

**MINUTES  
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY  
June 25, 2018**

Members present: Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Jo Rogers, Bill Galvin, Jay Schondorf, and Norma Kerlin

Alternates present: Klaus Jander, Alan Rossi and Peter Linderoth

Staff present: Patricia Sesto, Director and Robert Clausi, Senior Wetlands Analyst

Others present: Peter Romano and Tom Ryder, LandTech Consultants; Alice Eckerson, Eckerson Design Associates Landscape Architecture; Yoav Wiegenfeld; Natalie Demunnynck; Larry Liebman and Mathyas Papp, S.E. Minor & Co., Inc.; Peter Thalheim; Josh Hannett, Rocco V. D'Andrea, Inc.; Robert Pirri; James McGee; Chris Sawyer

**1. Call to Order**

Vice Chairman Elliot Benton called the meeting to order at 7:00 p.m.

**2. Seating of alternates**

Peter Linderoth and Klaus Jander were seated for Brian Harris and Stephan Skoufalos.

**3. Approval of draft minutes of May 21, 2018**

Jo Rogers made a motion to approve the minutes of May 21, 2018, seconded by Peter Linderoth, and carried 6-0-1. Elliot Benton abstained.

Stephan Skoufalos joined the meeting and Klaus Jander was unseated.

**4. Director's Report**

**a. Monthly Summary**

Patricia Sesto provided an account of her staff report, summarizing her presentation to the Millbrook Neighborhood Association, the allocation of staff between the two commissions of the department, progress on working through the files of the former conservation director, the fiscal impact of a lighter application load, and a successful hosting of a GHS senior intern.

Mrs. Sesto described the outcomes of the recent customer survey and the eight priority projects several departments are tackling. She will head up a review of forms across

multiple departments to increase user friendliness and consistency. Persons other than employees will be asked to help with the review. In response, Messrs. Rogers, Galvin, and Schondorf volunteers to assist.

Vice Chairman Benton corrected his seating of Mr. Linderoth in favor of Mr. Jander, noting the rules of rotation indicated Mr. Jander was due to be seated.

## **5. Quarterly Compliance Report**

Bob Clausi directed the members' attention to the written quarterly report and asked for any questions. He highlighted the efforts of the staff to maintain the minimum of 100 site inspections per month.

## **6. Other Business**

None.

### **I. Public Hearings**

#### **1. #2018-042 – 45 Husted Lane – Landtech for Yoav Wiegenfeld for relocation of the existing pool and patio, and construction of a pool, patio, stairway to the basement, and ledge removal 30' from wetlands. Tax #11-3147 (first 35 days 6/25/18)**

Bob Clausi provided an overview of the changes since the May meeting. The extent of lawn associated with the cutting of the hillside has been reduced by approximately 450 s.f. He questioned if the adjacent trees would still be impacted. Mr. Clausi indicated several alternatives which would preserve a greater portion of the wooded buffer adjacent to the wetland and vernal pool.

The conditions of approval from the permit associated with the house construction in 1993 were recounted, including the provision to keep a 35-foot buffer around the wetland. In response to agency concerns, a three-foot deep meadow buffer is planned between the previously proposed plantings and the lawn.

At the last meeting, Chairman Harris had requested trees 5 inches dbh and greater be located on the site plan. This was not provided. Instead an inventory of trees was submitted in conjunction with a map of zones where the trees were located. The impact to the trees not to be removed warrants discussion.

The proposed lower retaining wall is 2.5 feet in height, with a graded slope being used to meet existing grades. Mr. Clausi suggested an alternate to filling and the retaining wall to enhance the grassed area would be to work with the existing retaining wall and grades.

He noted the construction sequence had inconsistencies and the narrative has not been updated to reflect the revised plans, nor has an author been cited.

In conclusion, Mr. Clausi reviewed the various scenarios available for action by the agency and read the list of documents into the record.

Peter Romano, P.E. of LandTech Consultants appeared before the Agency on behalf of the applicant. He reviewed the nature and purpose of the proposed project, which is principally to provide a level yard out the back of the house.

Mr. Romano acknowledged the 5-10 inch trees were not located on the plan, citing the number of them made the task onerous. The upper retaining wall will have the stairs incorporated into its profile rather than protruding from it.

An aerial photo was referenced. The recent photo was taken by a drone and shows the planting plan superimposed. The limit of the vernal pool is shown. Mr. Romano made the point not all resources are equal, nor should buffers be uniform across the board. The mitigation proposed will compensate for the loss of buffer. Additionally, the 35-foot buffer approved in 1993 has not been respected over the years and parts exist as lawn.

