1. **Call to Order**

Chairman Brian Harris called the meeting to order at 7:04 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**

Stephan Skoufalos made a motion to approve the draft minutes of June 27, 2016 meetings with no corrections, second by Bill Galvin. The motion carried 5-0-0.

4. **Director’s Report**

Patricia Sesto stated no written report was prepared this month. The month has been slow in terms of activities beyond application processing. She began looking for partners for the topical brochures discussed at the last meeting.

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 60 received, 1 required a permit, 20 had wetlands on site but did not require a permit), the incoming application summary (of 13 applications received, at least 1 of these will be reviewed as an Agent Approval), a breakdown of bond releases (6 requested, 3 initiated by Staff, 6 released), the total number of inspections for the month (107), 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 has been contacted by the owner who
stated he is out of the country and will submit the application upon his return at the end of July. Two Stop Work Orders were issued during the month. 3 Oakwood Lane and 201 Pemberwick Road, were later discussed under the Violation section of the Agenda. Finally, a tally of the number of individuals served during our public counter hours during the month totaled 216.

6. **Other Business**

No other business was raised.

1. **Public Hearings**

   1. **#2016-089 – Binney Park Pond – Town of Greenwich, Department of Public Works – Tax #N/A**

   Bob Clausi read the documents of the application into the record. He then reviewed the contents of his staff report. The Greenwich Department of Public Works proposes to conduct a maintenance dredge of the pond in Binney Park. This is the third time a wetlands permit has been sought for dredging this pond. Articulated concrete mats will be installed in the upper portion of the pond to create two permanent forebays, which will allow sediment to be cleaned out of these areas on an annual or semi-annual basis. The project will also include the repair of approximately 750 linear feet of existing stone armoring along the banks of the pond, creation of several shallow water shelves on which emergent species will be planted, and maintenance of a weir that crosses the upper portion of the pond just above the confluence of Long Meadow Creek and Laddins Brook.

   The major functions of the pond were identified as recreation and aesthetics.

   A dewatering plan was provided and established a method, but it is recognized the contractor may propose something different. Pond sediment testing must be done within a year of relocating the spoils and as such, it is premature to do this testing. Mr. Clausi sought clarification regarding the potential to dispose of some of the spoils on-site, why softer means of stabilizing the pond banks, such as coir logs, was not pursued, and the methodology for the routine maintenance.

   Jim Michal, Chief Engineer, Department of Public Works, Town of Greenwich, appeared before the agency. He confirmed the timing limitation associated with testing the soil now since the project is not expected to commence until July 2017. Nearly all the dredge spoils will be removed from the site.

   Brian Harris questioned the armoring aspect of the project.

   Cindy Baumann, Project Manager of CDM Smith, Inc. responded the stones were in place for the 1997 dredge and the desire is to reset the stone to maintain the current look.

   Mrs. Sesto questioned the balance between the aesthetic and recreational needs with the biological health of the waterbody. She conveyed the complaints she has received regarding the maintenance practices. More information is needed from Parks and Rec regarding their specific
needs and how those could be accommodated more judiciously. Could emergent shelves, sections of buffer plantings, and/or additional shade tree be incorporated?

Brian Harris reiterated these concepts, noting other applicants are held to this standard and the town should not be an exception. He suggested these efforts be concentrated in the north end.

Ms. Baumann and Mr. Michal described the ecological features already accommodated in the north end. Most notably, a section of pond that filled in will be retained and replanted, eliminating the lawn.

Stephan Skoufalos asked if the applicant expects the annual maintenance plan to be the same. Mr. Michal confirmed this expectation and added some modifications can be anticipated as they see the amount of sediment accumulation and efficacy of the proposed maintenance methodology.

Mr. Clausi noted DPW commissioned a sediment analysis prior to designing the dredge and maintenance plan. This information provides good data on which to propose the plans.

Commissioners Bill Galvin and Norma Kerlin visited the site and Stephan Skoufalos stated he was also familiar with the site.

Chairman Harris asked for public comment. Hearing none, and with no further questions from the agency, Bill Galvin made a motion to close the hearing, seconded by Elliot Benton, and carried 5-0-0.

With a consensus to approve the application, staff was directed to draft a resolution of approval for the agency to consider at the next meeting. The resolution should include special conditions stating the dredge spoils will be removed from the site and the agency will be notified of any deviations to the maintenance plan.

