1. Call to Order

Chairman Harris called the meeting to order at 7:04 p.m.

2. Seating of Alternates

Klaus Jander was seated.

3. Approval of draft minutes of May 20, 2019

The minutes of May 20, 2019, were approved 5-0-0.

4. Director’s Report

5. Quarterly Compliance Report

Doreen Carroll-Andrews reviewed the quarterly summary.

6. Other Business

Bill Galvin asked if the town is proactively addressing non-native species management at the town golf course. Mrs. Sesto responded this would be in the purview of Parks and
Recreation. She will contact Dr. Greg Kramer, Parks and Trees Superintendent to see if he will be addressing this.

1. **Public Hearing Applications**

1. **#2019-024 – 3 & 7 Hillside Road and 505 East Putnam Avenue – Rocco V. D’Andrea, Inc. for Milbrook Crossing, LLC for renovation and construction of additions to residences to create 16 dwelling units in three buildings, construction of driveways with watercourse crossing, and installation of utilities, drainage, and landscaping. Tax #07-1266, #07-2136, #07-1388 (additional 65 days 7/3/19)**

This application was withdrawn at the applicant’s request.

2. **#2019-037- 47 Fairfield Avenue – Milone & MacBroom for Greenwich Country Day School for athletic fields, accessory buildings and landscaping, retaining walls, and parking areas 5’ from wetlands. Tax #11-4013 (additional 65 days 7/31/19)**

Patricia Sesto reported there was no new information regarding this application.

3. **#2019-050 – 7 Fairway Lane – Sound View Engineers and Land Surveyors for CLT Fairway, LLC for two lot subdivision 28’ from wetlands. Tax #11-1026 (first 65 days 6/26/19)**

Robert Clausi reviewed the new information submitted since the last meeting. DPW has approved the stormwater management plan and land record documents have been provided to establish the applicant’s right to access the western lot through the center island in the road. The validity of this conclusion will be determined during P&Z review.

Mr. Clausi reviewed his staff report. The revised plans represent an improvement over the previous submissions. The limit of meadow has been extended across a small section of the front yard, a retaining wall has been added to protect the 30” maple, and a limit of lawn demarcation has been added. The E&S controls are insufficient given the extent of disturbance proposed, and additional silt fence is warranted. Cross-sections have also been provided.

Bill Galvin was identified as having visited the site.

Bryan Muller further described the changes to the site plan. He also described the site’s history, having been developed in the late 1950’s to early 60’s. At that time, substantial regrading took place and disturbed soils are prevalent throughout the site. This fill requires the leaching fields to be located at the southern end of the site where there is less fill. The plan’s modifications allow greater preservation of the site’s trees, saving 36.

Mr. Muller reviewed the deed information, which he stated establishes the right to access to the western lot, as the site was originally two lots.
Bill Galvin questioned the extent of filling. Mr. Muller responded the 3,000 cy of fill is needed to create functional lots in terms of stormwater management and septic. Mr. Galvin sought ways to reduce the amount of fill and proposed a retaining wall along the proposed 72-foot contour.

Mr. Muller was supportive of a wall, but not at that location. Discussion ensued regarding the desired finished grades, the perception of giving up property, and the value of the proposed planting plan in the open space. Sesto questioned the genesis of the limit of lawn, observing it was a function of property lines, not ecological considerations for wetland protection.

Brian Harris suggested the wall be placed at the proposed 70-foot contour, to which Mr. Muller agreed.

Steve Danzer, soil scientist, Professional Wetland Scientist, and licensed arborist, addressed the agency. He expressed support for the location of the retaining wall associated with the 30-inch maple. He stated the value of the watercourse system is determined by the upstream watershed. The watercourse is hydrologically independent of the subject parcel, and moreover, immediately downstream the watercourse passes through a golf course with minimal buffers and likely detrimental land care practices.

Tracy Chalifoux described the proposed planting plan in the open space. The intent is to enhance the wetlands and buffer by enhancing the biodiversity of the floral community. Three sugar maples, meadow species, 50 shrubs, and three understory trees will be added to the area. Existing cinnamon ferns will be preserved. An invasive management plan is also proposed that calls for cutting and treating the stumps.

