1. **Call to Order**

   Chairman Brian Harris called the meeting to order at 7:02 p.m. in the Town Hall Meeting Room on the first floor of Greenwich Town Hall.

2. **Seating of Alternates**

   Alternate Steven Fong was seated.

3. **Review and approval of draft minutes**

   Elliot Benton made a motion to approve the draft minutes of May 23, and June 13, 2016 meetings with no corrections, second by Jay Schondorf. The motion carried 6-0-0.

4. **Director’s Report**

   Patricia Sesto reviewed the contents of her director’s report. Lauren Lockwood is now working for the agency in the capacity of applications coordinator. Her experience, capabilities, and bright personality will undoubtedly be an asset to the department.

   The effort to establish bond amount protocol continues. Based on staff input, calling for 20-50% of the retail, installed cost of the planting plan is recommended, plus a base bond for other application requirements.

   The GHS internship, Andrew Lim completed his service with the department. With the assistance of Ms. Carroll-Andrews the internship was productive for Andrew and the office.

   Ms. Sesto is looking ahead to facilitating the production of brochures on various topics relating to wetland and watercourse protection. She would look to engage local college students to
complete this work. A land use Q&A booklet covering several departments could be useful, as well.

5. **Compliance Report**

Doreen Carroll-Andrews referred to the Compliance Summary sheet that was distributed in the meeting packets, which included a summary of green sheet submissions for the month (of 84 received, 4 required a permit, 26 had wetlands on site but did not require a permit), the incoming application summary (of 22 applications received, 1 is an emergency septic repair, the number of Agent Approvals is yet to be determined), a breakdown of bond releases (13 requested, 7 initiated by Staff, 15 released), the total number of inspections for the month (130), and deadlines set by the Agency that are upcoming or have passed. One deadline set by the Agency to submit an application to address a violation at 1 Reynwood Manor was not received. Staff will follow up and report on it at the July Agency meeting. Two Stop Work Orders were issued during the month. One was addressed at a staff level. The 2nd, located at 471 Stanwich Road, is set for discussion under the Violation section of the Agenda. Finally, 307 individuals were served during public counter hours for the month.

Bill Galvin joined the meeting.

**Other Business**

Retiring member, Jim Carr was thanked for his six years of excellent service with the agency. Jay Schondorf, previously an alternate member, was elevated to fill Jim’s seat.

1. **Consent Approvals**


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

   There were no comments from the public.

   A motion to approve the applications, with general and special conditions as proposed by staff was made by Bill Galvin, seconded by Elliot Benton and carried 7-0-0.
II. Pending Applications

1. #2016-043 – 82 Buckfield Lane – Michael Grunberg – Tax #10-1741 – for construction of a residential addition and driveway expansion.

Patricia Sesto reviewed the contents of her supplemental staff report. The planting plan to mitigate for the additional loss of wetland buffer was revised pursuant to the discussion of the agency at the last meeting. During a site walk, areas of wetland presently vegetated with lawn were agreed upon for restoration. Additionally, lawned buffer in the front of the house and next to a brook will also be restored. With the restoration work proposed, Ms. Sesto recommended the application be approved.

Rob Frangione of Frangione Engineering, LLC appeared before the Agency on behalf of the applicant. He expressed no issues with the staff report.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Elliot Benton and carried 7-0-0.

2. #2016-058 – 95 Glenville Road – Alexandra and Kevin Wyler – Tax #10-1314/s – for driveway and patio renovation, channel/swale repair.

Bob Clausi reviewed the contents of his supplemental staff report. Calculations have been submitted to substantiate the size of the stone proposed in the stream bed as being 2-3”.

The landscape plan needs to include a limit of lawn demarcation and a note stating the lawned areas of the wetland will be left to revert to meadow. Two trees will be removed and need to be replaced with additional plantings, as opposed to relocated other trees already proposed. With these and other conditions proposed, Mr. Clausi recommended the application be approved.