In response to Mr. Skoufalos, Mr. Romano explained 11 alternatives have been submitted and continued to articulate why those suggested by Mr. Clausi did not meet the needs of his client.

Alice Eckerson, of Eckerson Design Associates Landscape Architecture, explained the logic behind the various patios proposed, noting it is desirable to have multiple patios to take advantage of differing light and uses. The plan to enhance the woodland fringe remains unchanged, however, a 3-foot deep meadow buffer has been added.

Bob Clausi questioned the limit of the vernal pool as shown on the “drone aerial.” The depiction shows the limit further east than his field observations would indicate.

Tom Ryder, senior biologist with LandTech Consultants, replied the line on the aerial was a graphic representation and is not accurate. In May, he determined the ponded area was a vernal pool. As of two weeks ago, the pool was nearly dry. Given the precipitation rate for April-June and the temperature were average, Mr. Ryder concluded the pool normally has a short hydroperiod. This means the pool dries up before the amphibians are able to survive the terrestrial environment.

The revised plan leaves more trees on the south side of the pool. Photos taken earlier in the day indicate existing direct sun reaching the forest floor, establishing the trees to the south do not effectively shade the wetland and pool.

Mr. Ryder cited a white paper pertaining to buffers, prepared by Robert Jontos and found on the Connecticut Association of Wetland Scientists’ website. The paper described the best buffers as those being comprised of a mix of trees, shrubs, and herbaceous cover.

The pool qualified as a tier 3 pool, using the Klemens and Calhoun evaluation method. The Critical Terrestrial Habitat is at least 75% intact, but the only one wood frog egg mass was found in the portion of the pool examined.

Bob Clausi received confirmation from Mr. Ryder that the vernal pool extends onto the property. Mrs. Sesto refocused the discussion by stating whether or not the pool extends on-site or is just a tier 3 pool, the complementary wetland is of high quality and warrants protection unto itself. She then questioned the impact being ten inches below normal for rainfall over the past 365 days and expressed reservations about Mr. Ryder’s hydroperiod

conclusion based on the past three months. Mr. Clausi challenged the conclusion of the photos taken earlier in the day, noting the sun, at midday and close to the summer solstice was directly overhead. Shadows would not be expected.

Jo Rogers suggested the plan be revised to uphold the 35-foot setback established in the 1993 permit, include a walking path within this buffer below the existing retaining wall, and have the play area on the south side of the house. Bill Galvin followed with the suggestion to enhance the existing limit of lawn delineated by a red-dotted line on the map.

Natalie Demunnynck, property owner, spoke to the agency, restating the purpose and needs for the proposed work. She and her family have respect for the wetlands and a balance is needed by way of modifying the rear yard. Anything but grass below the upper retaining wall will be trampled by her active family.

Information was exchanged regarding the procedure to develop a record, the applicant's burden to substantiate their position, and the agency's statutory obligation to make the finding of no feasible and prudent alternatives. Mrs. Sesto opined the record as it stands does not allow the agency to make this finding.

The agency requested the applicant provide an extension for the public hearing and meet with staff to work on a revised plan. Mrs. Sesto described her understanding of what has been identified by various members as the problem areas; these being the proposed lawn below the proposed pool and upper retaining wall, the stairs located on the eastern retaining wall, and the extent of grading and lawn south of the wetland.

Mr. Romano granted a 35-day extension of the public hearing.

Vice Chairman Elliot continued the hearing to the next meeting on the 23rd of July.

## **II. Consent Approvals**

- 1. #2018-054 – 25 Tomac Avenue – S.E. Minor & Co., Inc. for 25 Tomac Avenue, LLC for addition of a fence through wetlands. Tax #06-2375/s (first 65 days 7/25/18)**

Stephan Skoufalos made a motion to approve IWWA 2018-054 listed above as a consent approval, seconded by Norma Kerlin and carried 7-0-0.

## **III. New Applications for Review**

- 1. #2018-055 – 55 Buckfield Lane – S.E. Minor & Co., Inc. for John Lipman to correct violations including drainage 1' from wetlands. Tax #10-2459 (first 65 days 7/25/18)**

Bob Clausi described the application and reviewed his staff report. The portion of the property in question is a large expanse of lawn. A ditch has historically traversed the lawn, connecting the eastern wetland to a watercourse to the west. The lawn also has a network of underdrains. These underdrains were being replaced without a permit. The applicant is also proposing to add top dressing a few inches deep.