Bill Galvin questioned if sugar maples are an appropriate choice, given the high groundwater. Ms. Chalifoux referenced the success of the existing sugar maples as justification for the choice.

Brian Harris called for public comment. There was none.

Bill Galvin made a motion to close the hearing, seconded by Jo Rogers, and passed, 5-0-0.

Chairman Harris made a motion to approve the application with the standard conditions, special conditions proposed by staff, and the additional special condition a retaining wall will be located along the proposed 70-foot contour, tapering to the east near the southern property line, seconded by Jo Rogers, with the clarification that meadow grasses would extend up to the wall, and passed 5-0-0.

4. #2019-073 – 8 Dublin Hill Drive/255 Stanwich Road – William Kenny Associates, LLC for Fred and David Hochberg for corrective action to remove fill and install restoration plantings. Tax #08-2568, 08-2696 (first 35 days 8/1/19)
Jo Rogers recused himself.

Mr. Clausi read the documents of the application into the record and reviewed his staff report. The violation consists of clearing and filling by the Hochbergs of 8 Dublin Hill Road and involved both their property and the neighboring property, 225 Stanwich Road. The clearing took place in proximity to a dam, construction debris was deposited in the wetlands, and the understory vegetation was removed from all wetlands areas at 8 Dublin Hill Drive, except in the northeast portion of the property. The dam is classified as class BB by the CT DEEP, with guidelines indicating woody vegetation should be eliminated on the dam and within 25 feet of it. Dam Safety does not proactively oversee class BB dams and defers regulated activities to local commissions. William Kenny Associates plans to propose to restore woody vegetation along the dam and in the cleared area to the east on 225 Stanwich Road. The dam restoration is incongruent with the class BB guidelines. The WKA plan also includes replanting in the remote wetlands cleared on 8 Dublin Hill Road.

Given the property owners of 225 Stanwich Road have not provided consent for the application, the agency may be faced with separate actions for 8 Dublin Hill Road and 225 Stanwich Road.

William Kenny of William Kenny Associates address the agency. He concedes the authorization form 225 Stanwich Road is missing; but his clients wanted to submit the application to move the matter forward. The subject parcel is unusual in its shape, which has contributed to work being done on the adjacent parcels of 225 Stanwich Road and 28 Dublin Hill Road. Efforts to coordinate the restoration with 28 Dublin Hill has been successful, and efforts continue with 225 Stanwich Road.

Sal Trianno, P.E. represented the Hemplemans at 225 Stanwich and addressed the agency. In addition to the clearing already identified, a fence has been removed and property lines stakes have been repeatedly pulled up. The Hochberg’s were given notice of the property lines and the work continued regardless. Mr. Trianno estimated 25 c.y. of debris, including masonry debris, have been dumped in the wetlands.

Mr. Trianno agrees with the state regarding the guidelines for class BB dams, and acknowledged the state has been willing to be flexible with these guidelines. He expects to meet with the DEEP to ascertain what leeway they would allow to minimize the extent of clearing.

Mr. Trianno stressed the clearing of trees on the dam was not as much the issue, as was the manner in which it was conducted. The next steps to complete the work will be disruptive. The Hemplemans want to cooperate, but were taken by surprise when this application was filed without their consent.

Mr. Galvin requested clarification on what deliverables would be made by the next meeting. A meeting with the CT DEEP Dam Safety Division and Mr. Trianno was committed to, as was a draft restoration plan proposed in cooperation between the Hochbergs and Hemplemans.
Chairman Harris called for public comment. There was none.

Mr. Kenny further explained he has not been involved with the violation except to propose a restoration plan. The plan presented is consistent with what he believes the agency expects. Mr. Clausi cautioned against “cleaning” the woodlands and stated the leaves should stay where they fall.

The public hearing was continued to the next meeting.