Joe Risoli of Joseph F. Risoli, P.E. LLC appeared before the Agency on behalf of the applicant. He requested clarification on the limit of lawn demarcation and having received this, he had no further questions.

There were no comments from the public.

A motion to approve the application was made by Elliot Benton, seconded by Bill Galvin and carried 7-0-0.


Bob Clausi reviewed the contents of his supplemental staff report. The drain lines wrongfully placed in the wetland do not need to be removed as they are solid pipe and there is no value to disturbing the lawned wetland. One yard basin at the perimeter of this wetland should be sealed and the other will be raised a few inches to allow overflow in larger storm events. The yard basin in the front yard will have a planted buffer around it and likewise, the stream will be
getting buffer plantings. With revisions proposed by the applicant and suggested conditions, Mr. Clausi recommended approval.

Joe Risoli of Joseph F. Risoli, P.E. LLC appeared before the Agency on behalf of the applicant.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Elliot Benton, seconded by Bill Galvin and carried 7-0-0.

4. #2016-061 – 17 Meadowcroft Lane – Lokemachris LLC – Tax #11-1031 – for construction of a new pool house, patio, grading, drainage, septic system 60 feet from a wetland.

Bob Clausi reviewed the contents of his supplemental staff report. This application was held over pending the receipt of a DPW approval. The property previously obtained a permit and the new proposed development includes more work. In response, a stronger mitigation plan is recommended.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant. He submitted a mitigation plan to address Mr. Clausi’s recommendation and otherwise expressed no issues with the staff report.

Bill Kenny of Kenny Associates, Inc. also appeared before the Agency on behalf of the applicant. He described work already in progress to combat non-native invasive species and replanting. The buffer plan has been expanded up to 69 feet as opposed to the previous approval which permitted a 35 foot buffer.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Brian Harris, seconded by Jay Schondorf and carried 7-0-0.

5. #2016-064 – 881 Lake Avenue – Cheryl Lacoff – Tax #11-2846 – for construction of a residential addition and patio 42’ from the edge of a pond.

Bob Clausi reviewed the contents of his supplemental staff report. This application was reviewed previously by the agency in May. Since then, a revised plan has been submitted to restore the grades in the front yard and the logs wrongfully dumped off-site have been removed. Pursuant to a 1981 pool permit, the banks of the pond were naturalized but now are lawn. The plan includes plantings of ferns and shrubs to remedy this situation.

Mr. Clausi addressed item one of his report, noting there is a discrepancy with respect to eliminating impervious area to meet the stormwater exemption. Mr. Clausi expressed his position the area previously contained within in an incomplete foundation was not impervious.

In light of this belief, Mr. Clausi recommended the agency delay their decision until DPW provides their assessment.
Eric Brower of appeared before the Agency on behalf of the applicant and stated he is not in agreement with Mr. Clausi regarding the impervious coverage assessment. He showed an aerial from 2004 and a survey from 2013 to establish his position, further providing a certification from Sound View Engineering that the area within the foundation counts as eliminated impervious coverage. Mr. Brower urged the agency to accept this information and not delay their decision.

Mr. Clausi reiterated his observations and stated DPW is the entity to make the final determination. In order to facilitate this, Mr. Brower was asked for permission to extend the period of time for the agency to review and act. To which Mr. Brower consented.

There were no comments from the public.

A motion to delay the application was made by Elliot Benton, seconded by Jay Schondorf and carried 7-0-0.

III. Applications For Review

1. #2016-002 – 345 West Putnam Avenue, 37 Oak Street, 26 Hemlock Drive and 0 West Putnam Avenue – Post Road Iron Works, Inc. and Carriero Family Limited Partnership -Tax #07-1148/s, 07-1425, 07-2033/s, 07-1135/s, 07-1136/s, 07-2190 (Continued)

For construction of a 355-unit apartment building 105 feet from wetlands and driveway 10 feet from wetlands.

