

**MINUTES  
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY  
June 26, 2017**

Members present: Bill Galvin, Jo Rogers, Elliot Benton, Jay Schondorf

Alternates present: Klaus Jander, Peter Linderoth

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

Others present: Tracy Chalifoux, Steve Danzer, Ali Mamudoski, Frank DeLuca, Jim Kousidis, Matt Popp, Larry Liebman, Eric Brower, Bill Kenny, William Besharat, Cherie Quain

**1. Call to Order**

Elliot Benton called the meeting to order at 7:01 p.m.

**2. Seating of alternates**

Klaus Jander and Peter Linderoth were seated as alternates.

**3. Approval of draft minutes of June 12, 2017**

Jo Rogers made a motion to approve the minutes of June 12, 2017, second by Jay Schondorf. The motion carried 5-0-0.

**4. Director's Report**

Patricia Sesto stated there is no written report for June. The agency has participated in the notable administrative happenings this month and other work is underway and will be reported on in July.

**5. Other business**

None.

***Public Session – 7:30 p.m.***

*Start time is approximate; meeting will begin immediately following the above items.*

**Applications may be heard out of order if necessary**

**Pending Applications**

- #2017-045 – 86 Cutler Road – Mastrogiacomo Engineering PC for Cutler Road LLC for construction of a new single family residence, driveway, pool, pool house, drainage, grading and landscaping 10' from wetlands. Tax #10-2108 (second 65 days 08/04/17)**

Bob Clausi reminded the agency this application/violation was first reviewed in April. The application has been revised to include a draft restoration plan. Mr. Clausi recommended an appropriate professional supervise the implementation of the plan, the two years of monitoring be considered a

minimal period of time. He also requested additional information from the applicant regarding the proposed use of “whips.”

A biological evaluation has not been submitted.

The development plan was revised to increase the separating distance from the retaining wall to the assumed wetland boundary from 6 to 12 feet. The wall is now located at the place documented in 2003 as the pre-existing limit of fill. The revisions call for the previously proposed rain gardens to be eliminated in favor of pervious pavement to meet the LID requirements. This results in bringing the active residential uses closer to the wetland. Mr. Clausi questioned whether or not the rain gardens were to collect lawn runoff and if yes, the value of that renovation is lost. He also questioned why the application documents previously stated pervious pavement was not feasible, yet is now being proposed. DPW comments have not yet been received.

Tracy Chalifoux presented the restoration plan, noting it is still in draft form. The plan is to remove the fill from the wetland and 12 feet of its buffer, working west to east. Excavated material will be used on-site or removed from the site. The planting plan includes 49 trees, 2-2.5 in. in caliper, and 36 shrubs, 3-4.5 feet in height.

Jay Schondorf questioned the effect of the retaining wall, with its 36+inch footing, on the movement of water through the upper layers of soil. The question will be relayed to the engineer on the project.

Peter Linderoth asked about the genesis of the approximated wetland boundary. Dr. Steve Danzer described his reliance on the wetland boundary north and south of the site and straight line configuration that is not uncommon with floodplain wetlands.

Bob Clausi stated the application/violation must be acted on in the July meeting and any further concerns regarding the proposed development should be voiced now. At the prior meeting, the agency had expressed the desire to have the applicant pull the retaining wall further back. Was the revised location acceptable? Patricia Sesto added her understanding of the informal acceptance of the limit of fill in 2003. The long history of filling and limited mapping made it difficult for staff back then to define what filling was done when. The 2003 limit of fill was documented and the owner told any additional fill would constitute a violation.

Peter Linderoth noted the existing chain-link fence is inconsistent with the agency’s practice of providing a 6-inch wildlife gap and has no long term value to the wetland. Short-term, it may help protect the new plants.

Jo Rogers cited the drainage report narrative which states the post-development runoff will be the same as pre-development. However, it is unclear if the effects of the retaining wall were considered.

Bill Galvin made a motion to delay action, seconded by Jay Schondorf, and carried 6-0-0.

2. **#2017-048 – 32 Hettiefred Road – S.E. Minor & Co., Inc. for Pasquale & Rosina Iachetta for installation of restoration plantings and grading in wetlands. Tax #10-2055 (second 65 days 08/04/17)**

Doreen Carroll-Andrews restated the nature of the violation. The wetland in the front of the house was cleared, removing some 13-15 trees, and partially filled in association with the installation of a utility line. To the rear, fill has been pushed closer to the wetland and watercourse and has buried the trunks of several mature trees. Should these trees die, the adjacent stream will be impacted.

