

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
June 12, 2017**

Members present: Chairman Brian Harris, Jay Schondorf, Jo Rogers, Elliot Benton,
Norma Kerlin

Alternates present: Peter Linderoth

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

Others present: Larry Liebman, Peter Finkbeiner, Diana Litchfield and Mr. Litchfield,
Tom Heagney, Matt Popp, Sanle Zhang and Yanping Li, Bill Kenny

1. Call to Order

Chairman Harris called the meeting to order at 7:02 p.m.

2. Seating of alternates

Peter Linderoth was seated as an alternate.

3. Approval of draft minutes of May 22, 2017

Jo Rogers made a motion to approve the minutes of May 22, 2017, second by Peter Linderoth. The motion carried 6-0-0.

4. Compliance Summary

Doreen Carroll-Andrews reviewed the contents of the 2nd quarter compliance summary. Additionally, Ms. Carroll-Andrews reported on the knotweed control work of the department's two interns. Both will be finishing their time with the agency by the end of June.

5. Other business

Patricia Sesto presented modifications to the subdivision site plan for 500 Lake Avenue, previously approved in 2016. The project is now before P&Z and that commission has directed the applicant to serve the three houses off of Lake Avenue. The revised plan eliminates the access from Round Hill Road, however no new IWWA regulated activities result from the change. Ms. Sesto asked the agency if they would consider this a field change. After a brief discussion, it was the expressed consensus of the agency to deem the changes to be consistent with the previously issued permit.

I. Consent Approvals

1. #2017-068 – 40 Buckfield Lane – Randall Greene – Tax #10-1533 – for chemical treatment of a pond.
2. #2017-069 – 1 Partridge Hollow Road – William Hood – Tax #10-3459 – for chemical treatment of a pond.
3. #2017-076 – 56 Londonderry Drive – Emily Ragsdale – Tax #11-2536 – for an herbicide pond treatment.

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

A motion to approve the applications with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Norma Kerlin and carried 6-0-0.

II. Pending Applications

1. #2017-054 – 8 Sioux Place – Luis Morocho – Tax #09-1789/s – for new landscaping, garage violation.

Doreen Carroll-Andrews described the nature of this March 2017 violation as being a reconstruction of the garage and retaining walls. In response to the agency's questions at the last meeting, it was determined the retaining walls are high enough to require engineering. This will be overseen by the Building Division. Ms. Carroll-Andrews recommends plantings between the work area and the stream and on the banks of the stream. The applicant is requesting a permit to also clean up some debris and selective plants.

Ms. Carroll-Andrews recommended the Agency issue an order to correct this application.

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

III. New Applications For Review

1. #2017-067 – 36 Sherwood Avenue – Diana Litchfield – Tax #10-2626 – for corrective action application for replacement of existing deck, remove hazardous trees, and installation of a fence 40' from wetlands.

Patricia Sesto explained the activities of the violation as being the reconstruction of a deck and clearing in close proximity to the pool and house. The wetlands envelope the northern and western portions of the site and the trees were in conflict with the residential structures. Diana Litchfield, property owner, addressed the agency and detailed the plans to restore the impacted area. Pussy willows are proposed, eight feet on center along the back row, followed by winterberry in the middle row and a low growing clethera in the front. The pussy willows will be 6 feet in size and the shrubs will be 2-3 feet.

Elliot Benton made a motion to issue an order to correct with the Standard conditions, normal special conditions, and the additional special condition that Special Condition #1, as proposed by staff, be modified to reflect the testimony of Ms. Litchfield, seconded by Jo Rogers and carried 6-0-0.

2. #2017-078 – 40 Locust Road – Sanle Zhang & Yanping Li – Tax #10-1594 – for construction of a new barn, greenhouse, and animal coops in wetlands

Bob Clausi detailed the elements of the project as being the demolition and reconstruction of a barn, new paddock fencing, and a garden. Each of these elements qualifies as exempt from regulation in accordance with the description in section 4 of the agency's regulations. The applicant is also seeking to relocate a generator and add 6 inches of sandy loam and 2 inches of topsoil over the paddock areas to smooth them out. The paddocks are designated wetlands and the fill is specifically identified as not being exempt, even for agricultural uses.

Mr. Clausi questions what alternatives there are to adding fill to the wetlands. Could regrading solve the issue of uneven topography. Additionally, although not required, a horse management plan would be useful to have on file. The plan was modified to move the eastern fence line away from the trees along the stonewall and the gap in the wall will not be closed. New York DEP submitted a letter as the property is in a public drinking supply watershed. Mr. Clausi identified several relevant comments the applicant should address.

