

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
July 23, 2018**

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton

Alternates present: Klaus Jander and Alan Rossi

Staff present: Patricia Sesto, Director, and Doreen Carroll-Andrews, Compliance Officer

Others present: Sean Cardwell, Civil Engineer I and Gabriella Circosta Cohee, Senior Civil Engineer - Town of Greenwich; Peter Romano and Tom Ryder, LandTech Consultants; Alice Eckerson, Eckerson Design Associates Landscape Architecture; Yoav Wiegenfeld; Natalie Demunnynck; Larry Liebman, S.E. Minor & Co., Inc.; Robert Brehm; Scott Fahey; Bryan Muller, Sound View Engineers & Land Surveyors, LLC; Thomas Fox; Andrew Rotman, Barbara and Thomas Arenz

1. Call to Order

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

2. Seating of alternates

Alan Rossi and Klaus Jander were seated.

3. Approval of draft minutes of June 25, 2018

Elliot Benton made a motion to approve the minutes of June 25, 2018, seconded by Klaus Jander, and carried 4-0-0.

4. Director's Report

a. Monthly Summary

No report

5. Other Business

None.

I. Town of Greenwich Projects

1. **#2018-064 – Harding Road Bridge – Town of Greenwich, Department of Public Works for bridge maintenance and repair work. Tax #N/A (first 65 days 8/29/18)**
2. **#2018-070 – Zaccheus Mead Lane over Horseneck Brook – Town of Greenwich, DPW for bridge maintenance and repair work. Tax #N/A (first 65 days 8/29/18)**
3. **#2018-071 – Cherry Valley Road Bridge over Converse Brook – Town of Greenwich, DPW for bridge maintenance and repair work. Tax #N/A (first 65 days 8/29/18)**
4. **#2018-072 – Wilshire Road Bridge over Wilshire Pond Brook – Town of Greenwich, DPW for bridge maintenance and repair work. Tax #N/A (first 65 days 8/29/18)**
5. **#2018-073 – Fairfield Road Bridge over Brother Brook – Town of Greenwich, DPW for bridge maintenance and repair work. Tax #N/A (first 65 days 8/29/18)**
6. **2018-074 – Echo Lane Bridge over Brook – Town of Greenwich, DPW for bridge maintenance and repair work. Tax #N/A (first 65 days 8/29/18)**
7. **#2018-075 – Laurel Lane Bridge over Brook – Town of Greenwich, DPW for bridge maintenance and repair work. Tax #N/A (first 65 days 8/29/18)**
8. **#2018-076 – Winding Lane Bridge over Horseneck Brook – Town of Greenwich, DPW for bridge maintenance and repair work. Tax #N/A (first 65 days 8/29/18)**

Patricia Sesto suggested the agency evaluate the eight applications from DPW at one time. The elements of each are quite similar. With the consensus of the members to cluster their review, she provided an overview of the intended work, characterizing it as maintenance. The work includes repointing stone, resetting stones, sealing cracks. Accommodations have been made to keep debris from falling into the streams. Work will also be conducted in-stream and by hand to clear debris and accumulated sediment. As outlined in each staff report, some vegetation will be impacted and there are specific conditions of approval to address this.

Sean Cardwell, P.E. Greenwich DPW, appeared before the agency. He stated the proposed work comes as a result of annual inspections of the bridges. Further, he is in agreement with the recommendations of each staff report.

Elliot Benton made a motion to approve action on Town of Greenwich, Department of Public Works IWWA applications 2018-064, #2018-070, #2018-071, #2018-072, #2018-073, #2018-074, #2018-075, and #2018-076 with the General Conditions and Special Conditions proposed by staff, seconded by Klaus Jander, and carried, 4-0-0.

II. 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, and ledge removal 30' from wetlands. Tax #11-3147 (additional 65 days 8/29/18)**

Patricia Sesto read the additional information into the record. She described the changes in the site plan since the last meeting and resulting from a meeting between the applicant and agency staff. The area below the patio will be meadow with a path and its boundary to the south will be marked by boxwoods. The applicant engaged an arborist for recommendations on how to protect the three trees of concern. In response, the grading has been pulled back to a distance of 15 feet from the trees.

The changes were sufficient for staff to recommend approval of the application.

Peter Romano, P.E. Land Tech Consultants, addressed the agency. He confirmed Ms. Sesto's statements and went on to describe other modifications made.

Chairman Harris called for public comment.

With no further comments from the public, Elliot Benton made a motion to close the hearing, seconded by Klaus Jander, and carried 4-0-0.

Chairman Harris made a motion to approve IWWA 2018-042 with the General Conditions and Special Conditions proposed by staff, seconded by Alan Rossi, and carried, 4-0-0.