A restoration plan was submitted for the front. However, the proposed elevation and the pre-existing elevation do not match. Details regarding the burial requirements for the utility line need to be provided. Ms. Carroll-Andrews recommended the size of the proposed trees be set at 2-2.5 inch caliper and the number be increased to 15. The shrubs, which are to form the limit of lawn delineation need to be repositioned to coincide with the pre-existing demarcation wall that was removed.

The plan for the rear of the house is to only removed enough fill to create wells around the trees. Ms. Carroll-Andrews recommended fill be removed to original grade, a stabilization plan be submitted, and the impacted trees be observed and replaced is warranted.

Larry Liebman, S.E. Minor & Co., Inc., addressed the agency. The restoration plan for the front wetland now shows the grading will create one continuous wetland as opposed to the two pockets previously requested. The utility line is deep enough to facilitate this. He had no objection to the recommended number of trees.

Mr. Liebman spoke of the past disturbance to the rear yard and the plan to well the trees.

Discussion ensued and it was the consensus of the agency the fill in the rear yard needs to be removed and a plan conveying this submitted.

Jay Schondorf made a motion to delay action on the order, seconded by Jo Rogers, and carried 6-0-0.

**3. #2017-057 – 81 Duncan Drive – Rocco V. D’Andrea, Inc. for Cherie Quain to maintain existing lawn, gazebo, deer fence, and tree removal 20’ from wetlands. Tax #10-2863 (first 65 days 06/28/17)**

Doreen Carroll-Andrews provided a recap of the 2014 violation. Two wetlands have been filled and the dense woodland in and around them was significantly thinned and grass planted. This activity also falls within 100 feet of the Byram River to the east.

The proposal is to remove the fill from the wetlands and replant. The existing deer fence will be raised to form a 6-inch gap along the bottom and the gazebo presents no impact to wetlands or the river. A limit of lawn demarcation feature is included, but does not follow the limit as approved in 1985. Ms. Carroll-Andrews recommends the 1985 limit be upheld. Additionally, she recommended eight additional shade trees be added and the number of understory trees and shrubs be doubled.

Matthew Popp, Environmental Land Solutions, LLC, represented the applicant. The northern wetland may have been flagged in error. Even with the proposed excavation, he raised doubts it would function as a wetland. The southern wetland is clearly wet and fill will be removed. Mr. Popp challenged Ms. Carroll-Andrews recommendation for additional trees, stating there is insufficient room.

Doreen Carroll-Andrews reiterated her recommendation and reasoning; a recommendation subsequently supported by Elliot Benton.

Peter Linderoth made a motion to issue an Order to Correct with the conditions outlined by Ms. Carroll-Andrews, seconded by Jo Rogers, and carried 6-0-0.

- 4. #2017-080 – 293 Lake Avenue, Lot 2 – S.E. Minor & Co., Inc. for 297 Lake Avenue LLC for construction of a new single family residence, driveway, parking court, pool, drainage, grading and landscaping 6' from wetlands. Tax #07-1470/s (first 65 days 07/26/17)**

At the request of the applicant, this application was continued.

- 5. #2017-081 – 200 Guards Road – S.E. Minor & Co., Inc. for 200 Guards Road CT LLC for installation of a dock on Converse Lake. Tax #11-3188 (first 65 days 07/26/17)**

At the request of the applicant, this application was continued.

### ***New Applications for Review***

- 1. #2017-073 – 20 Laurel Lane – Coastal Construction Group for Paul and Lauren Tedeschi for demolition of the existing residence, construction of a new residence, pool driveway, septic, drainage, grading and landscaping 26' from wetlands. Tax #11-1555 (first 65 days 07/26/17)**

Bob Clausi described the proposal to redevelop the residential property. The house, pool, and drive are beyond the regulated upland review boundary. The leaching field and drainage features come to within 26 feet. Mr. Clausi explained the leaching field location was fixed due to soil conditions, as was the rain garden.

A recently submitted restoration plan includes trees, shrubs, and meadow vegetation to heal over the disturbed areas. A limit of lawn demarcation is also included. The erosion and sedimentation control plan is responsive to the steep-sloped condition and the pool fence is proposed in the upper lawned area.