II. Consent Approval

1. #2019-069 – 45 Midwood Road – Ahneman Kirby, LLC for Scott Anderson for construction of garage and replacement of driveway 18 feet from wetlands. Tax #07-1370/s (first 65 days 7/24/19)

2. #2019-075 – 62 Hillside Road – S.E. Minor & Co., Inc. for John Diamontopulos for correction of a violation 42 feet from wetlands. Tax #07-2006 (first 65 days 7/24/19)

3. #2019-078 – 45 Lismore Lane – Rocco V. D’Andrea, Inc. for Matthew and Courtnay Arpano for redevelopment of a single family residence, with patios, septic system, drainage, and site grading 60 feet from a wetland. Tax #10-2934 (first 65 days 7/24/19)

Bill Galvin made a motion to approve applications listed on the consent agenda, seconded by Klaus Jander and carried, 4-0-0.

III. Pending Application

Jo Rogers was reseated.

1. #2019-017 – 16 Lakeview Drive – Heagney, Lennon & Slane, LLP for Mariano Lozano for maintaining existing walkway and stairs to a dock located in the Mianus Pond. Tax #12-2054/s, #12-9019 (second 65 days 7/5/19)

Chairman Harris stated the corrective action application was withdrawn. Mrs. Sesto reminded the agency this application is the second one in response to a cease and correct order. There is no indication that P&Z is open to modifying the deed requirements of the open space, which would allow the hardscape to remain. Nor would it have been likely that this agency would have approved the masonry work if the application had been submitted. Accordingly, Mrs. Sesto recommended the agency turn this over to the law department.

Brian Harris made a motion to refer this matter to the law department, seconded by Norma Kerlin, and passed, 5-0-0.
2. **#2019-049 – 249 Valley Road – Rocco V. D’Andrea, Inc. for Timothy Saunders, Jr. for two lot subdivision and construction of single family residence 11’ from wetlands. Tax #08-2018/s (first 65 days 6/26/19)**

   This application was postponed at the request of the applicant.


   Mrs. Sesto provided a recap of the violation. Several meetings ago an application to modify the previously approved limit of disturbance was proposed and denied. During that review, it was determined the extent of clearing exceeded that which was approved with the original permit to build the house. This application was intended to address the violation, but information presented was impossible to discern in terms of what was attributed to the original approval versus what was mitigation for the violation.

   In the absence of this information, Mrs. Sesto and staff member Jennifer Urena conducted a site inspection and tallied the biomass in a 50’X50’ plot in the woods adjacent to the cleared area. Previous mapping of the area was insufficient to identify the extent of felled trees and cleared understory. The cumulative mass of trees, 148’ dbh, for the 2,500 s.f area of the plot was extrapolated to the 7,600 s.f of cleared area. If one tree were planted for every 5’ dbh, 90 trees would be required to compensate for the loss. This exercise was compared to the agency’s standard of one planting station every 15 feet on center, which would yield 60 planting stations. Taking a hybrid of the two restoration methodologies, Mrs. Sesto proposed 60 native shade trees, 500 shrubs, and 280 ferns.

   John Heagney, attorney for the applicant expressed support of Mrs. Sesto’s work and offered no objections.

   Jo Rogers made a motion to issue an order as proposed by Director Sesto, seconded by Bill Galvin and passed, 5-0-0.

4. **#2019-060 – 73 Sawmill Lane – Sound View Engineers and Land Surveyors for Charles Felder for construction of pool and patio 34’ from wetlands. Tax #11-3129 (first 65 days 6/26/19)**

   Robert Clausi reviewed the outstanding issues from the previous meeting. The site was not in compliance with the site development permit. Since the last meeting, the site is now stable.

   DPW has questions that appear to be misunderstandings and will likely be remedied. However, a DPW sign off should be submitted prior to construction. There is ongoing concern regarding the pervious driveway and a certification should be required post construction.
Bryan Muller expressed no objections to the staff comments and recommendations.

Jo Rogers made a motion to approve IWWA #2019-060 with the General and staff specified special conditions, seconded by Bill Galvin, and carried, 5-0-0.