Chairman Brian Harris reintroduced the application, noting the hearing was continued from June 13, 2016.

Ms. Sesto noted Mr. Schondorf was in attendance for the entire public hearing and received all materials. Accordingly, he is able to participate in the discussion and vote as a regular member of the agency.

Chairman Harris asked each member to review their observations of the application and record. Steven Fong expressed concern regarding the magnitude of the project and the long term effects it will have.

Norma Kerlin stated this is an 80 year old industrial site with a history of contamination and staff reports from Mr. Clausi assisted in clarifying the issues. There were gaps in the factual presentation regarding the contamination including undisclosed contaminants and poor characterization. With these gaps, impacts can’t be determined. The applicant failed to evaluate the contamination in terms of impacts to aquatic life, instead using human standards.

The testimony from Mr. Feminella stated the Horseneck Brook sewer cannot accept the additional flow as determined by engineering standards.

Insufficient information pertaining to the hydrologic cycles was provided, despite requests on behalf of the agency.
Dr. Klemens conveyed ¾ of the property is within the critical terrestrial habitat associated with the wood frogs of the off-site wetlands. The loss of these woodlands would cause significant impacts to the wetlands.

Despite requests from the agency and staff for the applicant to submit alternatives to conserve critical terrestrial habitat and bring the project into conformance with the sewer capacity, such alternatives were not provided.

Stephan Skoufalos described the two broad categories of review; significant impacts and completeness. He concluded the application was incomplete. While the application was comprehensive and consultants were somewhat responsive with responses, other information was lacking. There is undisputed testimony the drain pipe in the Hemlock Drive accessway carried contaminants for a prolonged period. The agency repeatedly requested CCTV video to confirm the pipe’s integrity. This video was supplied just prior to the last hearing with no professional interpretation. There is no conclusive testimony regarding the presence or absence of contaminated sediment or the condition of the pipe. Additionally, the soils adjacent to the pipe were inadequately investigated for contamination.

The information pertaining to the post construction hydraulic cycle was too broad to be useful.

Mr. Skoufalos cited the IWWA regulations stating in part the agency is charged with evaluating activities reasonably associated with the proposed project. The sewer issue is within the agency’s purview to look at. The system is presently stressed and unable to accommodate additional flows without repair. The applicant spent too much time arguing jurisdiction instead of seeking a solution.

The applicant failed to consider aquatic biota when devising the contamination remediation plan.

With regard to impacts, Mr. Skoufalos described the vernal pools as key. The agency’s jurisdiction clearly encompasses off-site wetlands. Mr. Klein’s testimony was found to be disingenuous as it pertained to his reasons for not evaluating the wetlands beyond the property line. The contribution of the wood frog population is integral to the viability of the vernal pool. The importance of the various tier ratings was overstated by the applicant and contradicted the testimony of Dr. Klemens, who was acknowledged by the applicant to be the premier expert. Dr. Klemens suggested an alternative development layout, which was not pursued by the applicant.

Brian Harris concurred with the previous statements. It is the right and obligation of the agency to consider the sewer. It is presently overcapacity and experiences overflows to the detriment of Horseneck Brook. The development would exacerbate the condition.

The application was incomplete in that it did not adequately investigate the condition of the Hemlock Drive accessway pipe. The CCTV was submitted late with no evaluation and soil testing along the pipe line was insufficient. If contamination persists in the pipe, this would be a regulated activity.

Testimony was consistent in stating the off-site wetlands at the base of the pipe need remediation. Mr. Manolakas, LEP, testified on the difficulties in attempting to remediate these areas post development. An understanding of how post development stormwater will affect these wetlands is needed.
Gaps in testing the site for contamination persist. The applicant’s LEP, Triton acknowledged some areas could not be tested due to steep grades. Mr. Manolakas had dismissed this reasoning, stating portable drill rigs were an option. The applicant failed to meet the feasible and prudent alternative burden. The submission of the 2012 Tollgate site plan as an alternative is not a valid proposal to compare this development to. The applicant cited the sustainable design elements incorporated into the plan, which amounts to good design, not alternatives.