Mr. Clausi recommended the agency approve the application.

Larry Liebman of S.E. Minor & Co., Inc. briefly restated the purpose and content of the proposal.

Jo Rogers made a motion to approve action on IWWA 2018-055 with the General Conditions and Special Conditions proposed by staff, seconded by Jay Schondorf and carried, 7-0-0.

**2. #2018-056 – 550 River Road – S.E. Minor & Co., Inc. for Hans Middleburg for construction of a shared dock along the residence property on the Mianus River. Tax #12-1555/s (first 65 days 7/25/18)**

Bob Clausi described the application and reviewed his staff report. This property was previously reviewed in 2015, when three lots and an open space parcel were approved. The associated declaration of restrictions accommodates the installation of a path in the open space leading to a dock. A dock license agreement has been completed with the Office of the First Selectman.

Mr. Clausi acknowledged the number of switchbacks on the path have been reduced, which he supports. He also recommends the planting plan be revised to concentrate the area of planting to that in closer proximity to the dock itself and not to include shrubs due to expected deer browsing problems.

Mr. Clausi recommended the application be approved.

Mathyas Papp of S.E. Minor & Co., Inc. expressed concurrence with Mr. Clausi's report and had nothing further to add.

Upon recognizing the name of the applicant, Klaus Jander rescued himself. Peter Linderoth was seated in his place.

Robert Pirri, neighbor on Sweet Briar Lane spoke to the agency. He described how the development project has been mishandled since it began. Water comes on his property that is greater in volume and is muddy. This was not the case before construction. He also stated the dock is proposed in rapids and will become a hazard. Based on this and the poor construction management, Mr. Pirri urged the agency to deny the application.

Larry Liebman, of S.E. Minor & Co., Inc. clarified that the project is still underway and some additional runoff can be expected. The integrity of the project has been upheld and has been verified by frequent site inspections by staff from his office and staff of the agency. He conceded there have been some erosion control issues occurring with a large storm. These have been remedied.

Jo Rogers made a motion to approve. Prior to receiving a second, Mr. Perri, Mr. Liebman, and members of the agency engaged in further dialogue regarding the construction site and its relationship to this application.

Jo Rogers made a motion to approve action on IWWA 2018-056 with the General Conditions and Special Conditions proposed by staff, seconded by Jay Schondorf and carried, 6-1-0. Bill Galvin opposed the motion, stating his concerns about the site's stability and management.

- 3. #2018-057 – 99 Porchuck Road – Rocco V. D'Andrea, Inc. for Peter Thalheim for renovation of the existing dwelling and construction of a new residential addition, wood deck, covered porch, septic system, and associated site improvements 10' from wetlands. Tax # 10-2419 (first 65 days 7/25/18)**

Klaus Jander was reseated.

Bob Clausi reviewed the proposal. This site previously received a permit in 1999 for a new house with a limit of disturbance envelope of 1.5 acres. This proposal seeks to utilize the existing house instead and reduces the footprint of disturbance to 0.5 acres. The wetland and watercourse system extends along the western boundary of this narrow lot, resulting in a loss of a 120-foot long segment of buffer to accommodate the changes to the house and yard. There is another 600 linear feet of buffer that will remain intact. Additionally, a planting plan was just submitted which provides mitigation for the impacted buffer.

Mr. Clausi recommended the agency approve the application with the submitted conditions.

Josh Hannett, Rocco V. D'Andrea, Inc. appeared before the agency and stated his agreement with Mr. Clausi's description. Mr. Hannett added the stormwater management plan exceeds the standards required of the project.

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

Bill Galvin made a motion to approve action on IWWA 2018-057 with the General Conditions and Special Conditions proposed by staff, seconded by Jay Schondorf and carried, 7-0-0.

#### **IV. Applications To Be Received**

Jo Rogers made a motion to receive the ten applications listed on the agenda, seconded by Bill Galvin, and carried 7-0-0.