5. #2019-064 – 7 Dempsey Lane – Rocco V. D’Andrea, Inc. for Estate of Marie Schwartz for two lot subdivision with open space adjacent to wetlands. Tax # 11-1711 (first 65 days 6/26/19)

Robert Clausi described the 12-acre parcel that is being proposed for a two-lot subdivision. The parcel is in a two-acre zone and includes 2.2 acres of open space. The majority of the development is beyond the 100-foot upland review area; only the leaching fields and portions of the stormwater management system are within 62 feet. There is a notable amount of new impervious coverage and the stormwater management system will reduce the peak rate of runoff through the 100-year storm. The DPW completed a preliminary review of the stormwater management plan, and will do a final review of each development lot prior to commencement of construction.

The E&S control plan needs additional interior controls. There is a possibility of old field drains based on past land uses of the site. If present, these need to be disabled. There is a debris pile beyond the pool and this needs to be removed without compromising the infiltration area. The limit of lawn is proposed 60 feet from the wetland; although the rationale for this limit has not been well justified, nor have alternatives been provided. Mr. Clausi’s staff report also questioned if meadow is the best long-term vegetative community, or should more trees be incorporated.

Lastly, the application fee submitted did not include the fee for site disturbance. The proposed special conditions required an additional $12,000 be submitted.

Jay Fain of Jay Fain Associates appeared before the agency. He described the west end of the lots adjacent to the wetlands as being consumed with invasive species and the intent to restore a functional meadow. The application does not provide a long-term invasive species management plant, but one could be provided. Mr. Fain proposed a split-rail fence as a means to delineate the limit of lawn.

Brian Harris sought clarification of the waterbody to the east. This was identified by Mr. Fain as a vernal pool and is well beyond the 100-foot upland review area. Mr. Fain continued to explain the landscape position of this wetland adds to its value.

Mrs. Sesto questioned how the limit of lawn at 60 feet was determined, given the science supports 100 feet to accomplish many wetland protection goals. Mr. Fain spoke to the value of the buffer restoration and its ability to protect the wetland.
The agent for the owner addressed the agency to request a fee waiver. She stated they have already paid an $18,000 fee comprised of the base fee and the wetland acreage. The additional fee to account for the extent of disturbance would amount to another $12,000, which she expressed is excessive.

Mr. Clausi and Mrs. Sesto detailed the fee schedule and reasons why the extent of disturbance was not calculated in the submission fee. Fees collected over the course of the year are adequate to support the work of the agency, thus are appropriate. Mrs. Sesto stated she could not see how this parcel was uniquely qualified to receive a waiver. Discussion ensued with no indication the agency deemed a fee reduction was justified.

Mr. Fain suggested tall fescue be planted in the area between 60 and 100 feet from the wetland. Tall fescue has lower irrigation and fertilizer needs. Mrs. Sesto concurred with Mr. Fain’s intent, but noted enforcement of what he is proposing is unreasonable.

Chairman Harris expressed his hesitation to approve the individual lot development proposals. Mr. Clausi and Mrs. Sesto reiterated the soil data supports placing the leaching fields in the upland review area and other work in this area is reasonable.

Bill Galvin pursued the limit of lawn to coincide with the existing deer fence, which is generally coincident with the 100-foot upland review area.

Bill Galvin made a motion to approve the application with the general conditions, the special conditions submitted by staff, and the additional special conditions the limit of lawn coincide with the existing deer fence and an invasive species management plan be submitted, seconded by Jo Rogers, and passed, 5-0-0.

IV. New Applications for Review

1. #2019-032 – 184 Bible Street – Wojciech Charles Mikolajczak for reconstruction of single family residence, driveway, patios, septic system and drainage systems 30’ from wetlands. Tax #08-2674 (second 65 days 8/2/19)

Norma Kerlin and Jo Rogers were identified as having visited the site. Robert Clausi described the site and proposal. The site is hampered by wetlands, wooded knolls, and an easement. The proposal is a positive reflection of these constraints and the new house will be essentially in the same location as the pre-existing house. The development will include 2,000 s.f. of new impervious coverage, which will be offset by cisterns to be used for irrigation and greywater.

DPW has approved the stormwater management plan. The plan will reduce the 100-year peak flows.

