MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
July 22, 2019

Members present: Chairman Brain Harris, Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Bill Galvin, and Jay Schondorf

Alternates present: Klaus Jander, Alan Rossi and Peter Linderoth

Staff present: Robert Celausi, Senior Wetlands Analyst; Doreen Carroll-Andrews, Compliance Officer; and Jennifer Urena, Assistant Compliance Officer

Others present: Sal Triano, Crossland Engineering; Bill Kenny, William Kenny Associates, LLC; Dan Krober, Milone & MacBroom; Alexander Levy, Steinverzel & Levy Law Group; John Tesei, Gilbride Tusa Last & Spellane, LLC; Ozair Minty, Kyle Miscia, Dan Agro, Chris and Gina Numme

1. Call to Order

Chairman Harris called the meeting to order at 7:02 p.m.

2. Seating of Alternates

Peter Linderoth and Klaus Jander were seated.

3. Approval of draft minutes of June 24, 2019

Bill Galvin made a motion to approve the minutes of June 24, 2019, seconded by Jay Schondorf and carried 7-0-0.

4. Other Business

1. **Public Hearing Applications**

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

Bob Clausi read into the record the documents that have been added to the subject file over the last month. Mr. Clausi then reviewed his supplemental staff report summarizing the status of the three issues which remained outstanding at the conclusion of the first public
hearing session and noted consent from Philip and Colleen Hempleman, the owners of 225 Stanwich Road, and guidance from the CT DEEP Dam Safety office as to how woody vegetation on and around the Hemplemans’ dam must be managed remain unresolved. Mr. Clausi stated the revised “Wetland Buffer Habitat Enhancement Plan” submitted by the applicant on Friday is responsive to the instructions given by the agency and staff last month. Mr. Clausi provided the agency with recommendations as to how to proceed with the public hearing and moving this matter forward, depending on the input that will be received this evening from the representatives of the applicants and the Hemplemans.

Bill Kenny of William Kenny Associates addressed the agency on behalf of the applicants and stated his clients would like to proceed with restoration of the cleared areas on 8 Dublin Hill Drive based on the revised planting plan. Mr. Kenny also stated his clients will work with the Hemplemans once it becomes clear what DEEP requires regarding the dam.

Alexander Levy, Esq. and Sal Triano, P.E., addressed the agency on behalf of the Hemplemans. Mr. Levy stated his clients are willing to participate with the applicants and prefer to work on a joint resolution of the compliance issues surrounding the dam. However, Mr. Levy expressed frustration at the lack of direct coordination between Mr. Kenny’s office and the Hemplemans’ team. He also noted the information that is shared with them, such as the revised planting plan, has been provided too close to the IWWA hearing sessions to allow for meaningful collaboration.

Mr. Triano reviewed his efforts to obtain guidance from DEEP as to how to handle the woody vegetation on and around the dam. Peter Linderoth suggested that Mr. Triano copy the supervising officials of the DEEP division under which dam safety falls on the email correspondence he sends to the dam safety office in order to focus their attention on providing a response to his request for guidance and authorization to proceed.

Chairman Harris called for public comment. There was none.

In order to proceed with the effort to jointly resolve the compliance issues at 8 Dublin Hill Drive and 225 Stanwich Road, Mr. Kenny stated his clients will provide the agency with written authorization to extend the public hearing for up to an additional 65 days.

The public hearing was continued to the next meeting.

II. **Consent Approval**

1. **#2019-083 – 209 River Road Extension – Earth Image, LLC for Halfway Tree Holdings, LLC** for construction of dock and stairs. Tax #08-3950 (first 65 days 8/28/19)

   Stephan Skoufalos made a motion to approve the application listed on the consent agenda, seconded by Bill Galvin, and carried, 7-0-0.
III. **New Applications for Review**

1. #2019-049 – 249 Valley Road – Rocco V. D’Andrea, Inc. for Timothy Saunders, Jr. for two lot subdivision and construction of single family residence 11 feet from wetlands. Tax #08-2018/s (first 65 days 6/26/19)

   Bob Clausi reviewed Patricia Sesto’s supplemental staff report. Mrs. Sesto details many concerns with the proposed development of a second house on this very steep and narrow property which is immediately adjacent to Mianus Pond. A significant amount of information the Regulations require to be submitted with the application in order for the agency to determine the feasibility and potential impact of this project has not been provided by the applicant, including alternative development plans, impact analysis of the various alternatives, and a project-specific construction sequence/phasing plan. Mrs. Sesto recommends the agency deny this application as “incomplete and one that presents avoidable impacts to the regulated resources”. Mrs. Sesto also notes trees appear to have been removed between the existing residence and pond, and she therefore recommends the agency initiate enforcement.

