MINUTES
June 22, 2020

In attendance: Elliot Benton, Vice Chairman, Stephan Skoufalos, Secretary, Joseph Rogers, Bill Galvin, Jay Schondorf, Norma Kerlin, Klaus Jander

Also in attendance: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carroll-Andrews, Senior Compliance Officer; Larry Liebman and Peter Finkbeiner, S.E. Minor; Thomas Heagney, Heagney, Lennon and Slane; Ron Steinvurzel, Steinvurzel & Levy; Sal Tiano, Crossland Engineering; Keith Werner; Bryan Muller, Soundview Engineering; Eric Brower; Cindy Lyall, 29 Caroline Place

Agency Session – 7:00 p.m.

1. Call to Order
   
   Vice Chairman Benton called the meeting to order at 7:10pm.

2. Seating of alternates
   
   Klaus Jander was seated.

3. Review and approval of draft minutes of April 27, 2020 and May 18, 2020 meetings.

   Joseph Rogers made a motion to approve the minutes of April 27 and May 18, 2020, seconded by Norma Kerlin, and passed 7-0-0.

4. Director’s Report
   a. Monthly Summary – no report

5. Other business

   To accommodate a technical issue, the agenda was reordered.
**Consent Approval**

1. #2020-024 – 9 Dialstone Lane – Anthony and Joanna Antonucci for construction of pool, patio, and retaining wall 8 feet from wetlands. Tax #05-2255 (90 day extension 7/28/20) BC

2. #2020-053 – 510 Valley Road – Rocco V. D’Andrea, Inc. for Scott and Kristen Studwell for pool, patio, and drainage, and fence in and adjacent to wetlands. Tax #08-2320/s (first 65 days 7/1/20) BC

3. #2020-056 – 23 Shannon Lane- J. Bond Septic Service for Billie Degruchy for new septic system 50 feet from wetlands. Tax #08A-1300. (first 65 days 7/22/20)

Jo Rogers made a motion to approve the applications listed for consent approval, seconded by Bill Galvin, and passed 7-0-0.

**Applications to Be Received**

1. #2020-062 – 260 Riverside Avenue – Christine and William Ruskin to legitimize unauthorized deer fence within and adjacent to wetlands. Tax #05-2404. (first 65 days 8/26/20).


3. #2020-065 – 382 Riversville Road – Murphy Brothers Landscaping for Eagle Hill Foundation Inc. for replacement of septic system 40' from wetlands. Tax #10-1606. (first 65 days 8/26/20).

4. #2020-066 – 31 Baldwin Farms North – Rocco V. D’Andrea, Inc. for Bobby Ben-Simon and Tamar Ben-Simon for relocation of pool and pool house 24 feet from wetlands. Tax #10-2627. (first 65 days 8/26/20)

5. #2020-067 – 18 Mimosa Drive – Rocco V. DAndrea, Inc. for Brendan and Leigh Moynihan for construction of retaining wall and removal of shed 65 feet from wetlands. Tax #08-3783/s. (first 65 days 8/26/20).

6. #2020-068 – 27 Perkins Road – Muller Engineering LLC for Christopher and Kasey Musumeci for additions, patios and drainage 30 feet from wetlands. Tax #11-2188. (first 65 days 8/26/20).

7. #2020-069 – 137 Valley Drive – S.E. Minor & Co., Inc. for Serenity Estates Holdings LLC for installation of fence and plantings 12’ from wetlands. Tax #07-2825. (first 65 days 8/26/20).

9. #2020-071 – 301 Round Hill Road and 0 Round Hill Road – S.E. Minor for Melvin and Mary Powers to correct unauthorized tree removal and placement of wood chips within wetlands. Tax #’s 10-3023 and #10-1485. (first 65 days 8/26/20).


11. #2020-073 – 13 Field Point Drive – Rocco V. D’Andrea Inc. for 13 Field Point Drive LLC for demolition and construction of single family residence, driveway, pool, and retaining walls 25 feet from wetlands. Tax #02-1253. (first 65 days 8/26/20).