The septic system is located 50 feet from the wetland. Given site constraints, this is the best that can be achieved.
The E&S plan is a bit too aggressive, locating the silt fence too tight to the development activities and not leaving sufficient room for stockpile areas.

Jo Rogers made a motion to approve the application with the general and special conditions as proposed, seconded by Bill Galvin, and passed 5-0-0.

2. **#2019-070 – 540 Stanwich Road – Rocco V. D’Andrea, Inc. for Class V 1911, LLC for dredging of pond. Tax #11-2091 (first 65 days 7/24/19)**

Robert Clausi described the purported source of sedimentation from a construction site at 543 Stanwich Road. This site has been exposed for a significant period of time and has not conformed to the State guidelines for E&S control. The site should have been seeded for temporary coverage many months ago. In the absence of soil stabilization and adequate sedimentation control, the pond at 540 Stanwich Road accumulated sediment. The owner of 543 Stanwich has agreed to remedy the sediment and seeks to reuse the sediment on 543 Stanwich Road. Prior to implementing this plan, the soil needs to be tested to assure it is suitable. Although the sedimentation of the pond could be viewed as a violation, this is being handled without enforcement action, given the cooperative demeanor of the parties.

Anthony D’Andrea addressed the agency. He concurred with Mr. Clausi regarding the condition of 543 Stanwich Road and its impact on 540 Stanwich. Core samples of the sediment will be taken to quantify the sediment liability for 543 Stanwich. The intent is to complete the work during the 2019 dry season.

Jo Rogers made a motion to approve the application with the general conditions and special conditions proposed by staff, seconded by Bill Galvin, and passed 5-0-0.


Robert Clausi described the proposed construction and noted there is a element of a past permit that is not in compliance. Namely, a ten-foot wide buffer was to be installed coincident with a deer fence. The deer fence was installed, perhaps after the permit expired, but the buffer was not. There is a proposal to restore a section of lawned wetland, but this lacks the necessary density to make it meaningful. Mr. Clausi recommended a ten-foot wide buffer south of the brook be planted between the treeline to the northwest of the house and wetland flag seven, then continuing from wetland flag seven to the north end of the stonewall by wetland flag three. Further, the pile of leaves in the wetland needs to be removed.

Bryan Muller addressed the agency, stating the discharge pipe that drains to the swale can be pulled back as suggested by Mr. Clausi. The initial location was proposed to prevent
erosion within the swale’s buffer. Mr. Muller has no objections to the other recommendations of Mr. Clausi.

Jo Rogers made a motion to approve the application with the general conditions and the special conditions as proposed by staff, seconded by Bill Galvin, and carried, 5-0-0.

6. #2019-074 – 11 Pin Oak Lane – Conte and Conte, LLC for Richard and Sandra Marr for installation of pool, terrace, retaining wall and stormwater infrastructure 5 feet from wetlands. Tax #08-3452 (first 65 days 7/24/19)

Patricia Sesto described the property and the proposal to construct a pool. The wetland tip extends onto the property and wraps around to the north, before re-entering the property to the east. The mapping omitted a 48-inch oak and a smaller maple tree. The stormwater management features of an infiltrator and rain garden were located quite close to the oak, and threatened its viability. Given this concern, the applicant modified the plan, changing the pool patio to a deck with a gravel sub-base. This eliminated the need for the stormwater management features of concern.

John Conte, II, addressed the agency and reiterated the problem and solution. He stated his appreciation of DPW and IWWA staff in helping to facilitate a solution.

Jo Rogers made a motion to approve the application with the general conditions and the special conditions as proposed by staff, seconded by Bill Galvin, and carried, 5-0-0.

7. #2019-076 – 101 Bowman Drive North – Michael Finkbeiner for Eric Reinken for corrective action to remove deck, install patio, maintain spa, and landscaping. Tax #10-2691 (first 65 days 7/24/19)

Mrs. Sesto reminded the agency of the 18 month period this violation has been before them. The initial violation was acted upon by an order to relocate the hot tub and removing the associated wooden platform. Replacement planting were also required. The property owner, Eric Reinken appealed the order, and an agreement between him and staff was settled on earlier this year. The corrective action application was intended to depict this agreement.

