew Popp addressed the agency. Mr. Popp will prepare the environmental assessment report with mitigation measures. The vernal pool appears to possess the characteristics of a well-functioning pool and the plan reflects this conclusion. They are trying to minimize disturbance on site and if the raingarden is not needed it will save disturbance. He raised the concern the garden could be a decoy pool and undermine amphibian breeding success. A wildlife barrier is proposed around the pool. Mr. Popp stated they could increase the size of the no-clear buffer. Depending on the time of year, wildlife sweep across the site could be done after the silt fence is up to relocate any wildlife and protect them from development. The plan is still in the process of being revised.

Mr. Harris stated it would it make sense to run stacked dry wall along vegetated lawn limit. Discussion ensued regarding the benefit for providing more habitat. Mr. Popp is in agreement with Mr. Harris' suggestion.

Brian Harris called for agency questions.

Elliot Benton asked if a stacked stone wall stops wildlife from moving back and forth through the area. Mr. Popp relied that it would stop them from the maintained portions of the property. Discussion ensued about shifting the demarcation to benefit the wildlife.

Patricia Sesto stated the grading that's associated with this project impacts critical terrestrial habitat of the vernal pool and the 1998 approval should be a starting point not assume a new permit will reflect the same limits. A great deal has been learned about vernal pool protection since 1998.

Ms. Sesto confirmed Joseph Rogers, Norma Kerlin and Elliot Benton visited the site.

Discussion continued. Mr. Benton stated a complete vernal pool analysis including total development in the 750-foot area should be provided.

Patricia Sesto added the wetland boundary shown does not match the contours on the plan. The boundaries of the vernal pool may or may not be correct and would alter the boundary of the 100-foot upland review area.

Keith Werner stated the development plan was decided by the least amount of impact to the existing wetland, buffer and vernal pool and any new surfaces are moving away from the vernal pool and wetland. Mr. Benton suggested tightening up the plan to minimize the amount of space being disturbed to which Mr. Werner replied the house is right up against the setback limits but perhaps the proposed pool and patio could be moved. Mr. Benton asked if they could ask for a variance to which Mr. Harris agreed and suggested IWWA could support the request for a variance. Discussion succeeded regarding moving the pool for a feasible alternative.

Mr. Popp asked about the process about the removal of the raingarden to which Ms. Sesto responded IWWA would be of assistance. Ms. Sesto asked for cited guidance regarding how long the raingarden is meant to hold water and how long would it then be considered a valid decoy. Mr. Werner said the raingarden is designed to hold water for up to 72 hours and no more than three inches of water. Discussion ensued about the raingarden operation and possibly increasing the surface area. More information is required for the raingarden.

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

The application will be continued to next month's meeting.

6. #2021-065 – [62 Khakum Wood Road](#) – Ahneman Kirby, LLC for Thomas Foley – Watercourse dredging. (First 65 days 6/30/21) Tax #10-1414. BC

Robert Clausi reviewed the proposal to dredge small watercourse areas that have accumulated sediment. Both dredge areas would be isolated with sand bags and a pump system to dewater the basin that's being mechanically dredged. The larger area is part of Khakum Lake and would be accessed from Khakum Wood Road, across the neighbor's property who gave permission for the access. The smaller area is on Mr. Foley's property and would be accessed across a sloping lawn area. Khakum Wood Association gave consent for dredging of their part of the Khakum Lake Pond. Mr. Clausi stated special condition #1 can be deleted and recommends the agency issue a permit.

Thomas Ahneman addressed the agency. Mr. Ahneman stated the project is a routine maintenance dredging to restore the natural function of the waterbodies. The lake was last dredged 20 years ago. Mr. Aheman continued that they are in agreement with the staff report and will communicate with the staff regarding activities and equipment being used.

There were no agency questions or comments.

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

Joseph Rogers made a motion to approve with the elimination of Special Condition #1 as it has been fulfilled. Seconded by Bill Galvin. Carried 6-0-0.

7. #2021-067 – [21 Lia Fail Way](#) – Edgewater Development – Installation of deer fence 12' from wetlands. (First 65 days 6/30/21) Tax #08-2422. DCA

Brian Harris restated this application has been moved from Consent Approvals due to public interest.

Doreen Carroll-Andrews reviewed the application. The homeowners are seeking authorization to maintain a metal-post and wire deer fence 12-ft from the wetland, around the perimeter of the property. The bottom of the fence should be raised six inches within the 35-foot buffer adjacent to the wetland to allow for migration of animals and free flow of water. The fence should have no short or long term impact on the wetland. Issuance of an after the fact permit recommended.

Brian Harris stated the agency received a letter and called for public comment.

Michael Krisch addressed the agency, stating he is the next door neighbor. Mr. Kirsch detailed various issues pertaining the nature of the fence and how it is incongruous with the neighborhood. Mr. Kirsch went on to say now that the fence is there, the deer are now migrating to his and other neighbor's property as well as in road. Mr. Kirsch noted there was no six-inch buffer on bottom of fence that was required by IWWA.