Chairman Harris concluded Post Road Iron Works should be considered an “Establishment.” There were no records to substantiate the volume of material generated and alternate testimony spoke to the failure to include waste oil mixed with contaminants in the volume calculations.

Elliot Benton likewise concurred. He noted his request on May 9, 2016 for a water budget, which was not received. The applicant testified the development will cause a 30% reduction in discharge to the wetlands, however the applicant’s professional engineer said this would not create an impact.

The applicant did not meet their burden regarding feasible and prudent alternatives.

Regarding remediation, Mr. Benton conveyed his view that the agency is not responsible for evaluating the adequacy of the remediation plan, rather how the remediation plan affects the wetlands. There is known contamination in the pond and wetland at the existing stormwater discharge pipe, yet no attempts were made to address this problem.

Mr. Benton stated it is not this agency’s role to concern themselves with the sewer’s capacity, however how the capacity issue impacts the Horseneck Brook is. He noted the town’s engineer did not say the sewer will overflow with the additional capacity, yet the applicant did not provide information to conclude it won’t.

Bill Galvin offered his assessment. The applicant maintains the project will have no impact, therefore no alternative can exist with less impact. But the applicant did not meet its burden to prove there is no impact. Publicized rendering of the development show an unbelievably substantial development and it is illogical to conclude this development could have no feasible and prudent alternatives which would benefit wetlands.

Dr. Klemens made compelling arguments regarding the value of the subject property to area wetlands. He even suggested an alternative to better protect the wetlands, but this was dismissed by the applicant. The applicant’s position of no impact largely rested on the assessment the wetlands were of too poor a quality to warrant protection.

In light of the 2012 denial of Tollgate and reasons for that denial, this applicant failed to be responsive to the issues raised back then. Information on the drain pipe was repeatedly sought, as early as six weeks prior to the close of the hearing. Despite this, the video was submitted just before the last hearing. This and other actions cited are evidence of a dismissive attitude.

Jay Schondorf stated the integrity of the pipe was not properly addressed. Similarly, the contaminants in the overburden were not assessed in terms of impacts to wildlife.
There was sufficient evidence to show the sewer cannot handle the additional flows. With better data on actual flow eminent, a better design to fix the problem will be likely.

Patricia Sesto reviewed her summary of the record. Generally, the applicant revised the basic components of the plan to bring them to a satisfactory level. The exception is the lack of a comprehensive evaluation of the hydric cycle and Hemlock Drive accessway drain pipe. The applicant did not substantiate their right to discharge their stormwater on to the neighboring properties.

Remediation of the site is warranted and of value to the wetlands. Appropriate measures to protect the wetlands and watercourses during remediation of the upper portion of the site have been proposed incorporating staff comments and recommendations. The town’s consultant concluded the proposed remediation plan is consistent with industry standards, which contradicts the LEP for the intervenors.

Whether the business is characterized as an Establishment pursuant to the Transfer Act is not pertinent to this agency. It does not change the course of remediation or our jurisdiction. The contamination to the off-site pond and wetland can be addressed via enforcement action, however, the pond is under the same ownership as the subject parcel and that remediation work could have been readily incorporated into this proposal.

The applicant failed to provide a meaningful evaluation of the existing drain pipe to establish its suitability to be reused and what contamination issues may be associated with it. Likewise, the applicant failed to evaluate the threshold levels of contamination as it relates to aquatic life, instead using residential thresholds.

The applicant offered to conduct a risk assessment and cleanup of the 24 Hemlock Drive pond and Cotswold wetland as a condition of approval. Such a condition of approval would mean the applicant could conduct regulated activities which were not vetted in the application and not available for public review. Further, this commitment is a contradiction to the applicant’s stated position these wetlands are offsite and not part of this application.