- 1. #2018-059 – 33 Laub Pond Road – S.E. Minor & Co., Inc. for Paul Roche for construction of a pool, pool house, garage addition, service access/drive, and drainage 34' from wetlands. Tax #10-2588 (first 65 days 8/29/18)**
- 2. #2018-060 – 10 Deep Gorge Road – Soenke Lehmitz for construction of a deck and replacement of floorboards & railings of existing footbridge within wetlands. Tax #09-3099 (first 65 days 8/29/18)**
- 3. #2018-061 – 14 Cedarwood Drive – S.E. Minor & Co., Inc. for Matthew and Terresa Canton for demolition and reconstruction of the residence, pool, drainage, and landscaping 22' from wetlands. Tax #11-1196 (first 65 days 8/29/18)**

4. **#2018-062 – 47 Birch Lane – S.E. Minor & Co., Inc. for West of North, LLC for drainage improvements within the rear yard within wetlands. Tax #11-1196 (first 65 days 8/29/18)**
5. **#2018-063 – 8 Burning Tree Road – Environmental Land Solutions for Kristopher Spraker for completion of a planting plan as approved by the IWWA to satisfy the Cease & Correct Order #2018-04. Tax #11-2483 (first 65 days 8/29/18)**
6. **#2018-064 – Harding Road over Binney Park Road – James Michel for Town of Greenwich for bridge maintenance and repair work. (first 65 days 8/29/18)**
7. **#2018-065 – 47 Nutmeg Drive – Rocco V. D’Andrea, Inc. for Donald Kudrick & Necla Kudrick to construct additions, install a new septic system and drainage improvements 30' from wetlands. Tax #10-2722 (first 65 days 8/29/18)**
8. **#2018-066 – 28 Upland Drive – Rocco V. D’Andrea, Inc. for Patricia Thrane to construct an in-ground pool with associated site improvements 60' from wetlands. Tax #07-1878/s (first 65 days 8/29/18)**
9. **#2018-067 – 26 Stag Lane – S.E. Minor & Co., Inc. for Todd & Michele Voight for construction of a new pool and patio 24' from wetlands. Tax #11-2647 (first 65 days 8/29/18)**
10. **#2018-068 – 215 Valley Road – Sound View Engineers & Land Surveyors for Paula Picco & Hector Arzeno for construction of a single family dwelling and drainage system installation 18' from wetlands. Tax #08-3227/s (first 65 days 8/29/18)**

#### **V. Agent Approvals**

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

1. **#2018-053 – 15 Old Stone Bridge Road – Murphy Brothers Landscaping, LLC for David Mielke and Ginger Chapin for replacement of a failing septic system 55' from wetlands. Tax #08A-1563**
2. **#2018-058 – 19 Nearwater Lane – Giglio Landscaping Services, LLC for Aaron and Tanya Leonard for installation of a walkway 10' from a watercourse. Tax #12-2218**

There were no questions or comments.

#### **VI. Violations**

1. **Cease and Correct Order #2017-11 – 99 Sterling Road – Adam Stobsky for failure to meet the conditions of IWWA Order #2018-05, Application #2018-005. Tax #10-2090**

Patricia Sesto noted Mr. Stobsky has failed to meet the conditions of IWWA Order #2018-05, Application #2018-005. Accordingly, this was referred to the legal department the previous

week. Mr. Stobsky contacted Mrs. Sesto this afternoon to express his intent to comply. She advised him the law department will continue forward to assist in enforcement, which can be stopped should he come into compliance.

**2. Cease and Correct Order #2018-09 – 424 Stanwich Road – James McGee for unauthorized land disturbance adjacent to wetlands and watercourse areas. Tax #11-2233**

Bob Clausi reviewed the Violation Summary prepared by Lindsay Tomaszewski for unauthorized land disturbance adjacent to wetlands and watercourse areas.

Unauthorized vegetation disturbance was occurring at 424 Stanwich Road in the front lawn and on both sides of the driveway. The areas were unstable. Debris piles were also located on the partially removed driveway extension.

A Stop Work Order was issued on May 29, 2018, with a deadline for the submission of an application by July 20, 2018.

Jim McGee, owner, appeared before the Agency. He stated his assumption that the wetland boundary coincided with the pond limit. He fixed the site as was directed by Ms. Tomaszewski and accordingly requests the Order be lifted.

Discussion ensued regarding the location of the wetlands and whether or not this was in a regulated area. Upon questioning, Mr. McGee stated he has a soils report, but has not shared it with staff. He was directed to submit the report to enable staff to determine the limit of regulated areas.

The agency will revisit the Order at the July meeting.

**VII. Other Business**

The agency discussed no other business.

**VIII. Adjourn**

With no further business, the meeting adjourned at 9:53 p.m.

Patricia Sesto  
Director