2. #2016-060 – 78 Zaccheus Mead Lane – Walter Raquet – Tax #10-1957

Doreen Carroll-Andrews read the documents into the record and then recounted the nature of the violation; a pond was excavated in a red maple swamp. To determine the proper course of correction an amphibian study was conducted by Dr. Michael Klemens. No amphibians were found in the area of disturbance and minimal numbers in the swamp as a whole. Accordingly, the goal of the corrective action is to restore the swamp.

The current pond will be dewatered slowly and once empty, the spoils will be replaced by hand. The plantings consist of 26 trees, 166 shrubs, and 2,406 herbaceous plants. Non-native plants will be removed and two sumps are also proposed for removal. Ms. Carroll-Andrews recommended the stumps remain in place to contribute to habitat and nutrient cycling.

Attorney Tom Heagney, Heagney, Lennon & Slane LLC provided an overview of the intent of the restoration plan. There will be weeking reviews by an environmental analyst during construction then annually after completion.
Larry Liebman of S.E. Minor, Co., Inc. appeared before the agency on behalf of the applicant and explained the dewatering process. The process will go slowly to allow wildlife relocate themselves. Should individuals remain, they will be relocated by hand.

In response to Chairman Harris’ questions, John Conte of Conte and Conte confirmed deer repellent and netting will be used and agreed to use meadow seeding to cover soil in between plantings.

Stephan Skoufalos asked Dr. Klemmens if he was satisfied with the amphibian study, to which responded affirmatively. The study looked at both the disturbed and undisturbed areas of the swamp. The swamp is shallow, which accounts for the lack of amphibians.

John Conte will be the environmental professional routinely on-site and Dr. Klemmens will be consulted as needed.

There were no comments from the public.

Elliot Benton made a motion to close the public hearing, seconded by Bill Galvin and carried 5-0-0.

A motion to issue an order to correct with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Elliot Benton and carried 5-0-0.

3. 2016-093 – 20 Idar Court – 20 Idar Court, LLC – Tax #01-2268/s

Bob Clausi read the documents into the record and reviewed the contents of his staff report. The applicant proposes to demolish the residence that currently stands at 20 Idar Court and construct a new, three-family residential building, driveway, and drainage system 20 feet from Horseneck Brook. The intense redevelopment builds right up to the setbacks and sewer line. There is too little outdoor space and no protection for the vegetation along the brook. No alternatives or biological evaluation were submitted.

Mr. Clausi referred to DPW’s comments that identify the structure as being within the floodway. This brings to bear stringent requirements and no evaluation to substantiate the plan’s compliance has been submitted.

Bill Galvin was identified as having visited the site.

Rob Frangione of Frangione Engineering, LLC appeared before the agency on behalf of the applicant. The 3-unit building is within the multifamily, R6, zone and conforms to those regulations. There is a five foot separation from the sewer line as directed by DPW. Mr. Frangione provided and overview of the wetlands and watercourse impacts, noting the brook is channelized with a 5.9 square mile watershed.

With regards to the floodway, the current structure is an impediment and the new building will be raised and fitted with vents and breakaway walls. For stormwater treatment, pervious asphalt and Cultec units will be used. Collectively, this is an improvement over existing conditions.
Mr. Skoufalos questioned what alternatives were evaluated. Mr. Frangione explained the structure conforms to zoning so no alternatives were considered. Mrs. Sesto clarified what a zone allows is not synonymous with entitled.

Discussion ensued regarding various configurations for the driveways, under-building parking, a smaller structure, a two-unit structure. The applicant was asked to provide these analysis.

No public made comment.

With no further comments from the public, the hearing was continued to August 22, 2016.

4. #2016-099 – 34 Beechcroft Road – Francois Barthelemy – Tax #11-1793

Bob Clausi read the documents into the record and reviewed the contents of his staff report. He described the property and proposal. The applicant seeks to tear down the existing home and reconstruct in essentially the same location. The driveway will be relocated and made smaller, and a new septic system will be installed. Concerns with the project include expansion of the lawn of the west side of the site, the western rain garden, and the reduction of the separating distance between the house and stream from 53 feet to 35 feet. Too little of the stream banks were being improved.

The applicant responded to this staff report by reducing the amount of lawn on the west side, shifted the detached deck to preserve the 58” oak, more stream side plantings added, and the rain garden west of the brook was eliminated.

Matt Popp of Environmental Land Solutions, LLC appeared before the agency on behalf of the applicant. He described the site in more detail. The detached deck has been moved to a point more than 100 feet from the watercourse. The new house will be 18 feet further from the brook than the existing house, although the pool and deck are 15 feet closer. The new driveway will be 48 feet further than present conditions and it will no longer drain directly to the brook. Mr. Popp characterized this as being a big benefit. These features along with the 10 foot wide planted riparian buffer make the proposed plan superior to existing conditions.

