



**TOWN OF
GREENWICH**

Town Hall • 101 Field Point Road •
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Patricia M.P. Sesto
*Director of Environmental
Affairs*

Inland
Wetlands
and
Watercourses
Agency
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MINUTES

June 27, 2022

In attendance: Brian Harris, Chairman, Jay Schondorf, Secretary, Bill Galvin, Elliot Benton, Jacob Schondorf, Norma Kerlin, Peter Linderoth and Bob Rimmer.

Also in attendance: Patricia Sesto, Director; Jenn Urena, Compliance Officer; Sarah Cocco, Natural Resource Manager; Larry Liebman, Kristen Lodato, Abed Yacoub, Gigi S.E. Minor & Co.; Bryan Muller, Muller Engineering, LLC; Risoli Planning & Engineering; Brian McMahon, Ted Milone, Redniss & Mead; William Kenny, William Kenny Associates LLC; Bill Baker; Bunny Lukas; Jeffery Robbins; John Baxter; Nancy Gray; Robert Flood; Tim O'Malley; Luigi Ghilardi

1. Call to Order
2. Seating of alternates
3. Review and approval of draft minutes of May 23, 2022 Regular Meeting.

Brian Harris made a motion to approve the minutes as drafted, seconded by Jay Schondorf, and carried 6-0-1. Bill Galvin abstained.

4. Director's Report

Patricia Sesto reported Jenn Urena has been promoted to the Compliance Officer position. The now-vacant Assistant Compliance Officer position will be posted as soon as possible. The efforts to convert the Senior Wetlands Analyst position to an Assistant Director's position has been daunting. The union is not inclined at this point to convert it to an M&C position and the BET will ultimately have to approve an increase in salary. Mr. Harris has agreed to join Ms. Sesto at the BET meeting.

5. Other business

Public Hearing

1. #2022-046 – 14 Hilton Heath – S.E. Minor & Co., Inc. for Ziv Cohen & Rina Levy –Stream maintenance and wetland restoration plan. Tax #08A-1244.

Patricia Sesto stated the applicant has requested a continuation. Chairman Harris called for public comment. Hearing none, the review of the application was continued to July 25, 2022.

2. #2022-064 – 771 North Street – S.E. Minor & Co., for Richard Fuld - Dredging of a pond. (First 65 days 7/27/22). Tax #11-1026.

Sarah Coccaro read the list of documents into the record. She described the project to dredge a pond that has been subject to dredging twice as indicated by past permits. Plantings associated with those permits are not present. The dam will be repointed and wingwalls reinforces. Upstream of the pond, the stream will be stabilized with planting, coir logs, and jute netting. The pond has obvious accumulation of sediment.

Larry Liebman, S.E. Minor & Co., addressed the agency, adding to the description of the project. The pond has been dredged repeatedly in the past 20 years. Coir logs, jute netting, and plantings will be used upstream to repair areas of erosion. This method of stabilizing the banks was chosen over armoring with stone as has occurred elsewhere along the stream.

Bill Galvin was identified as having visited the site.

Ms. Sesto indicated her assessment of the project as lacking sufficient detail. She asked about the engineering behind the size and placement of the coir logs and if there will there be fill. The dam looks to be in a state of disrepair that will likely need more than pointing to fix. The access depicted does not explain how a machine will reach the pond. CT DEEP has the right of first refusal over dam repairs. Evidence the state is not taking jurisdiction is needed.

Chairman Harris called for public comment. There was none.

The public hearing was continued to July 25, 2022.

3. #2022-067 – 215 Old Mill Road – S.E. Minor & Co., for Albert & Diana Betteridge – Dredging of pond. (First 65 days 7/27/22). Tax #10-1753.

Jennifer Urena reviewed her staff report for the proposal to dredge a pond that itemized many application requirements that had not been submitted. All the owners of the pond have not provided their consent for the application. Ms. Urena concluded the application should be denied due to incompleteness.

Mr. Liebman, S.E. Minor & Co., requested the agency continue the hearing to allow additional information to be submitted.

Chairman Harris called for public comment. There was none.