Dr. Klemens’ testimony and cited case law established the wood frog population has a direct influence on the chemical and physical structure of vernal pools. Dr. Klemens also testified 95% of the breeding population is found within 750 feet of vernal pools and the forested area onsite is part of their habitat. The professionals for the applicant did not concur.

Dr. Klemens testified vernal pool #3 is in a state of recovery following the repair of a public water supply line which was contributing chlorinated water continuously over a long period of time until its repair in 2012. The impacts of this leak on the pools’ hydrology were described as being advantageous to the green frogs and detrimental to wood frogs. Mr. Klein refuted the impact of chlorination on the pool and concluded the wood frog population is not rebounding, it’s just small.

In accordance with section 10.3 the agency may not approve an application which received a public hearing pursuant to section 9.1 where the agency determined the proposed activity may have a significant impact on wetlands and watercourses, unless the agency can determine there is no feasible and prudent alternative with less or no impacts to the wetland and watercourse.

The applicant submitted site plans for the 2012 application of Tollgate; a proposal which encompassed parcels beyond what is being proposed here. The fate of these parcels is unknown and the comparison to the two projects is unfounded.
The applicant was asked to submit an alternative suggested by Dr. Klemens and alternatives to solve the sewer capacity issue. These were not provided.

The development will produce flows in excess of what the sewer system can accept, according to the applicant and DPW. Surcharging and overflows have already occurred on the Horseneck Brook sewer line and upgrades to the line are necessary to support the development.

Section 10.2.f of the regulations directs the agency to consider “Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed and future activities associated with or reasonably related to, the proposed regulated activity which are made inevitable by the proposed regulated activity and which may have an impact on wetlands or watercourses.” In the absence of an upgrade, the probable overflows associated with the sewer are a threat to the adjacent Horseneck Brook. The upgrade is deemed necessary by both the applicant’s engineer and the town’s DPW. Consequently, the upgrade is inevitable in association with the development and within the jurisdiction of the agency.

Regarding the proposal to repair the sewer, no details were provided to depict the actual plans to upgrade the sewer line to allow the agency to determine if regulated activities are associated with the proposal, nor was there an approval from Greenwich’s DPW provided.

The agency has an obligation pursuant to CGS 22a-19 and Ms. Sesto read CGS 22a-19.2b The information in the summary provided above substantiates the reasonable likelihood the development will impair and diminish the wetland and watercourse resources off-site.

Following presentation of her summary, Ms. Sesto recommended the agency find the applicant is not entitled to a permit and the application be denied for the reasons previously discussed and restated in her memo pertaining to a resolution, including ten elements of the application which render it incomplete.

A motion to deny the application was made by Elliot Benton, second by Bill Galvin. The motion carried 7-0-0.

Brian Harris made motion that the denial of this application supports the obligation put upon the agency pursuant to CGS 22a-19-2b, second by Jay Schondorf. The motion carried 7-0-0.

IV. New Applications For Review

1. #2016-065 – 17 Indian Mill Road – John Ferry – Tax #08-3670 – for restoration of trees in a wetland and upland review area.

Ms. Sesto stated commissioners Norma Kerlin, Jay Schondorf, and Steven Fong visited the site.

Doreen Carroll-Andrews provided a history of the application, noting it started as a violation. The violation consisted of unauthorized clearing of eleven saplings and shrubs from wetlands and Upland Review Areas. The property owner has since submitted a corrective action application to replant eleven understory trees. Following a subsequent field inspection, Ms. Carroll-Andrews identified 13 more trees, 1-5” dbh and accordingly, is recommending ten shade trees be added to the plan.
John Ferry, property owner, appeared before the Agency. He explained the work and did not dispute the additional 13 trees identified. He challenged the recommendation to include shade trees in the planting plan. On advice from his nurseryman, who stated the shade trees need six hours of sunlight to thrive, shadblow, dogwood, witch hazel, and clethera would be appropriate choices. Additionally, the size proposed by staff of ten foot trees is too big. The nursery informed him a ten foot tree is the equivalent of a four inch caliper tree.