III. Consent Approvals

- 1. #2018-062 – 47 Birch Lane – S.E. Minor & Co., Inc. for West of North, LLC for drainage improvements within wetlands. Tax #11-1945 (first 65 days 8/29/18)**

Elliot Benton made a motion to approve IWWA 2018-062 listed above as a consent approval, seconded by Alan Rossi, and carried 4-0-0.

IV. New Applications for Review

- 1. #2018-061 – 14 Cedarwood Drive – S.E. Minor & Co., Inc. for Matthew and Terresa Cantlon for demolition and reconstruction of the residence, pool, drainage, and landscaping 22' from wetlands. Tax #11-1196 (first 65 days 8/29/18)**

Patricia Sesto reviewed the elements of the proposal. This is a redevelopment of a residential parcel. The house and pool will be replaced and the tennis court will be refurbished. The site has a pond with a narrow wetland fringe on the west side of the lot. The upland review area is largely wooded and is steeper adjacent to the resource. The proposal includes clearing approximately ½ of the buffer for a rain garden and grading. Ms. Sesto stated her objection to compromising the buffer for the sake of improving stormwater. It is a contradiction in purpose.

The submission is missing the alternatives and a biological evaluation required by regulation.

Larry Liebman, S.E. Minor & Co., Inc. appeared before the agency. He described the outstanding information requested by DPW as being easy to resolve. The clearing by the

wetland results from meeting the drainage requirements. The house location is driven by a private deed restriction of the Cedarwood neighborhood and zoning's requirement to measure the front yard setback from the limit of the common driveway easement rather than the property line. This pushes the house west.

A planting plan has been submitted, and consists of five trees and 42 shrubs to compensate for the loss of 15 trees. The plantings are concentrated at the western boundary of clearing.

Patricia Sesto clarified Mr. Liebman's statement that the storm drainage feature is the driver of clearing in the buffer. The rain garden is located to the south, but the clearing extends the full width of the back yard. An expansion of lawn appears to be an equal driver.

Robert Brehm appeared before the Agency to further articulate the purpose of the plantings.

Brian Harris observed the house location is further west than the current house and is subsequently pushing the back yard westward.

Patricia Sesto responded to questions stating the applicant can seek relief from the 75-foot setback from the Zoning Board of Appeals, the house footprint can be redesigned, and/or the rear yard and grading could likewise be reconfigured.

Mr. Liebman sought confirmation that the agency wants all activities outside the 100-foot buffer. Ms. Sesto responded by reminding Mr. Liebman of the inherent value of the upland review area in protecting wetlands and watercourses. Should activities be proposed in this area, the burden is on the applicant to justify the need to be there and provide the assessment of impacts. This information has not been submitted.

Scott Fahey, neighbor at 10 Cedarwood Drive, appeared before the Agency. He referenced an email identifying his concerns. Hardcopies of the email had been distributed to the members. In addition to what was contained in the email, Mr. Fahey questioned if the existing pool had been filled in already. Mr. Liebman confirmed it has not.

Klaus Jander made a motion to delay action on IWWA 2018-061, seconded by Elliot Benton, and carried, 4-0-0.

2. **#2018-063 – 8 Burning Tree Road – Environmental Land Solutions for Kristopher and Erica 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)**

This applicant asked that this application be postponed to the August 27, 2018 meeting.

3. **#2018-067 – 26 Stag Lane – S.E. Minor & Co., Inc. for Todd & Michele Voight for construction of a pool and patio 24' from wetlands. Tax #11-2647 (first 65 days 8/29/18)**

Patricia Sesto reviewed Bob Clausi's staff report. The pool is proposed in an existing open area of lawn that is level. No additional clearing or meaningful regrading is needed.

Larry Liebman, S.E. Minor & Co., Inc. appeared before the agency. He stated the outstanding issues with DPW are not substantive. Glen Gate has prepared a preliminary planting plan to rectify the violation of the 35-foot setback established with a previous permit. The fire pit will be relocated to a compliant spot.

Discussion ensued regarding possible conditions of approval. Ms. Sesto suggested a permit could be issued and include a condition to formalize the draft planting plan, to demonstrate compliance with DPW, and the applicable normal standard conditions.

Chairman Harris made a motion to approve IWWA 2018-067 with the General Conditions and Special Conditions proposed by staff, seconded by Elliot Benton, and carried, 4-0-0.

4. #2018-068 – 215 Valley Road – Sound View Engineers & Land Surveyors for Paula Picco & Hector Arzeno for construction of a single family residence and drainage system installation 18' from wetlands. Tax #08-3227/s (first 65 days 8/29/18)

Patricia Sesto described the project as being a residential redevelopment that will intensify the development on-site. The property is small and abuts the Mianus Pond. The new house and patio will consume a portion of the current backyard. The remaining yard is proposed to be lawn and plantings. Currently this area is tall grasses and black-eyed Susans. Ms. Sesto could not conclude if this is the result of neglect or not. Other elements of the staff report prepared by Robert Clausi were identified.