12. #2020-074 – 68 Lockwood Road – S.E. Minor & Co. for Sebastian & Betriz Canale for installation of pool, pool fence, patio, drainage and plantings adjacent to wetlands. Tax #05-2809. (first 65 days 8/26/20).


Jay Schondorf made a motion to accept the applications listed on the agenda, seconded by Bill Galvin, and passed 7-0-0.

Quarterly Compliance Report

Doreen Carroll-Andrews summarized the agency activities for the second quarter of 2020. The pandemic has impacted the level of service sought by the public over the last three months, with 158 green sheets submitted as compared to 192 for the same quarter in 2019. New applications were down for April and May but rebounded in June with 14 new applications. The number of agent approvals was higher for the quarter due to more liberal determinations of the standards for agent approvals and submission of less complex projects. Indices under the control of the staff, such as site inspections and bond releases, remained equivalent to or higher than those of 2019.

Public Hearings

1. #2019-153 – 42 Dublin Hill Drive – Rocco V. D’Andrea, Inc. for LMB Dublin Hill, LLC for construction of single family residence, driveway with wetland crossing, pool, septic system, and drainage within and adjacent to wetlands. Tax #08-2590 (90 day extension 8/4/2020) BC

Bob Clausi stated the applicant has asked the hearing to be continued to the July meeting. Mr. Benton called for public comment. There was none.
2. #2020-010 – 306 Round Hill Road - S.E. Minor & Co., Inc. and Eric Brower, AICP for Christopher Pollack for maintenance of dam, dry hydrant, and installation of restoration plantings within wetland and watercourse. Tax #10-1018 (90 day extension 9/1/20) BC

Bob Clausi read the additional information into the record. He noted the DPW comments called out several inadequacies of the submission. The changes in the proposal include the elimination of a dry hydrant, the spillway will be reduced in height by one foot and a notch weir added to accommodate fish passage, dredging four feet of depth behind the dam, and additional details regarding the closure of the diversion channel were added. The channel is proposed to be lined with bentonite, filled over, and planted with shallow-rooted plants, such as sedges. The planting plan for the cleared banks is good.

Eric Brower addressed the agency, stating the goal is to create equal water levels on both side of the remnant dam. Larry Liebman, S.E. Minor, expanded upon the project tasks, stating, in addition to modifying the dam, four feet of the river behind the dam will be excavated. The depth of excavation is a function of how much fill is needed to close off the diversion channel.

Discussion ensued regarding the planned excavation. Ms. Sesto stated she was opposed to excavation in the watercourse for the purpose of creating fill material. This impact to the watercourse is avoidable. Further, ponds in watercourses are a source of thermal pollution. Mr. Liebman believed there is accumulated sediment behind the dam that could be used for fill but had not done on-site investigation to establish how much was there. Elliot Benton questioned the potential for contaminants in the sediment. Mr. Brower responded the only upstream industry was a grist mill dating back to the 1700’s.

Jay Schondorf asked how the applicant came to propose the dimension of the notch in the dam. The applicant was questioned as to why not take out the entire dam. Mr. Brower indicated the structure of the dam continues into the bank of the river. Mr. Liebman stated the dimension of the notch was based solely on the width of the low-flow culvert. Mr. Benton further questioned the plan and how it will meet the goal of fish passage. Ms. Sesto expressed her doubts, stating she has not heard testimony or read in the application materials the reasoning behind what is being proposed and how they figure into the design.

Jo Rogers questioned the velocities of the proposed weir notch and how they compared with that of the fish ladder. Mr. Liebman stated the dam will overtop by five inches in a one-year storm event and seven inches in a 100-year event. The damn does not hold back storm water. The velocity of the notch should be the same as the fish ladder as shown in the typical detail of the fish ladder sent by Steve Gephardt, CT DEEP. This was challenged by staff and members, given the dimensions of the notch vs. overtopping of the damn, tailwater, and velocities that do not appear to have been considered.

Staff was directed to contact outside consultants to assess the proposal.

Mr. Benton called for public comment. There was none.