The public hearing was continued to July 25, 2022.

Consent Approvals

1. #2022-051 – 130 Old Church Road – John and Lauren Estes – Replace the culvert of a piped watercourse in connection with the replacement of a failing sewer line. Tax #07-1731/s.
2. #2022-059 – 181 Clapboard Ridge Road – Risoli Planning & Engineering for 181 Clapboard LLC – Bridge repairs over watercourse. Tax #10-2566.
3. #2022-063 – 25 Greenbriar Lane - S.E. Minor & Co., for The Linda D’Angelo O’Neill Rev Trust - Corrective action to install restoration and enhancement plantings within a wetland and wetland buffer. Tax #10-2468.
4. 2022-071 – 282 Taconic Road – Caesar Massry – Construction of deer fence thru wetland and buffer. Tax #11-2019.

Peter Linderoth made a motion to approve the four applications recommended for consent approval along with staff recommendations, seconded by Bob Rimmer, and carried 7-0-0.

Pending Applications

None

New Applications for Review

1. #2022-058 – 19 Rockwood Lane – Muller Engineering LLC for 19 Rockwood Lane – Construction of a new residence, pool, patio, driveway and drainage approximately 20’ from wetlands. Tax #11-1571.

Norma Kerlin and Bill Galvin visited the site.

Ms. Sesto described the project to redevelop a residential property. A sign-off was issued to demolish the house however, the envelope of disturbance exceeded the intended scope and the application now includes elements of a violation. The redevelopment is substantially in the same location as the prior development. The project includes a wetland buffer proposed to be 20 feet deep. Ms. Sesto recommended the plantings be expanded to encompass the rain garden, reduce the amount of lawn adjacent to the wetland, and compensate for the wrongfully cut trees. the 20’ wide planting buffer seemed inadequate when compared to the 80’ expanse of lawn. The overall redevelopment plan brings the house, driveway, septic, drainage, etc. up to current standards and expectations, so too should the protection of the wetland be increased.

Bryan Muller, Muller Engineering, represented the applicant. He provided further details regarding the development and the factors that lead to this layout. He stated the property owners would prefer to have lawn north of the driveway and Mr. Muller expressed his position that the wetland is not being negatively impacted and the 20-foot planted buffer is sufficient.

Ms. Sesto asked about two trees that were removed. She suggested tying the limits of a planting plan into the proposed 114 contour line. Compensation for the cut trees should be one tree for every 4" of DBH lost; this equates to eight trees. Discussion ensued.

The Agency agreed the planting plan that incorporates dense herbaceous growth such as sedges, along with woody vegetation shall extend from and encompass the rain garden north on the west side of two missing trees up to the existing tree line. The areas east of the missing trees to the proposed 114 elevation contour will have woody plants and a meadow and a meadow that can be cut in late winter. The boundary of lawn will be marked with boulders.

Brian Harris made a motion to approve with special conditions proposed by staff and that a restoration planting plan up to the 114 foot proposed contour, as discussed is submitted and approved by staff. Seconded by Bill Galvin and carried 7-0-0.

2. #2022-060 – 51 Burying Hill Road – Redniss & Mead, Inc. for 51 Burying Hill LLC - Construction of residential improvements and associated regulated activities approximately 30 feet from a wetland and pond. Tax #10-3037.

Ms. Sesto described the project to refurbish a home. The property is in wooded setting adjacent to Topping Pond with a 150 foot URA. Benefits to the pond include an updated stormwater management plant that, among other things, eliminates direct discharges to the pond. The plan is good overall for the wetland and pond.

Ted Milone, Redniss and Mead and Jay Fain, Jay Fain Associates, addressed the agency providing greater detail.

Ms. Sesto inquired about the pipes running under/over ground south of the house and where they discharge. Mr. Fain stated some are now going to the new stormwater management system. There is no wetland south of the property, as Ms. Sesto speculated.

Mr. Milone clarified only the plantings near the pond will be part of the mitigation/ planting bond.

Elliot Benton made a motion to approve IWWA#2022-060 with standard conditions as special conditions presented by staff, seconded by Bill Galvin and carried 7-0-0.