   Bill Kenny of William Kenny Associates briefly addressed the agency to state his understanding that the applicant’s attorney, Tom Heagney, recently sent an email to Director Sesto requesting consideration of this application be continued to the August meeting. Several agency members responded skeptically to the efficacy of carrying this application over to the August meeting, given the extensive list of issues detailed in the staff report.

   Brian Harris made a motion to deny the application as being incomplete and initiate enforcement action to address the removal of trees from east of the existing residence, seconded by Elliot Benton, and carried, 7-0-0.

2. #2019-081 – 17 Barton Lane – Murphy Bros. Landscaping, LLC for Benjamin Bianco and Karen Kowalski for residential addition, septic modifications, and designation of septic reserve area 79 feet from wetlands. Tax #08-3486 (first 65 days 8/28/19)

   Bob Clausi reviewed this application and his staff report. Mr. Clausi noted the residential improvements proposed are so far from the wetland that this application would have been handled as an agent approval if not for a gravel path and sitting area which were found to have been established in the wetland between 2013 and 2016. The path and sitting area have the minor impact of suppressing the growth of vegetation but provide the property owners with a convenient means for enjoying their wetland. Mr. Clausi stated that, on balance, is seems reasonable for the agency to allow the path and sitting area to be maintained.

   Brian Harris made a motion to approve the application with the conditions proposed by staff, seconded by Elliot Benton, and carried 7-0-0.
VI. **Agent Approvals**

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

1. #2019-079 – 341 Stanwich Road – Fatimah Madari and Alipasha Vaziri for installation of deer fence. Tax #08-1502


3. #2019-084 – 63 Riverdale Avenue – 63 Riverdale Ave., LLC for construction of patio, retaining wall, and drainage system. Tax #09-1300/s

There were no questions or comments.

IV. **Applications to be Received**

The agency considered requests to reduce the filing fees for three of the applications which are to be received.

John Tesei of Gilbride Tusa Last & Spellane, LLC spoke on behalf Applications #2019-089 (3 & 7 Hillside Road and 505 East Putnam Avenue) and #2019-095 (124 Old Mill Road). After some discussion about each application, the sense of the agency was that the filing fee for Application #2019-089 should be waived and the filing fee for #2019-095 should be $56,000.00.

Dan Krober of Milone & MacBroom spoke on behalf of Application #2019-093 (47 Fairfield Road). After some discussion, the sense of the agency was that the filing fee for this application should be set at $10,000.00.

Brain Harris made a motion to receive the eleven applications listed on the agenda, with the three adjustments to filing fees noted above. The motion was seconded by Peter Linderoth, and carried 7-0-0.

1. #2019-085 – 54 Lismore Lane – Rocco V. D’Andrea, Inc. for Gary Davis for water line repair through a wetland. Tax #10-2944

2. #2019-086 – 16 Lakeview Drive – S.E. Minor & Co., Inc. for Mariano Lozano for maintaining existing walkway and stairs to a dock located in Mianus Pond. Tax #12-2054/s

3. #2019-087 – 105 Dingletown Road – Grumman Engineering, LLC for Warren and Dalia Raum for construction of detached garage, carport, and driveway modifications 35 feet from wetlands. Tax #11-1131
4. #2019-088 – 49 Grossett Road – The Law Office of Peter Ryan for Henriette Rieffel for replacement of broken drain pipe. Tax #05-2666/s

5. #2019-089 – 3 & 7 Hillside Road and 505 East Putnam Avenue – Rocco V. D’Andrea, Inc. for Milbrook Crossing, LLC for renovation and construction of additions to residences to create 16 dwelling units in three buildings, construction of driveways with watercourse crossing, and installation of utilities, drainage, and landscaping. Tax #07-1266, #07-2136, #07-1388 (first 35 days 8/26/19) PS