The hearing is continued to the July 27th meeting.
3. #2020-013 – 8 Hickory Drive – Sound View Engineers & Land Surveyors, LLC for Yury Sofman for construction of a single family residence, driveway, drainage, and relocation of a watercourse. Tax #09-2473/s (90 day extension 9/1/20) BC

Robert Clausi reviewed the changes to the plans. The deck is smaller, boulders to mark the limit of lawn have been added, erosion and sedimentation controls have been revised, and more trees are to be preserved. DPW review of the plan is satisfactory for this agency’s needs.

Mr. Clausi supported approval of the application, including having the applicant utilize an arborist to safeguard the health of the trees with prophylactic care and assistance during construction.

Thomas Heagney, Heagney, Lennon & Slane, addressed the agency, stating he and his client are in agreement with Mr. Clausi’s recommendations.

Mr. Benton called for public comment. Cindy Lyall of 29 Caroline Place expressed concern with the volume of runoff that will be generated by the development. Her neighborhood is the recipient of water via the onsite stream and she doesn’t want her property damaged.

Hearing no further comments from the agency or public, Stephan Skoufalos made a motion to close the hearing, seconded by Bill Galvin, and carried, 7-0-0.

Elliot Benton made a motion to approve IWWA#2020-013 with the agency’s normal general conditions and the special conditions proposed by staff, seconded by Stephan Skoufalos, and carried 7-0-0.

4. #2020-014 – 0 Hickory Drive - Sound View Engineers & Land Surveyors, LLC for Yury Sofman for construction of a single family residence, driveway, and drainage 15 feet from wetlands. Tax #09-2472/s (90 day extension 9/1/20) BC

Bob Clausi reviewed the changes since the last hearing. He stated the house footprint is unchanged and is still quite close to the watercourse on 8 Hickory. Given the proximity of the watercourse to both houses, he stressed the need to ensure each house is built independently; there should not be workers and materials crossing back and forth between parcels.

Mr. Clausi reminded the agency of the smaller house footprint associated with Alternate B, shown in connection with a three-lot concept. He stated this house footprint is preferable as it gives greater separating distance to the watercourse: 9 vs. 26 feet. This is especially valuable to protect against short term impacts during construction. The applicant has added a six-foot chain-link fence to the plan to assist in controlling the construction zone.

Additionally, the erosion and sedimentation control plan has been updated, the eastern limit of lawn has been pulled back and is proposed to be marked with boulders, and DPW comments are satisfactory. The level spreader, which was questioned last time as it relates to tree preservation is still in the same location.
Thomas Heagney, Heagney, Lennon, and Slane, represented the applicant. He stated the smaller house associated with Alternate B was strictly associated with the three-lot concept. Without the third lot, he stated there is no reason to consider the smaller house. The chain-link fence can be extended west to Hickory Drive and east to the limit of disturbance to ensure the construction envelope stays intact. Mr. Heagney offered to have an environmental monitor inspect the site for compliance during construction.

Bryan Muller, SoundView Engineering and Surveying expanded on the discussion of protection the stream during construction. He stated the retaining wall could be built first to delineate the construction boundary, with the chain-link fence extending east and west from it. The level spreader will be installed by hand to minimize impact to the adjacent trees’ roots. In response to Mr. Clausi’s concern, Mr. Muller stated there will be enough room to get around the south side of the house; no large equipment is needed to the east.

Ms. Sesto questioned Mr. Heagney with regards to proposed larger house vs. a three-lot subdivision. Should the agency accept the larger house, what assurance to they have that a deal with the southern lot wouldn’t be made that enables the third lot to be built anyway. Mr. Heagney offered to have an easement over the lot from the 54 foot contour and land to the east or an area consisting of 12,000 sq.ft., whichever has greater area, to eliminate the ability to subdivide the lot.

With no further questions from the agency, Mr. Benton called for public comment. There was none.

Norma Kerlin made a motion to close the hearing, seconded by Jo Rogers, and carried, 7-0-0.