3. #2022-061 – 4 Highgate Road – S.E. Minor & Co., for Kristin & Henry Rowland - Construction of pool and associated regulated activities located 7 feet from wetlands. Tax #05-2563.

Ms. Sesto described the project and noted that members Kerlin and Galvin visited the site. The Agency heard this proposal earlier in the year associated with an application that was withdrawn. The proposal is to construct a pool adjacent to a lawned wetland and within the 1% chance floodplain. All of the rear and portion of the side yards are also within the 1% chance floodplain. West of the pool the yard will be excavated for compensatory flood storage and several mature trees will be cut. Cutting trees as part of plan to create flood storage is contradictory as mature trees are useful for stormwater management themselves.

Larry Liebman and Abed Yacoub, S.E. Minor, represented the applicant and provided further details. The plans have been revised to move excavation away from the leaching field, the pool patio has been reduced by one foot, and the yard drain is viewed as incapable of properly dispersing storm flows due to inconsistent pipe sizing.

Mr. Yacoub continued to describe the flooding. Surface water moves slowly across the properties as they are fairly flat, ultimately discharging to the sound. The stormwater management features will hold the full volume of precipitation up to the five-year storm. At this point only a fraction of one cfs will discharge. Cuts for compensatory storage are proposed on both side of the pool and trees lost will be replaced at a 2:1 ratio. Site access has been moved to the east side of the house. The patio has been reduced by 600 s.f. and the pool elevation dropped to 12 feet. The fill below the patio is gravel and its pores will provide some storage.

DPW has asked for more fine-grained calculations prior to applicant seeking a building permit. However, this timing does not allow the engineer for the neighbor to evaluate the information, nor would it accommodate any change in project scope that might arise.

Peter Linderoth indicated the planting plan is not clear with its comments. He would like Mr. Popp to clarify at next month's meeting.

Public comment from Mr. McMahon, licensed engineer, Redniss and Mead hired on behalf of the Patels who own the property at south west corner. The most critical point to mitigate building in the floodplain is that the proposed project will not create flooding patterns or exacerbate flooding. Mr. McMahon requested that the calculations requested by DPW be required by the Agency before the permit approved. Soil test pit data should exist in this area, if not, the Agency should request the information from the applicant. The pit data will establish the depth to groundwater and ensure the proposed excavation will not intercept it.

Brian Harris asked about the benefits of modifying piping that traverses the property. Discussion ensued regarding the variable diameters of pipes, tidal influence, and potential pipe failures, all components that contribute to the flooding. Addressing the yard drainage is a multi-property endeavor that is not the subject of this application.

Paul Levine of 17 Cherry Tree Lane stated he abuts a tidal pond and is concerned about the rate at which the pond is silting in. He added the pipes back up during high tides.

Bill Baker of 2 Highgate identified himself as the president of the neighborhood association. He consulted with a geologist regarding the subject proposal and that person stated the rate of infiltration will influence the flooding characteristics. Changing out the pipes is not enough as the water flows both ways.

Discussion of the application was continued to the next meeting of the Agency.

4. #2022-065 – 126 Butternut Hollow Road – S.E. Minor & Co., for Thomas McGrath & Christine Baker - Construction of pool, modification of a driveway and associated regulated activities located 10 feet from wetlands. Tax #11-2511.

Ms. Sesto described the application. The pool is well removed from wetland; it is the drainage and driveway that come into wetland jurisdiction. The limit of lawn and demarcation are not in compliance with 2008 permit. Plantings associated with 2008 don't exist and lawn is in between lawn and wetland buffer markers. Ms. Sesto questioned existing Cultec in front of house and how the proposed elevations for the driveway relate. The planting plan associated with rain garden was submitted too late to be reviewed prior to the meeting.

Larry Liebman, S.E. Minor, stated the proposed markers will be marble, as to last longer. The proposed planting plan for the rain garden was displayed, as was a list of plants proposed for the wetland buffer. If the existing Cultec is encountered when the proposed driveway is being built, it will be addressed.

Ms. Sesto expressed her discomfort with not having a planting plan; the list is not enough. Likewise, the question regarding the Cultec units should be answered now.