Brian Harris asked Mr. Kirsch if there were any main concerns relating to wetlands or watercourses aside from the absence of the six-inch buffer. Mr. Kirsch responded the stated arguments and the pictures he submitted last week represent his objections.

Renee Seblatnigg, a resident of Lia Fail Way, addressed the agency. Ms. Seblatnigg stated she was puzzled as the fence does not appear to be deer fence and the evergreen trees along the property are shoulder to shoulder. Ms. Seblatnigg stated it seemed inappropriate to use this guise of deer fence.

Michael Tebay of 10 Lia Fail Way and president of the Lia Fail Homeowners Association stated there are no other fences in Lia Fail and he endorses Mr. Kirch's view. Mr. Tebay continued that building the fence is extremely un-neighborly and if all the residents built fences, this would deprive the

surrounding wildlife. Mr. Tebay noted the applicant clear cut 50% of the forest without a permit before neighbors informed IWWA and they were subsequently served a cease and desist.

There were no other public comments or questions.

Brian Harris stated that although the fence may be unsightly for the neighbors, from a wetlands perspective and from Ms. Carroll-Andrews' analysis, this fence does not pose an impact on the wetlands or watercourse.

Elliot Benton asked Ms. Carroll-Andrews what the outcome of the 2015 cease and desist order was. Ms. Carroll-Andrews informed Mr. Benton an application was submitted and approved to correct the clearing violation, construct the residence and other associated activities. The project was completed and the bond was released.

There were no more public comments.

Joseph Rogers made a motion to approve with a modified condition stating the specified work must be completed within 6 weeks of issuance of permit. Seconded by Jay Schondorf. Carried 6-0-0.

8. #2021-068 – [540 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. (First 65 days 6/30/21) Tax #11-2091. BC

Robert Clausi reviewed the proposal which includes removal trees. However, very few of them are within upland review area. The drainage summary report states raingarden and infiltration drainage system will reduce peak runoff rates through the 50-year storm. DPW comments have been received and they requested soil test data, recommend drainage swale be rerouted to the south side of rink. There is a special condition that DPW approval needs to be obtained before sitework begins.

An email chain was shared with the agency from a neighbor to south, Helen Stark, who questioned the drainage and runoff being diverted in a different direction by activities.

Mr. Clausi is recommending the agency issue a permit.

Larry Liebman from S.E. Minor & Co., Inc. addressed the agency. Mr. Liebman stated there are no objections to the comments in Mr. Clausi's staff report. He met with DPW and is making the requested and required changes and is awaiting their approval.

Brian Harris called for questions or comments from the agency. There were none.

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

Joseph Rogers made a motion to approve with the agency's general conditions and the special conditions proposed by staff, seconded by Bill Galvin and carried 6-0-0.

9. #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. (First 65 days 6/30/21) Tax #11-1140. BC

Robert Clausi summarized the proposed actives. The property owner had a 2014 approval for a retaining wall, which was substantially built. The application seeks to reconfigure and extend the wall closer to the wetland but will not encroach within the 23-foot undisturbed buffer the agency set in 1987.

DPW is looking at drainage design and a condition of approval states they will have to obtain DPW’s approval before site work begins. There are no issues with the proposed activities however, a few trees have been removed on the property due to possible storm damage as well as logs and leaves dumped in wetland. Mr. Clausi is recommending a one-month deadline from permit receipt be set for removal of this material. The area needs to be assessed to determine the wetland and buffer enhancement plan needs to be expanded to restore any areas that were covered by the leaves and logs. Mr. Clausi recommended an approval.

Jay Fain from Jay Fain & Associates, LLC addressed the agency. Mr. Fain stated he is okay with all the comments and conditions in Mr. Clausi’s report and will comply with all the recommendations.

There were no agency questions. Patricia Sesto confirmed Joseph Rogers, Norma Kerlin and Elliot Benton visited the site.

Joseph Rogers made a motion to approve with the agency’s general conditions and the special conditions proposed by staff, seconded by Bill Galvin. The motion carried 6-0-0.

10. #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. (First 65 days 6/30/21) Tax #08-2316. BC

Robert Clausi reported the agency issued permit last month for demolition of the house, garage and shed. The planned house is located further from pond than previously existing house and the overall project has less impervious coverage than the previous site conditions. There is a small infiltrator proposed for water quality purposes and Mr. Clausi would like the applicant to address whether additional water quality measure can be installed on other roof areas to make this as beneficial to the high quality wetland as possible. A minimum of a 35-foot buffer is required. A leaf and landscaping debris pile was still there May 6 and its removal is a requirement in the previous demolition permit. Mr. Clausi recommended the agency require a soil scientist back on site to review the wetland edge as the wetland may extend further and it was inaccessible previously. Mr. Clausi recommended the agency give approval.

Robert Zmarzlak from Sound View Engineers & Land Surveyors was promoted to addressed the agency. Brian Harris asked Mr. Zmarzlak if reflagging of the wetlands would impact the proposed development. Discussion with Ms. Sesto and Mr. Clausi followed regarding the 35-feet being off the re-delineated wetland line.