Peter Finkbeiner, Soundview Engineering, addressed the agency. The site has a long history of hosting horses and the wetland was previously filled to make it more suitable for use as a paddock. The fill has subsequently settled, creating uneven terrain and a safety hazard. The area no longer looks like a wetland and its surficial wetland functions have been eliminated. The equestrian use, which has been ongoing for more than 50 years, extends onto the neighboring property and an adverse possession suit is in progress. When this legal matter is resolved, the applicant intends to return with a plan to improve the riding ring and restore an area of previously impacted wetlands west of the ring. The restored area is on the subject parcel and extends over into the property in dispute.

Included with the plan to fill the wetland, a berm will be created around the pond to keep paddock runoff from entering it. The sandy loam will provide a filtration medium. Overall, no wetland ecology will be impacted.

Brian Harris asked why this application doesn't include the mitigation plantings as much of what was described falls on the subject property. Mr. Finkbeiner agreed this could be done now and added the 4- inch outlet pipe from the pond could be removed to keep potentially

polluted water from discharging directly to the functioning part of the wetland. The berm will be part of a 2-foot wide buffer from the paddock to the pond.

Patricia Sesto asked why the uneven terrain could not simply be regraded; what is the purpose of the fill. The statute specifically removes filling from the activities allowed as of right in association with agriculture. Mr. Finkbeiner responded the fill will level out the area. The paddocks will be smoothed over and then the sandy loam added, then the top soil. Sesto again questioned, if the paddocks are going to be smoothed over first, then what is the purpose of the fill.

Elliot Benton continued to question the fill, asking how much fill can be added to a wetland before it no longer qualifies as a wetland. William Kenny, of William Kenny Associates, LLC, addressed the question, stating mineral soils need two feet of fill and organic wetland soils somewhat less. Mr. Kenny referred to his soil report which identifies the wetland/manmade upland is a patchwork in the paddocks due to past filling. For simplicity, the entire area was deemed a wetland. This site has about 12 inches of previously deposited fill and with the additional eight inches proposed, more area could be declassified as a wetland. The past excavation of the pond also served to lower the water table.

Elliot Benton reiterated his point to create safe terrain by regrading with no fill. Brian Harris requested the mitigation plan be made part of this proposal. And Bob Clausi restated the need for a horse management plan, respond to the DEP letter, and define the proposed plantings.

Elliot Benton made a Motion to Delay action, seconded by Jo Rogers, and carried 6-0-0.

3. #2017-079 – 293 Lake Avenue, Lot 1 – 293 Lake Avenue LLC – Tax #07-1471/s – for demolition of the existing residence, construction of a new single family residence, pool, pool house, porch, drainage, grading and landscaping 32' from wetlands.

Members Kerlin and Schondorf were identified as having visited the site.

Patricia Sesto reviewed the proposal, stating this is a redevelopment of a residential property. The site's most significant feature is a steep, 30-80% slope to the east of the house. The proposed residential development is wholly contained within the existing limit of disturbance.

Sesto raised concerns regarding the ability to maintain the trees at the top of the slope, given the proposed pool is within 8 feet of the top of the slope. The need for underdrains associated with the pervious pavement has not been substantiated, and the level spreader on the 80% slope should be relocated. Lastly, the stream has apparent iron deposits and no mention of this condition or possible cause was noted in the site assessment.

DPW has only provided a preliminary review and there are no substantive issues which would alter the plans to any notable degree.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant and reviewed the question and response to each of Ms. Sesto's comments. The pool house has been removed and the pool shifted north to provide a greater separating distance to

the top of the slope. No trees on the slope are proposed for removal and the level spreader will be eliminated from the slope and the pipes will discharge at the existing stonewall. Mr. Liebman attributed the iron deposits to natural precipitation of iron from groundwater feeding the stream. No testing was conducted.

Jo Rogers requested the water be sampled to confirm the absence of pollution.

Ms. Sesto challenged the point of discharge with the elimination of the level spreader. The wall is running perpendicular to the slope at that location and discharged water will run along the wall base rather than filter through the wall. Mr. Liebman agreed to install a level spreader parallel to the regraded slope near the southern property line.

A Motion to approve application IWWA #2017-079 with the Standard and Special Conditions proposed by staff and the additional Special Conditions to test the water quality in the stream and remove the underdrains if not required as per the Drainage Manual was made by Jo Rogers, seconded by Elliot Benton, and carried 6-0-0.

4. #2017-080 – 293 Lake Avenue, Lot 2 – 297 Lake Avenue LLC – Tax #07-1470/s – for construction of a new single family residence, driveway, parking court, pool, drainage, grading and landscaping 6' from wetlands.