Discussion of the application was continued to the next meeting of the Agency.

5. #2022-066 – 30 Twin Lakes Lane – S.E. Minor & Co., for Argus TLL LLC - Demolish and reconstruct a single-family residence with associated improvements 26 feet from wetlands. Tax #02-2688/s.

Ms. Sesto described the project and noted Kerlin and Galvin visited the site. The on-site water resources are a combination of tidal pond with inland wetland fringe. The project is to demolish and rebuild house with expansion of house towards the wetland. Site is presently lawned with foundation gardens. The application is missing alternatives that keep house further away from the wetland and not further intrude into the AE zone.

Ms. Sesto stated more information on the infiltration system is needed. Specifically, at what size storm and/or higher high tides will the Cultec systems be compromised by backflow? The supplemental application material states the Cultec units were moved uphill but there is still no data regarding how they will be impacted. Yard drain #1 is a likely source of non-point

pollution. Residential sites are known sources of non-point pollution and the wetland needs to be protected. Provided conditions of approval if agency is satisfied.

Larry Liebman, S.E. Minor, represented the applicant. He stated this proposal will also need a Coastal Area Management permit and P&Z will require plantings per their regulations. There is a 1,200 s.f. increase in the house footprint. Mr. Liebman noted the house presently has no stormwater quality treatment, thus the new system will be better by default. He will look into a good fence and buffer.

Ms. Sesto would like to understand the Cultec elevations and how this will interface with higher high tides and storms.

Ms. Kerlin asked if the planting plan will take into account flooding with saltwater/brackish inundation? Mr. Liebman said it would.

Sarah Coccaro offered to share examples of planting buffers to prevent geese from utilizing lawn area adjacent to pond.

Tim O'Malley stated Bill Kenny and Bill Rutherford, landscape architects are preparing the planting plan.

Brian Harris summarized the outstanding items: needing a planting plan for wetland that would enhance and mitigate for non-point source pollution and more understanding of the Cultec elevations vs. tidal storms and inundation.

Discussion of the application was continued to the next meeting of the Agency.

6. #2022-068 – 160 Bedford Road – S.E. Minor & Co., for Matthew McCarty - Corrective action construction of residential addition, patio and drainage w/10-1115 within 37 feet of a wetland. Tax #10-1115.

Jennifer Urena described the aspects of the proposal that were conducted without a permit; namely excavation around the garage. The work not yet complete is a pool with a retaining wall 45 feet from wetlands. The report from DPW was satisfactory.

Kristen Lodato, S.E. Minor & Co., addressed the Agency. She stated the area of lawn identified in the staff report was going to be enhanced with plantings.

Brian Harris made a motion to approve IWWA #2022-068 with conditions provided by staff and the additional condition the fence is to be relocated outside the wetland and this area shall be restored back to its natural state with plantings, seconded by Peter Linderoth and carried 7-0-0.

7. #2022-070 – 230 Stanwich Road – Risoli Planning & Engineering for Luigi Ghilardi – Corrective action for unauthorized removal of trees and construction of residential improvements approximately 35' from wetlands. Tax #11-2108.

Jennifer Urena reviewed the application and her staff report. The owner was previously given permission to remove seven stressed or dead trees. The proposal to add a pool and reconstruct a portion of retaining wall will require two trees to be cut. Ms. Urena recommends a licensed arborist over see the work in the vicinity of the trees to remain. Approximately 20 trees will be replanted.

Luigi Ghilardi address the agency. He contested the requirement to plant 20 trees since he had permission to remove the first seven with no instruction to replant.

Brian Harris made a motion to approve IWWA #2022-070 with conditions provided by staff and the requirement to plant a minimum of four trees, seconded by Bill Galvin and carried 7-0-0.