Bryan Muller of Sound View Engineers & Land Surveyors, LLC appeared before the Agency. He confirmed the lower portion of yard used to be maintained as lawn and is now overgrown. Outstanding DPW concerns can be readily satisfied. The driveway will be porous to accept runoff generated from the new house and carport.

Elliot Benton made a motion to approve action on IWWA 2018-068 with the General Conditions and Special Conditions proposed by staff, seconded by Alan Rossi, and carried, 4-0-0.

V. Applications To Be Received

Brian Harris made a motion to receive the twenty-two applications listed on the agenda, seconded by Elliot Benton, and carried 4-0-0.

- 1. #2018-069 – 0 West Brother Drive – Scott Kloster for The Milbrook Corporation for repairs to stone wall and replacement of walkway along the watercourse within wetlands. Tax #01-1244 (first 65 days 9/26/18)**
- 2. #2018-077 – 14 Baldwin Farms South – Rocco V. D'Andrea, Inc. for Edward Sugar for proposed pool, patio, walls, fence and landscaping 50' from wetlands. Tax #10-3680 (first 65 days 9/26/18)**
- 3. #2018-078 – 55 Buckfield Lane – S.E. Minor & Co., Inc. for John Lipman for repair/replacement of a culvert within wetlands. Tax #10-2459 (first 65 days 9/26/18)**

4. **#2018-079 – 29 Byfield Lane – Adrian and Karen Ghinculov for tree removal adjacent to wetlands. Tax #11-2468 (first 65 days 9/26/18)**
5. **#2018-080 – 110 Glenville Road – Rocco V. D’Andrea, Inc. for Stillman Court, LLC for 4-lot subdivision 65’ from wetlands. Tax #07-9027, #07-9026, #07-2222, #07-2699, #07-1295, #07-2698 (first 65 days 9/26/18)**
6. **#2018-081 – 31 Khakum Wood Road - Rocco V. D’Andrea, Inc. for Greenwich Associates, LLC for residential addition, driveway modifications, drainage installation, and landscaping 70’ from wetlands. Tax #10-1649 (first 65 days 9/26/18)**
7. **#2018-082 – 6 & 10 Glenville Street/328–340 Pemberwick Road – Jay Fain & Associates, LLC for Steve Schactor/Mill Management Inc. for construction of retaining walls and terraces adjacent to watercourse. Tax #09-1025/s, #09-3808/s, #09-3810/s, #09-3809/s, #09-1040/s (first 65 days 9/26/18)**
8. **#2018-083 – 41 Meadow Wood Drive – S.E. Minor & Co., Inc. for Huimin Zhang & Bing Xi for construction of a tennis court, drainage, driveway revisions and walkways 16’ from wetlands. Tax #04-2297 (first 65 days 9/26/18)**
9. **#2018-084 – 125 Lower Cross Road – S.E. Minor & Co., Inc. for Robert & Anne Ivanhoe for construction of a residential addition, patio, and pergola; driveway modification, and drainage system 40’ from wetlands. Tax #11-1624 (first 65 days 9/26/18)**
10. **#2018-085 – 27 Ridge Brook Road – Frangione Engineering, LLC for Vernard Bond for construction of a residential addition, patio, and curtain drain 6’ from wetlands. Tax #11-1172 (first 65 days 9/26/18)**
11. **#2018-086 – 43 Hunting Ridge Road – Frangione Engineering, LLC for Christine Nardi for construction of a single family residence and septic system 34’ from wetlands. Tax #11-2060 (first 65 days 9/26/18)**
12. **#2018-087 – 11 Old Forge Road – Sound View Engineers & Land Surveyors for Marco Schnabl & Maria G. Herrmann for construction of residential additions, deck, and drainage 10’ from wetlands. Tax #11-2664 (first 65 days 9/26/18)**
13. **#2018-088 – 0 Angelus Drive – CDM Smith for Greenwich Department of Public Works Wastewater Division for rehabilitation of sanitary sewer 30’ from wetlands. Tax #10-9058 (first 65 days 9/26/18)**
14. **#2018-089 – 9 Muriel Place – CDM Smith for Greenwich Department of Public Works Wastewater Division for rehabilitation of sanitary sewer in wetlands. Tax #09-2800/s (first 65 days 9/26/18)**
15. **#2018-090 – 11 Muriel Place – CDM Smith for Greenwich Department of Public Works Wastewater Division for rehabilitation of sanitary sewer 10’ from wetlands. Tax #09-2801/s (first 65 days 9/26/18)**