Members Kerlin and Schondorf were identified as having visited the site.

Patricia Sesto described the proposed residential development on this vacant lot. As with 293 Lake Avenue, this parcel is characterized by a very steep slope to the east down to a wetland and stream corridor. Several old retaining walls were built on the slope for unknown reasons.

Ms. Sesto comments included the recommendation to plant the slope behind the driveway and retaining wall, provide a cross section through the pool and old retaining wall, remove any underdrains below the pervious pavement unless substantiated, and relocate the anti-tracking pad out to Chapman Lane. Sesto also requested the applicant discuss the increase in total runoff volume proposed and asked if the structure of the old retaining wall off the northeast corner of the lower Cultec unit was sufficiently sound to take the disruption. An easement is needed to accommodate the drive crossing onto 293 Lake Ave., and this document was submitted just prior to the meeting.

Matt Popp of Environmental Land Solutions, LLC submitted a planting plan pursuant to Ms. Sesto's recommendation. Ms. Sesto acknowledged it addressed her concern.

Larry Liebman of S.E. Minor & Co., Inc. reviewed the comments of the staff report. The Cultec unit has been moved away from the retaining wall for added assurance, although the wall was deemed to be sound. A cross section was provided. The silt fence was adjusted and a second anti-tracking pad was added. Mr. Liebman stated the increase in the volume of runoff is to be expected given this is an undeveloped lot.

Brian Harris questioned the reasoning justifying the additional runoff volume and the ability of the old stone retaining wall to handle the disruption of the discharge pipe.

Elliot Benton requested the applicant provide information regarding down gradient flooding characteristics.

Brian Harris made a Motion to Delay action, seconded by Elliot Benton, and carried 6-0-0.

5. #2017-081 – 200 Guards Road – 200 Guards Road CT LLC – Tax #11-3188 – for installation of a dock on Converse Lake.

In the absence of consent from the property owner, discussion was tabled.

Brian Harris made a Motion to Delay action, seconded by Jo Rogers, and carried 6-0-0.

IV. Agent Approvals

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

1. #2017-071 – 1 Smith Road – Stephen Freidheim for replacement of a patio with a terrace 35’ from a pond and construction of a water feature. Tax #02-1404
2. #2017-072 – 58 Oneida Drive – Oneida Indian Harbor, LLC for renovating the gravel driveway, installing native enhancement plantings, and creating a mulch path within 100’ of a wetland and pond system. Tax #02-1153
3. #2017-075 – 97 Pecksland Road – JRF Land Enterprises for installing a woodchip trail 35’ from a wetland and landscaping. Tax #10-3665

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

V. Bond Releases

1. Application #2012-038 – Permit #2012-042 for Marsha Mifflin – 34 Anderson Road. The \$6,000 bond is to be returned to Kenneth and Marsha Mifflin.
2. Application #2013-160 - Permit #2014-001 for Jayen and Manini Madia – 22 Oak Drive. The \$10,000 bond is to be returned to Jayen and Manini Madia.
3. Application #2014-058 - Order #2014-012 for Dauvin and Vidisha Peterson – 15 Wilshire Road. The \$3,000 bond is to be returned to Dauvin and Vidisha Peterson.
4. Application #2015-016 – Order #2015-003 for Alan Buick, Jr. and Ping Hsin Sung – 6 Wilshire Road. The \$3,000 bond is to be returned to Alan Buick, Jr. and Amy Ping-Hsin Sung.

5. Application #2015-021 – Order #2015-04 for Todd Khoury – 59 Hillside Drive. The \$3,000 bond is to be returned to Todd and Laura Khoury.
6. Application #2015-186 – Agent Approval #2016-002 for Katherine Vance Hynes – 3 Cloverleaf Lane. The \$2,000 bond is to be returned to Katherine V. Hynes.

A motion to release the bonds was made by Elliot Benton, second by Jo Rogers and carried 6-0-0.

VI. Other Business

a. General Procedural Discussion

- Revenues

Ms. Sesto conveyed the three-year pattern of revenues some \$75,000 above expenses. In an effort to tighten this gap somewhat, she asked the agency to consider adjustments to reduce revenues and suggested the agency consider the “green sheet” fee or perhaps the fee for excess wetland acreage.

Discussion ensued. Brian Harris supported reducing or eliminating the green sheet fee as there are some inequities regarding the amount of work needed to complete this task. It is also a reduction which would affect a broad band of customers.

A Motion to approve eliminating fee for Green Sheets for FY18 was made by Elliot Benton, seconded by Jo Rogers, and carried 6-0-0.

VII. Adjourn

With no further business, the meeting adjourned at 8:49 p.m.

Patricia Sesto
Director