Bill Galvin made a motion to approve IWWA# 2020-014 with the agency’s normal general conditions and special conditions proposed by staff and the additional special conditions that (1) the site plan will be revised to extend the chain-link fence from Hickory Drive to the eastern limit of disturbance, tying into the northern retaining wall, which will be constructed first, (2) the applicant will fund an environmental monitor on behalf of the agency, and (3) a conservation easement will be placed on a portion of the eastern part of the lot, encompassing the land east of the 54 foot contour or 12,000 s.f., whichever is greater, seconded by Jo Rogers, and carried 7-0-0.

Pending Applications

None

New Applications for Review

1. #2020-015 – 7 Dublin Hill Drive – Ahneman Kirby, LLC for William and Anne Kneisel to maintain repair of pond spillway within wetlands. Tax #08-2694 (first 65 days 7/22/20) DCA

Doreen Carroll Andrews introduced the application, describing it as originating from a violation whereby a low dam was raised by 2.7 inches. A drainage report was submitted,
and it concludes the modification of the dam presents no changes to the flows or upstream land. The review by DPW finds the report to be acceptable.

The Dam Safety Division of CT DEEP classifies the dam as AA, meaning it poses a negligible threat to downstream areas. While the dam needs to be registered, the jurisdiction of the work falls to this agency.

A naturalized buffer approved in a previous permit is no longer evident and Ms. Carroll Andrews made recommendations to correct this.

Stephan Skoufalos made a motion to issue an order for IWWA 2020-015 with the conditions provided by staff, seconded by Joseph Rogers, and carried, 7-0-0.

2. #2020-055 – 94 Peckland Road - S.E. Minor for James Gould to correct violation for removal of foundation walls and site grading adjacent to wetland. Tax #10-1660. (first 65 days 7/22/20) DCA

Doreen Carrol Andrews described the nature of the violation stemming from the unpermitted removal of a foundation and subsequent regrading. The application includes restacking a dry laid stonewall and planting fruit trees. Additionally, the applicant is seeking permission to remove two trees described as dead. Ms. Carroll Andrews contradicted this description, noting one tree was alive. She recommended the live tree remain and the dead tree be topped to leave the trunk standing.

Larry Liebman, S.E. Minor & Co., concurred with Ms. Carroll Andrews recommendations.

Joseph Rogers made a motion to issue an order for IWWA 2020-055 with the Agency’s general conditions and the special conditions proposed by staff, seconded by Bill Galvin and carried, 7-0-0.

3. #2020-057 – 35 Cooper Beech Road - Murphy Brothers Landscaping LLC for Ryan & Alison Willingham for replacing septic system and remove/rebuild front porch 15 feet from wetlands. Tax #11-2549. (first 65 days 7/22/20) BC

Robert Clausi described the status of the leaching system. Consultants for the homeowners deemed the system to be failing, however, the Town Health Department did not concur. The site was thoroughly tested, and the proposed location has the best soil. The new leaching fields will be slightly farther from the pond than the existing field.

Elliott Benton made a motion to approve IWWA 2020-057 with the Agency’s general conditions and the special conditions proposed by staff, seconded by Joseph Rogers, and carried, 7-0-0.

**Agent Approval Permits**

1. #2020-058 – 30 Old Stone Bridge Road – Murphy Brothers Landscaping LLC for Rowley Douglas for 100% septic reserve area 60 feet from wetlands. Tax #08A-1530.
2. #2020-059 – 80 Glenville Road – Environmental Land Solutions, LLC for Jude & Mary Kate Donato for new deck and modification of existing patio 35 feet from wetlands. Tax #07-1323.

3. #2020-060 – 44 Calhoun Drive – Rocco V. D’Andrea, Inc. for 44 Calhoun Drive Trust No. 1 and No. 2 for designation of a septic reserve area 60 feet from wetlands. Tax #07-1124.

4. #2020-061 – 10 Plow Lane – Alex Orbanowski for construction of a deck 30 feet from wetlands. Tax #07-1965.

5. #2020-063 – 45 Midwood Road – Ahneman Kirby, LLC for Scott Anderson for construction of a basketball court, modification of a patio and construction of a new patio 45 feet from wetlands. Tax #07-1370/s.