6. #2019-090 – 12 Hillcrest Lane – Ahneman Kirby, LLC for Derron and Marion Stonecker for residential addition, deck, porous asphalt driveway, and pool 20 feet from wetlands. Tax #12-1532/s

7. #2019-091 – 16 Potter Drive – Sound View Engineers and Land Surveyors for Matthew and Merissa Guttin for construction of single family residence, driveway, pool, retaining walls, drainage and grading 50 feet from wetlands. Tax #06-2541

8. #2019-092 – 67 Caroline Place – TJ Engineering, LLC for Jennifer Salinas for removal of unauthorized fill adjacent to wetland. Tax #09-2672

9. #2019-093 - 47 Fairfield Avenue – Milone & MacBroom for Greenwich Country Day School for athletic fields, accessory buildings and landscaping, retaining walls, and parking areas 5 feet from wetlands. Tax #11-4013

10. #2019-094 – Dublin Hill Drive – Rocco V. D’Andrea, Inc. for Dublin Hill Drive Tax District for installation of water main within private roadway right-of-way. Tax #N/A

11. #2019-095 – 124 Old Mill Road – Rocco V. D’Andrea, Inc. for Cosette Property LLC for resubdivision of property, preservation of historic residence, construction of 28 new residences with access driveways, drainage, utilities, and septic. Tax #10-3576, 10-3578, 10-3577, 10-1791

VII. Violations


Jennifer Urena summarized the elements of this violation for the agency.

Ozair Minty appeared before the agency and explained several of the trees in question fell, were standing dead, or otherwise compromised.
Brian Harris made a motion to uphold the cease and correct order, pending the outcome of Mr. Minty meeting with staff to determine the extent of corrective action required, seconded by Elliot Benton, and carried 7-0-0.

2. **Cease and Correct Order #2019-010 - 18 Lake Drive – Clark David & Kyle Miscia for unauthorized removal of approximately six mature trees from wetland upland areas. Tax #05-1970/s**

Jennifer Urena reviewed her violation summary for the agency.

Owner Kyle Miscia and her arborist, Dan Agro, appeared before the agency. Ms. Miscia stated after she and her husband purchasing the property in March 2019 three of their neighbors approached them and expressed concern about the condition of the trees in the vicinity of the on-site wetlands. Wetland flags were reset so the vegetation in the wetlands would not be disturbed. Ms. Miscia was apologetic and provided the agency with a plan of what they propose to plant in order to correct the clearing. Mr. Agro stated that the trees removed were hazardous because they were compromised by vines or dead, but he would not have removed them without getting prior permission from the agency if the extent of the regulated buffer had been clearly established.

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

3. **Cease and Correct Order #2019-011 – 1 Loch Lane – Sofia Anna Rocco for unauthorized excavation in a wetland. Tax # 11-1622**

Doreen Carroll Andrews read the documents into the record for unauthorized excavation in a wetland and reviewed the elements of the violation.

Chris and Gina Numme, 2 Loch Lane, appeared before the agency. Mr. Numme stated he conducted the work in order to relieve a drainage problem which had been causing flooding of Loch Lane. Mr. Numme also stated his intention to correct the violation.

Bill Galvin made a motion to uphold the cease and correct order but not issue a municipal fine to Mr. Numme, seconded by Klaus Jander, and carried 7-0-0.

4. **Cease and Correct Order #2019-012 – 42 Stag Lane – 42 Stag Lane, LLC c/o Michael Nieto for unauthorized construction of a wall in wetland upland areas. Tax #11-2240**

Jennifer Urena summarized the elements of this violation for the agency.

Bill Kenny of William Kenny Associates, LLC appeared before the agency on behalf of the property owner and stated an application to address the violation will be submitted as recommended by staff.
Peter Linderoth made a motion to uphold the cease and correct order, seconded by Stephan Skoufalos, and carried 7-0-0.

**VIII. Other Business**

**IX. Adjourn**

With no further business, the meeting adjourned at 8:27 p.m.

Robert E. Clausi  
Senior Wetlands Analyst