Mr. Clausi recommended the application be approved, noting Special Condition #9 needs to be modified to include the limit of lawn demarcation on the as-built plan.

William Kenny, William Kenny Associates, LLC, addressed the agency. The location of the drainage features and leaching fields reflect updated health and town codes. The bulk of the development occurs over areas previously developed and the newly disturbed areas will be restored to a naturalized state.

Jo Rogers made a motion to approve with the conditions proposed and modified by Mr. Clausi, seconded by Bill Galvin, and carried, 6-0-0.

- 2. #2017-082 – 600 North Street, Lot 2 – Eric V.P. Brower, AICP for JZ Investments LLC for construction of a new single family residence, septic, driveway, drainage, grading and landscaping 0' from wetlands. Tax #11-1090 (first 65 days 07/26/17)**

Bob Clausi described the 2008 conceptual, 3-lot subdivision approval of which this lot is part of. The concept included a common drive to serve the three lots and an accommodation to cross a watercourse to access the house site on lot 2. In 2008, this crossing was facilitated by a box culvert, although the

current proposal calls for a round culvert. Mr. Clausi expressed his preference for a box culvert. Other drainage features commonly serving the three lots lie on the other two parcels.

The current plan utilizes a retaining wall to accommodate the grading and this wall is proposed quite close to the boundary of the conservation easement. A cross section should be provided to ensure the integrity of the eased area is not compromised. Add the watercourse must be delineated per the subdivision approval. The phasing plan needs to be expanded to encompass infrastructure being done for the subdivision as a whole and tasks for the individual lots. Mr. Clausi also suggested the plantings approved previously below the now-proposed retaining wall be relocate in the south and east of the retaining wall spanning lots 2 and 3. DPW comments found the plans acceptable.

Eric Brower addressed the agency, highlighting the extensive open space afforded with the subdivision, including an easement protecting a 50-foot buffer west of the north-south stretch of wetland and a 35-foot buffer south of the east-west running wetland. Mr. Brower was agreeable with the comments submitted by staff and will endeavor to provide the requested information for the next meeting.

Elliot Benton made a motion to delay action on the application, seconded by Peter Linderoth and carried 6-0-0.

**3. #2017-083 – 600 North Street, Lot 3 – Eric V.P. Brower, AICP for JZ Investments LLC for construction of a new single family residence, septic, driveway, drainage, grading and landscaping 35’ from wetlands. Tax #11-3244 (first 65 days 07/26/17)**

Bob Clausi continued the review of the subdivision lots, stating the descriptions associated with the previous application substantially overlap with this one. Of distinction was the eroded watercourse on lot 3 which was recognized in the 2008 approval and proposed to be corrected with check dams and controlled drops. This detail is absent from the current description and should be reinstated.

Eric Brower again address the agency and concurred with Mr. Clausi’s report.

Jo Rogers made a motion to delay action on the application, seconded by Jay Schondorf, and carried 6-0-0.

***III. Agent Approvals***

None.

***IV. Applications to be Received***

Jay Schondorf made a motion to receive the 15 applications submitted as identified on the agenda and schedule them for discussion or public hearings as appropriate, at the next meeting of the Agency, second by Jo Rogers and carried 6-0-0.

***V. Bond Releases***

1. Application #2010-060 – Permit #2010-084 for William Mathews – 55 Cedar Cliff Road. The \$3,000 bond is to be returned to William and Michele Mathews.
2. Application #2010-111 – Permit #2010-110 for 48 Quaker Lane, LLC - 48 Quaker Lane. The \$6,000 and \$4,000 bonds are to be returned to 48 Quaker Lane, LLC.
3. Application #2014-120 – Permit #2014-98 for Peter Cummiskey and Alexandra Dalpan – 61 Perkins Road. The \$4,000 bond is to be returned to Peter Cummiskey and Alexandra Dalpan.
4. Application #2015- 113 – Agent Approval #2015-095 for E.L.E.L., LLC – 723 Lake Avenue. The \$3,000 bond is to be returned to Rebecca Colin.

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

***VI. Other Business***

- a. General Procedural Discussion

Patricia Sesto asked the agency if there was interest in continuing to go through the process of voting to release bonds if this could be handled at the staff level. The consensus was dispensing of this task at the agent level is potentially desirable. Ms. Sesto will investigate the reasoning behind the current practice and report back in July.

***VII. Adjourn***

With no further business, the meeting adjourned at 8:19 p.m.

Patricia Sesto  
Director