**Violations**

1. Cease & Correct Order #2018-017, 225 Stanwich Road for failure to provide written authorization to the neighbors to submit an application to correct the violation at and around the dam on 225 Stanwich Road. Tax ID# 08-2696. DCA

Joseph Rogers recused himself.

Ms. Sesto clarified the violation description. The owners of 225 Stanwich Road are maintaining a violation by virtue of not allowing the owners of 8 Dublin Hill Road, who are responsible for the violation, to pursue corrective action.

Doreen Carrol Andrews read the documents into the record. The owners of 225 Stanwich Road, the Hemplemans have not granted the owners of 8 Dublin Hill Road, the Hochburgs, permission to remedy the work the Hochburgs did on the Hempleman’s property. The work was conducted adjacent to a waterbody and watercourse. Given the impasse, the Agency must take the issue up with the Hemplemans directly.

Thomas Heagney, Heagney, Lennon, and Slane, representing the Hochburgs, addressed the Agency, stating a productive meeting took place today between the two property owners. He believes his clients can meet the July 15 deadline suggested by Ms. Carroll Andrews for submission of a corrective action application.

Ron Steinvurzel of Steinvurzel and Levy, representing the Hemplemans, addressed the Agency. He concurred the meeting was productive and was tentatively in agreement that the July 15th deadline was workable.

Elliot Benton made a motion to uphold the Cease and Correct Order 2018-017, seconded by Bill Galvin and carried, 7-0-0.

2. Cease & Correct Order #2020-005, 24 Stillman Lane for unauthorized clearing of trees and other vegetation within upland review area. Tax ID# 07-3040. JU
Joseph Rogers was reseated.

Robert Clausi described the violation whereby the entire back of the lot was cleared and grubbed. The property owner has been responsive and will be pursuing corrective actions.

Klaus Jander made a motion to uphold cease and correct order 2020-005, seconded by Stephan Skoufalos, and carried, 7-0-0.

**Other Business**

1. #2017-154 – 82 Buckfield Lane – MTM Construction Group for Michael Grunberg for installation of a wooden fence in wetlands. Tax #10-1741 DCA

Due to technical difficulties, Ms. Carroll Andrews dropped from the meeting.

Ms. Sesto recounted the directives to staff as of the last meeting and the questions at hand. She and Ms. Carroll Andrews inspected the fence along the eastern boundary and saw no evidence of cement used for footings and confirmed gaps in the mesh are present at 16-foot intervals along the length of the fence. The reconfiguration of the fence from what was approved via the permit to what was installed was authorized as a field change by staff. It was staff’s opinion that the reconfiguration did not deviate from the intent of the permit, nor did it present any new regulated activity. The mesh was authorized with the three inch gaps, so the fence could also be utilized as a pool fence. The original permit condition required a six inch gap below the fence to facilitate wildlife movement.

Ms. Carroll Andrews rejoined the meeting.

The Agency is being asked to affirm both of these staff decisions. Discussion ensued.

Elliot Benton made a motion to reject staff’s decision to consider adding mesh to the base of the fence as a field change, seconded by Jay Schondorf and carried, 6-1-0. Mr. Jander voted against.

Elliot Benton stated he could support the field change regarding the fence configuration. Each member stated their agreement.

2. 0 Aiken Road – declassify a lined ornamental pond as a regulated area. PS

Ms. Sesto explained that when the Agency reviewed the subdivision, the ornamental pond was deemed a waterbody. The pond is actually fully lined. The soil scientist has revised his determination and the request is to have the Agency acknowledge the ornamental pond is not a watercourse.

Elliot Benton made a motion to declassify the ornamental pond at 0 Aiken Road as a watercourse, seconded by Joseph Rogers, and carried, 7-0-0.
Adjourn

With no further business, the meeting adjourned at 9:40 pm.

[Signature]
Patricia Sesto
Director

The Town complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for persons with disabilities. If you require an accommodation to participate, please contact the Commissioner of Human Services at 203-622-3800 or alan.barry@greenwichct.org as soon as possible in advance of the event.