There were no comments from the public.

A motion to issue an order to correct the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Bill Galvin and carried 7-0-0.

2. **#2016-066 – 14 Birdsong Place – Yongfeng He – Tax #12-2503/s – for removal of hazardous trees and replacing them in a wetland.**

Doreen Carroll-Andrews provided a history of the application, noting a violation was issued in April of this year. The violation consisted of unauthorized removal of five large trees from a lawned wetland. The owner reportedly removed the trees, two of which were on his neighbor’s property, due to safety concerns. The affected neighbor was notified via certified mail, with no response.

There were no comments from the public.

A motion to issue an order to correct the application with general and special conditions as proposed by staff was made by Elliot Benton, seconded by Stephan Skoufalos and carried 7-0-0.

3. **#2016-067 – 27 Midwood Road – Toni and Rama Subramaniam – Tax #07-2782/s – for wetland enhancement.**

Robert Clausi reviewed the contents of his staff report. He stated the project narrative provided a good assessment and he would only add that Japanese knotweed should be added to the list on invasive species to eradicate. He recommended the agency issue a permit.

Tracy Chalifoux, R.L.A., landscape architect, appeared before the Agency on behalf of the applicant. She expressed no issues with the staff report.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff, except for proposed condition #1 as it is no longer applicable, was made by Stephan Skoufalos, seconded by Elliot Benton and carried 7-0-0.

5. **#2016-071 – 120 Perkins Road – Burning Tree Country Club – Tax #11-2504 – for legitimizing relocation of the 10th tee.**

Patricia Sesto reviewed the contents of her staff report. The work done on the 10th tee was conducted without a permit and following past staff meetings which identified the work as regulated activities. The project entailed filling in a sand trap and relocating it and a practice tee.
further to the west. New tees were constructed and in the process, several mature red maples were removed adjacent to a watercourse. Ms. Sesto recommended issuance of the order with her proposed conditions.

John Tesei, President of Burning Tree Country Club appeared before the Agency on behalf of the applicant. He explained process that led to the error of reconfiguring the practice areas and 10th tee without a permit. He expressed no issues with the staff report.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Elliot Benton and carried 7-0-0.

6. #2016-074 – 0 Ridgeview Avenue via 44 Parsonage Road – Jan-Paul and Ashley Bruynes for Cabinwood Association – Tax #11-9007 and 11-1213/s – for landscaping, removal of vines and trees, and replanting of new trees.

Doreen Carroll-Andrews reviewed the contents of her staff report. The violation consists of the removal of four trees, 10-14 inches dbh, on the neighbor’s property. Sandoval Tree was on-site when she made her inspection.

The affected neighbor has provided written authorization to replant eight trees by hand. Ms. Carroll-Andrews recommended the order be issued.

Bill Kenny of William Kenny Associates appeared before the Agency on behalf of the applicant. He expressed no issues with the staff report.

There were no comments from the public.

A motion to issue an order to correct the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Elliot Benton and carried 7-0-0.

Agency members debated over the issuance of a fine to Sandoval Tree. Even if the amount is less than the normal $1,000, it would send a message.

7. #2016-077 – 4 Hillcrest Lane – Rodica Brune and Constantin Popescu – Tax #12-2208/s – for new walls, drainage and grading.

Bob Clausi reviewed the contents of his staff report. The house is already under construction and in an effort to satisfy P&Z’s grade plan regulations, the applicant would like to construct a retaining wall and back fill it over existing lawned areas. Debris piles in the buffer will be removed and plantings are proposed.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant. He expressed no issues with the staff report.

There were no comments from the public.
A motion to approve the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Bill Galvin and carried 7-0-0.

8. #2016-078 – 45 Lakewood Circle North – Lucinda Neale Cooke – Tax #02-1034/s – for construction of a pool, deck, and fence 35 feet from a wetland.