16. **#2018-091 – 51 Weaver Street – CDM Smith for Greenwich Department of Public Works Wastewater Division for rehabilitation of sanitary sewer 5’ from wetlands. Tax #07-1078/s (first 65 days 9/26/18)**
17. **#2018-092 – 591 West Putnam Avenue – CDM Smith for Greenwich Department of Public Works Wastewater Division for rehabilitation of sanitary sewer 35’ from wetlands. Tax #07-2155/s (first 65 days 9/26/18)**
18. **#2018-093 – 581 West Putnam Avenue – CDM Smith for Greenwich Department of Public Works Wastewater Division for rehabilitation of sanitary sewer 20’ from wetlands. Tax #07-2163/s (first 65 days 9/26/18)**
19. **#2018-094 – 55 Holly Hill Lane – CDM Smith for Greenwich Department of Public Works Wastewater Division for rehabilitation of sanitary sewer in wetlands. Tax #03-4012/s (first 65 days 9/26/18)**
20. **#2018-095 – 68 Butternut Hollow Road – Joseph F. Risoli, P.E. LLC for Joana & Timothy Fallon for construction of a pool, pool house, and terrace 50’ from wetlands. Tax #11-2011 (first 65 days 9/26/18)**
21. **#2018-096 – 1252 & 1275 King Street; 100 Cliffdale Road – Redniss and Mead, Inc. for Brunswick School, Inc. for construction of a pedestrian tunnel under King Street, track with multi-purpose field, baseball fields, and wetland enhancement. Tax #10-1388, #10-4147, #10-1040 (first 65 days 9/26/18)**
22. **#2018-097 – 424 Stanwich Road – James McGee to correct violations within wetlands. Tax #11-2233 (first 65 days 9/26/18)**

VI. Agent Approvals

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

1. **#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**
2. **#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**
3. **#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**

There were no questions or comments.

VII. Violations

1. Cease and Correct Order \$2018-08 – 25 Tomac Avenue – 25 Tomac Avenue c/o Thomas Fox for unauthorized cutting of trees and shrubs within and adjacent to wetland areas. Tax #06-2375/s

Doreen Carroll-Andrews reviewed her Violation Summary for unauthorized cutting of trees and shrubs within and adjacent to wetland areas.

Staff was notified that trees were being removed within wetland areas on the subject property. A site inspection found about 11 trees, ranging in size from 8” to 16” in diameter, and approximately 42 larger shrubs, ranging in size from 2” to 7” in diameter, had been removed from the wetland at the rear of the property in an area roughly 120’ by 40’ (4,800sf).

The contractor involved, Sean Ross, of Ultimate Services, was on site at the time of the inspection and believed the owner had secured a permit for the activity.

Thomas Fox, owner, appeared before the Agency.

Mr. Fox stated the property was dilapidated and the contractor he hired gave him bad advice. He has moved on to another landscape contractor and wants to rectify the violation.

Andrew Rotman, Twombly Nursery, appeared before the Agency. He sought clarification on what the replanting plan had to look like and how he could incorporate his client’s aesthetic concerns. Doreen Carroll-Andrews and Patricia Sesto will meet with the contractor on-site to help guide a restoration plan.

Brian Harris made a motion to uphold the case and correct order, seconded by Elliot Benton, and carried 4-0-0.

VIII. Other Business

A letter was received by Barbara and Thomas Arenz concerning the punitive application fee associate with their permit. An application had been made to demolish a pool and work began before the permit was issued.

Thomas Arenz addressed the agency. He selected the contractor who showed intent to abide by the regulations and an application was made. There was no explanation for why Mr. Lang began work too soon. Mr. Arenz relayed information from Bob Clausi, describing the project as being out of the wetland, minor in scope, on flat land, and requiring little staff time to process. Accordingly, the applicant is seeking relief from the punitive application fee.

Klaus Jander recused himself.

Ms. Sesto reminded the agency of the purpose of the triple application fee and the conditions under which section 19.7 of the regulations applies. She offered that the fee could stand and the Arenz’s could have Mr. Lang pay the punitive portion of the fee or the agency could drop the fee and instead fine Mr. Lang.

Discussion ensued, with Chairman Harris seeking the means to acknowledge Mr. Lang's original intent to comply with the regulations.

Brian Harris made a motion to waive the punitive portion of the application fee, seconded by Elliot Benton. Members discussed the need for consistency and consequences for missteps. Mr. Benton stated his inclination to waive the fee and fine Mr. Lang.

Mr. Harris withdrew his motion.

Elliot Benton made a motion to waive the \$1,000 punitive portion of the application fee and to issue Mr. Lang a \$250 fine, seconded by Alan Rossi and carried, 3-0-0.

Klaus Jander was reseated.

IX. Adjourn

With no further business, the meeting adjourned at 8:03 p.m.

Patricia Sesto
Director