Mr. Zmarzlak addressed the agency. The no-disturbance is shown at 20-feet because the garage needs to be demolished. It can be 35 overall for development.

Ms. Sesto asked Mr. Clausi if the expectation for the mitigation plan is for the 35-feet to which Mr. Clausi replied the area to the south and east of the garage needs to be enhanced, the rest to the north can stay.

Mr. Zmarzlak stated they could provide more water quality storage in the northeast corner of the house. Discussion followed. Mr. Zmarzlak noted the existing septic for the existing dwelling is about 25-feet from the eastern wetland and the new septic will be set back 60-feet.

Joseph Rogers asked Mr. Clausi about the special conditions. Discussion ensued regarding special conditions modifications. Ms. Sesto asked Mr. Clausi if the removal of the landscaping debris had a set deadline to which Mr. Clausi confirmed the applicant missed the deadline and urged the permittee to start the work. Discussion continued. Mr. Rogers stated a special condition will be added the state the demolition work needs to be completed prior to beginning this applications activities.

Joseph Rogers made a motion to approve with the agency's general conditions, the special conditions proposed by staff and all modifications to special conditions as discussed, seconded by Elliot Benton. The motion carried 6-0-0.

11. #2021-076 – [979 Lake Avenue](#) – Alberto Gonzalez for construction of pool, spa and wooden deck 7' from wetlands. (First 65 days 6/30/21) Tax #11-1164. BC

Robert Clausi is recommending the agency delay this application due to outstanding information to complete the record as outlined in the staff report. The applicant submitted a letter on May 3, 2021 explaining the applicant is attempting to do most of the work on his own.

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

The application will be delayed until next month.

Applications to Be Received

1. #2021-078 – [566 River Road](#) – S.E. Minor & Co., Inc. for Greg Pannone – Demolition of existing residence, construction of single-family home, driveway, garage, deck, fence and associated drainage 21' from wetlands. Tax #12-1560/s.
2. #2021-079 – [62 Clapboard Ridge Road](#) – Joseph Pajonas Studio for Arthur and Pamela Sanders – Construction of pickleball court, associated grading 15' from pond, relocation of playset, and enhancement of area with drainage and plantings. Tax #11-1182.

3. #2021-080 – [67 Circle Drive](#) – Muller Engineering, LLC for Nicholas Buckley – Construction of pool 60' from wetlands. Tax #01-2354/s.
4. #2021-081 – [8 Hobart Drive](#) – S.E. Minor & Co., Inc. for John & Kristin Reynolds – Construction of pool, pergola, fence, pool equipment pad and associated site work 57' from wetlands. Tax #07-1140/s.
5. #2021-082 – [94 Pecksland Road](#) – S.E. Minor & Co., Inc. for James Gould – Installation of deer fence within wetlands and wetland enhancement plantings around pond. Tax #10-1660.
6. #2021-083 – [79 Pecksland Road](#) – S.E. Minor & Co., Inc. for Gabriel Etienne & Han Wan – Construction of driveway, garage, patio, pool, pool house, walkway, fence, septic replacement and reconstruct retaining wall 31' from wetlands. Tax #10-1495.
7. #2021-084 – [883 Lake Avenue](#) – William Kenny Associates, LLC for 883 Lake Avenue, LLC c/o Adam Ullrich – Construction of single-family residence, detached garage, pool, cabana, patio, driveway and associated site improvements partially within wetlands. Tax #11-1323.
8. #2021-085 – [50 Lafrentz Road](#) – S.E. Minor & Co., Inc. for Ryan Mackenzie Farm LLC – Corrective action for unpermitted clearing of vegetation for horse paddock and pasture 50' from wetlands. Tax #10-3369.
9. #2021-086 – [1 Macpherson Drive](#) – Sound View Engineers & Land Surveyors, LLC for Peter Goulding – Construction of additions, pool, patio and drainage 9' from wetlands. Tax #07-1023/s.
10. #2021-087 – [107 Parsonage Road](#) – Suzanne Hopson – Corrective action for unpermitted clearing of trees within wetlands. Tax #11-1305.

Brian Harris made a motion to receive the 10 applications, seconded by Elliot Benton, and carried 6-0-0.

Agent Approval Permits

1. #2021-064 – [10 Ricki Beth Lane](#) – S.E. Minor & Co., Inc. for Pilar Ramos & Kaihan Krippendorff – Construction of pool, spa, and deck 80' from wetlands. Tax #12-1518/s.
2. #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.
3. #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.

4. #2021-077 – [78 Rockwood Lane](#) – Frangione Engineering, LLC for Alberto Chiesara – Construction of pool and patio 60’ from wetlands. Tax #11-1560.

Brian Harris called for agency questions. There were none.

Elliot Benton made a motion to extend the hearing for 8 Fox Run Lane, seconded Bill Galvin and carried 6-0-0.

Adjourn

With no further business, the meeting adjourned at 10:08 pm.

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.