Bob Clausi reviewed the contents of his staff report for this pool and deck. The project qualifies for a stormwater exemption. Clearing appears to have taken place in the rear of the property, however this is actually due to storm damage. A restoration plan is proposed for this area and the plan is acceptable. The issuance of a permit is recommended.

Bryan Muller Sound View Engineers & Land Surveyors LLC appeared before the Agency on behalf of the applicant. He expressed no issues with the staff report.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Brian Harris, seconded by Elliot Benton and carried 7-0-0.

9. #2016-079 – 47 Husted Lane – Regency 1960, LLC – Tax #11-1486 – for driveway modifications, courtyard, landscaping and stormwater system 17 feet from a wetland.

Bob Clausi reviewed the contents of his staff report. He cautioned the site plan conveys a more aggressive development plan than realized in the field. While the existing motor court will be shifted towards the wetland, it will consume existing lawned areas and portions of the remaining lawn will be replanted. This proposal is an alternative to others reviewed prior to submitting an application and is an improvement.

Brian Harris questioned the maintenance protocol. Bryan Muller Sound View Engineers & Land Surveyors LLC, agent for the applicant, responded the courtyard would be vacuumed. However, he questions whether or not homeowners are apt to keep up with this requirement and to what extent maintenance will be enforced.

With no further questions from the agency, Mr. Muller expressed no issues with the staff report.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Bill Galvin and carried 7-0-0.

V. **Agent Approvals**

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

1. #2016-032 – Mark Lewis for grading in association with residential improvements 95 feet from wetlands at 99 Taconic Road is approved with conditions. Tax #11-2551
2. #2016-063 – Jung Hoo Cho for drilling a potable water well 10’ from a wetland at 610 Lake Avenue is approved with conditions. Tax #10-2150

3. #2016-068 – Sarah Badger Brown for construction of a covered entryway and walk 25 feet from a wetland and watercourse at 2 Pinetum Lane is approved with conditions. Tax #08-3398

4. #2016-072 – The Milbrook Corp. for patio expansion and installation of a generator 25 feet from a pond at 61 Woodside Drive is approved with conditions. Tax #01-1245/s

5. #2016-076 – Diane Elliott for construction of a garage, driveway, and rain garden 50’ from a wetland at 90 Brookside Drive is approved with conditions. Tax #07-1198/s

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

VI. Applications To Be Received

Brian Harris made a motion to receive the twenty-two applications listed on the agenda and schedule them for discussion or public hearings as appropriate, at the next meeting of the Agency, second by Stephan Skoufalos and carried 7-0-0.

VI. Old Business

1. Cease & Correct Order #2013-03 – 8 Hobart Drive – Elizabeth Toll Tannenbaum – Tax #07-1140

Doreen Carroll-Andrews informed the Agency that the condition of the Order had been corrected on site and recommended the release of the Certificate of Violation. No persons appeared before the Agency on behalf of the owner. No Agency comment was received.

2. Cease & Correct Order #2013-11 – 8 Patricia Lane – David and Amy Spurlock – Tax #8A-1495

Doreen Carroll-Andrews informed the Agency that the condition of the Order had been corrected on site and recommended the release of the Certificate of Violation. No persons appeared before the Agency on behalf of the owner. No Agency comment was received.

3. Cease & Correct Order #2013-10 – 17 Summit Road – Patrick and McCallister Rooney – Tax #05-1240

Doreen Carroll-Andrews informed the Agency that the condition of the Order had been corrected on site and recommended the release of the Certificate of Violation. No persons appeared before the Agency on behalf of the owner. No Agency comment was received.

The motion to remove the three Certificates of Violation was made by Brian Harris second Elliot Benton. The motion carried 7-0-0.
VII. Violations

1. Cease & Correct Order #2016-10 – 471 Stanwich Road – Yuan Gao – Tax #11-3252

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary. The unauthorized activity includes removal of vegetation and deposition of material within a wetland and buffer area. Staff conducted a site inspection based on a report that fill material may be being deposited within a wetland area on the property. The inspection found that trees had been removed around the property and that fill and logs have been deposited along the eastern edge of the parking area and either within or adjacent to wetland areas.