Applications to Be Received

1. #2022-072 – 60 Morningside Drive – David and Melissa Walko – Demolish and reconstruct residence and garage with associated work 40’ from wetlands. Tax #01-2375/s.
2. #2022-073 – 105 Dingtletown Road – Gruman Engineering LLC for Warran & Dalia Raum – Remove driveway and construct a carport with driveway approximately 18’ from wetlands; and construct a below grade garage 48’ from wetlands. Tax #11-1131.
3. #2022-074 – 7 Buckthorne Lane – John & Maria Crowley – Replace failed septic tank 75’ from wetlands. Tax #11-1942.
4. #2022-075 – 8 Bonwit Road – Nancy Chirinian Family Trust – Demolish and reconstruct residence and garage with associated work 30’ from wetlands. Tax #12-1446/s.
5. #2022-076 – 1 Western Jr. Highway – Langan Engineering for Greenwich Public Schools/Board of Education – Remediation/removal of impacted fill material and the construction of new synthetic turf athletic fields. Tax #04-4519/s.
6. #2022-077 – 101 Indian Head Road – Rocco V. D’Andrea, Inc. for 26 Red Top LLC - Construction of a new residence and pool with their appurtenances. Tax #05-2453.
7. #2022-078 – 86 Bedford Road – Brian Murphy for John & Gwenn Winkhaus - Replace a failing septic system. Tax #10-1091.
8. #2022-079 – 7 Bailiwick Road – William O’Boy for Elliot Gnedy & Wendy Prager – Partial demolition of existing residence 35-feet from wetlands. Tax #10-2814.
9. #2022-080 – 71 Ridgeview Avenue – SLS Construction for Gracebay 2 Holdings - Relocation of driveway 28-feet from wetlands. Tax #11-3004/s.
10. #2022-081 – 212 Bible Street - S.E. Minor Co., Inc. for Joshan Shajan & John Kavya - Proposed construction of a pool and its appurtenances 48 feet from wetlands. Tax #08A-1405.

11. #2022-082 – 19 Witherell Drive - S.E. Minor Co., Inc. for Andrew and Kristen Pitts - Repair stone wall dam and footbridge. Tax #10-2751/s.
12. #2022-083 – 29 Greenbriar Lane – Jodie King - Install a deer fence in and adjacent to a wetland. Tax #10-1195.
13. #2022-084 – 89 Clapboard Ridge Road – Soundview Engineers & Land Surveyors for William & Jennifer Jarvis - Construct a residential addition, modify the driveway and reconstruct a septic system. Tax #11-2138.

Brian Harris made a motion to receive the above listed applications, seconded by Peter Linderoth, and carried 7-0-0.

Agent Approval Permits

1. #2022-055 – 88 Riversville Road – Sound View Engineers and Land Surveyors, LLC for Ralph Adorno – Add patio pavers around existing pool approximately 75’ from wetlands. Tax #10-1999.
2. #2022-054 – 3 Hillside Road – Jennifer Larkin – Demolish attached garage and restore original stone foundation wall located approximately 60’ from wetlands. (First 65 days 7/27/22). Tax #07-1266.
3. #2022-057 – 22 Byfield Lane – Muller Engineering LLC for Genazzani Donatella Trust – Construction of new residential additions and hardscape approximately 60’ from wetlands. (First 65 days 7/27/22). Tax #11-2466.
4. #2022-062 – 44 Doubling Road - S.E. Minor & Co., for Alan & Maureen Polo - Construction of residential addition and expansion of the driveway located 62 feet from wetlands at closest. Tax #11-1132.
5. #2022-069 – 92 Stonehedge Drive North – Sound View Engineers and Land Surveyors for Rosemary Annunziato – Construct residential additions, driveway revisions and relocation of the septic system approximately 40’ of a wetland. Tax #10-2188.

Violations

Cease & Correct #2022-006 – Derron Slonecker - 12 Hillcrest Lane – Unauthorized construction of a bocce court with retaining walls within wetland upland review areas (Tax #12-1532) JU

Jennifer Urena read the list of documents into the record and described the violation that consists of a bocce court in regulated areas. Ms. Sesto stated the applicant for the owner conveyed they would not be contesting the violation.

Brian Harris made a motion to uphold the cease and correct order, seconded by Bill Galvin, and carried 7-0-0.

Adjourn

With not further business the meeting adjourned at 9:31 pm.



Patricia Sesto
Director

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