The application depicts the hot tub on a patio that exceeds what was minimally required, in contradiction to the agreement with staff. A rendering of what was expected was included with the staff report, depicting a 12-inch surround to the tub and a pathway along the house to connect it to a door.

Mrs. Sesto stated Michael Finkbeiner, agent for the applicant, conveyed Mr. Reinken’s request to continue this discussion until July, citing the time frame to remove the platform by August 1, was too short. He did not offer an alternate date. He wants to use the platform to fix the deck above. Mrs. Sesto stated scaffolding is being used to fix the decking not
located over the platform and could be used for the entire length of the deck. There is not reasonable justification to delay correcting this 18-month old violation and the matter is due back in court on June 27.

Brian Harris made a motion to issue an order to correct consistent with the conditions submitted by staff, seconded by Jo Rogers, and approved 5-0-0.

VI.  **Agent Approvals**

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

1.  **#2019-065 – 34 Khakum Wood Road** – David J. and Sheryl Sorbaro for construction of patio, pathway, terrace, grading and landscaping 14 feet from wetlands. Tax #10-1089

2.  **#2019-068 – 29 Montgomery Lane** – Priscilla and Charles Cornell for designation of a B100A reserve septic system 50 feet from wetlands. Tax #08-3740

3.  **#2019-071 – 30 Winding Lane** – Michael Boardman and Kathryn Tabner for removal of a raised patio and construction of deck 75 feet from wetlands. Tax # 10-2532

4.  **#2019-077 – 17 Jones Park Drive** – Thomas and Adriana Riles for construction of a residential addition and patio 50 feet from a wetland. Tax #05-1327/s

There were no questions or comments.

V.  **Applications to be Received**

Brain Harris made a motion to receive the five applications listed on the agenda. The motion was seconded by Jo Rogers, and carried 5-0-0.

1.  **#2019-079 – 341 Stanwich Road** – Fatimah Madari and Alipasha Vaziri for installation of a fence. Tax #08-1502 (first 65 days 8/28/19)

2.  **#2019-080 – 25 Owenoke Way** – Jennifer Pratt for grade backyard, break up rocks and add to existing rock wall. Tax #05-1561 (first 65 days 8/28/19)

3.  **#2019-081 – 17 Barton Lane** – Murphy Bros. Landscaping, LLC for Karen Kowalski for expansion of house footprints, abandon septic tank, install septic tank, establish B100A septic area. Tax #08-3486 (first 65 days 8/28/19)

4.  **#2019-083 – 209 River Road Extension** – Earth Image, LLC for Halfway Tree Holdings, LLC for float in Mianus Pond with access to deck and stairs. Tax #08-3950 (first 65 days 8/28/19)
5. #2019-084 – 63 Riverdale Avenue – Muller Engineering, LLC for 63 Riverdale, LLC for construction of patio and retaining wall. Tax #09-1300 (first 65 days 8/28/19)

**VII. Violations**

1. **Cease and Correct Order #2019-008 – 40 Locust Road – Sanle Zhang and Yanping Li** for unauthorized removal of five mature trees from wetland upland areas. Tax #10-1594

Doreen Carrol-Andrews read the documents into the record. During an inspection associated with a request to extend a permit it was determined five trees in regulated areas were removed. The trees were located between wetland flags 3-5 and were located about 20 feet from the wetland.

Sanle “Jack” Zhang, owner, addressed the agency. He stated in his observation that the trees were dead. He didn’t believe a wetland permit was necessary, as the trees were outside of the wetland and were dead. Mr. Zhang submitted a letter from a licensed arborist substantiating the condition of the trees. He is open to replacing the trees voluntarily, but does not believe this is a violation that warrants a corrective action application.

Discussion ensued regarding the appropriate steps to compensate for the cut trees.

Brian Harris made a motion to withdraw the cease and correct order with the expectation a planting plan to replace the cut trees will be submitted by the July 2019 meeting, seconded by Norma Kerlin, and carried, 5-0-0.

**VIII. Other Business**

**IX. Adjourn**

With no further business, the meeting adjourned at 9:49 p.m.

Patricia Sesto
Director