A permit was issued to the site in 1976 for the construction of a church, driveway, parking area, septic, an earth berm and grading. A field inspection report in the file dated September 21, 1976, describes the wetlands boundary to be generally delineated by the stone wall across the rear portion of the property. This stone wall is indicated by two gray lines on the attached GIS map and is in the location of the 236/234 contour lines to the rear of the parking area.

Also of note is a sign posted at the northeastern end of the parking area that indicates the presence of a high pressure gas line presumably running east/west along the northern part of the property.

Cease & Correct Order #2016-10 was issued to the homeowner via regular and Certified Mail on June 20, 2016.

Staff recommended that the Agency maintain Cease & Correct Order #2016-10. Staff further recommends that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by August 3, 2016.

A motion to uphold the Order with staff recommendations was made by Brian Harris, second by Bill Galvin. The motion carried 7-0-0.

VIII. Bond Releases

1. Application #2000-138 – Permit #2000-109 for Cary and Felicia Brody – 106 Husted Lane. The $12,000 bond is to be returned to Cary and Felicia Brody.

2. Application #2003-223 – Permit #2004-009 for Patrick and Judy Massi – 23 Fairview Terrace. The $3,000 and $5,000 bond is to be returned to Patrick and Judy Massi.

3. Application #2005-195 – Permit #2006-008 for Stephen Pare deGot – 25 Nearwater Lane. The $3,000 bond is to be returned to Stephen P. deGot.

4. Application #2008-088 – Permit #2008-075 for Richard and Elisabeth Rogers – 20 Scott Road. The $3,000 bond is to be returned to Elisabeth Rogers.

5. Application #2008-123 – Permit #2008-106 for Hope Knight – 126 Butternut Hollow Road. The $8,000 bond is to be returned to Hope Knight and Steven Umlauf.
6. Application #2010-050 – Permit #2010-098 for Lisa Ehrlich – 21 Chieftans Road. The $5,000 bond is to be returned to Chieftans, Inc.

7. Application #2013-010 – Permit #2013-026 for Charlotte and Edward Matitia – 105 Rockwood Lane. The $3,000 bond is to be returned to Charlotte and Edouard Matitia.

8. Application #2013-143 – Permit #2013-130 for Richard and Cynthia Kral – 30 Cat Rock Road. The $2,000 bond is to be returned to Cynthia Kral.


10. Application #2014-006 – Permit #2014-015 for Michael and Grace Wales – 3 Parsonage Lane. The $4,000 bond is to be returned to Michael and Grace Wales.

11. Application #2014-014 – Order #2014-07 for Laura Feda – 108 Birch Lane. The $3,000 bond is to be returned to Thomas and Laura Feda.

12. Application #2014-017 – Permit #2014-043 for 108 Birch Lane LLC – 108 Birch Lane. The $10,000 bond is to be returned to Rose Hill Land Company LLC.

13. Application #2014-107 – Permit #2014-096 for Eric and Heather Wise – 120 Meadow Road. The $8,000 bond is to be returned to Eric and Heather Wise.

14. Application #2014-134 – Agent Approval #2014-020 for Stewart and Margery Russell – 104 Taconic Road. The $3,000 bond is to be returned to Stewart and Margery Russell.

15. Application #2016-020 – Permit #2016-031 for Blue Lake 749, LLC – 749 Lake Avenue. The $1,000 bond is to be returned to Harry Schwefel.

A motion to release the bonds was made by Stephan Skoufalos, second by Brian Harris and carried 7-0-0.

IX. **Other Business**

   a. General Procedural Discussion

X. **Adjourn**

With no further business, the meeting adjourned at 10:11 p.m.

Patricia Sesto
Wetlands Director