Mr. Clausi stated commissioner Bill Galvin visited the site.

The need to permanently mark the boundary of the riparian plantings was conveyed.

With no further comments from the agency or public, the hearing was continued to August 22, 2016.


For construction of a single-family residence, accessory structure, and walls 5’ from wetlands.

Bob Clausi read the documents of the application into the record and stated commissioner Bill Galvin visited the site.

Mr. Clausi reviewed the contents of his staff report. The subject parcel was issued a permit in 2003 and this permit is valid into 2017. The new proposal is for a single-family residence in contrast to the multi-family residence permitted. The new proposal also includes an accessory
structure with retaining walls closer to the pond. Alternatives that should be considered include maintaining the previously approved limit of disturbance. The prior plan included restoration plantings. It was suggested with this plan the applicant pursue restorative plantings on the adjacent town-owned land, which the applicant has done, as well as including plantings in the northern section of the lot. Four small Cultec units and permeable patio pavers are proposed to manage stormwater. The site is listed on the Natural Resource Diversity Database, however the state has stated the development will not have any impacts to state listed species. Mr. Clausi concluded by questioning if the retaining walls can actually be constructed as proposed without disturbing the town land.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency on behalf of the applicant. He provided an accounting of historical development of the site. He indicated the town has consistently provided permission to work from town land to access areas of the subject property. It is expected this same courtesy will again be granted.

The current proposal has a similar footprint to the one approved in 2003. The accessory building will serve as a studio and has received a variance from the Zoning Board of Appeals. Grade plane regulations from zoning are driving the configuration of the retaining walls. These walls can be constructed as proposed, without the footing extending over into the town land. The applicant looked at renovating the existing house, but this was deemed imprudent.

The restoration planting plan includes eradicating non-native invasive species and planting sedges and ferns along the banks of the river. Weep holes will be included in the walls above this area to allow overland flows to continue down hill.

Chairman Harris asked Mr. Liebman to provide alternatives that maintain the same development envelope as approved in 2003. Additionally, a cross section through the accessory structure should be provided.

Mr. Clausi clarified the gravel drive is a proprietary system and requested the detail be included on the plans. Additionally, the existing floral community in the northern end of the property needs to be reevaluated for its suitability to sustain new plantings.

The public was asked for comments. None were offered.

With no further comments from the agency or public, the hearing was continued to August 22, 2016.

II. Consent Applications

Elliot Benton left the meeting.

Chairman Harris indicated IWWA 2016-085 should be moved from “Applications Ready for Review” to the “Consent Applications.”

1. #2016-088 – Old Mill Road – Town of Greenwich, Department of Public Works – Tax #N/A – emergency culvert replacement.

3. #2016-100 – 29 Beechcroft Road – S.E. Minor & Co., Inc. for Isabelle Schiavi & Andres Recoder – Tax #11-1723 – construction of a pool, patio, and spa 35’ from wetlands.

4. #2016-085 – 22 Will Merry Lane – Paul & Patricia Swigart – Tax #10-2432 for installation of plantings and restoration of wetland habitat.

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

A motion to approve the applications, with general and special conditions as proposed by staff was made by Bill Galvin, seconded by Stephan Skoufalos and carried 4-0-0.

III. Pending Applications

Elliot Benton returned to the meeting.


Bob Clausi reviewed the elements of the application and changes made since April 2016 when review of the project began. Arsenic was detected in the upper 12 inches of the sediment. To manage this, the sediment will be allowed to dry in situ and once excavated, it will be loaded directly in to sealed containers and taken to an appropriate facility. The dirt bag is still proposed on a slope, but it has been explained leveling will be achieved with cribbing. The watercourse receiving the diverted flow will be protected with filter fabric. The changes did not include adding buffer plantings.

Gene Nazzaro of Nazzaro, Inc. appeared before the Agency on behalf of the applicant. There is no definitive reason why buffer plantings were not added other than it is not the preference of the homeowner. Mr. Nazzaro described the methodology for dredging and noted the contaminated portion should be done within two days. The pond will be dredged to hard bottom.

Discussion of the buffer and emergent plants ensued, with Ms. Sesto explaining the value of these to this pond and downstream environs. Mr. Nazzaro stated he would be amenable to plantings

There were no comments from the public.

A motion to approve the application was made by Brian Harris, seconded by Elliot Benton and carried 5-0-0.

1. #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 and June and the outstanding issue focused on the area
calculations for the stormwater management plan. Pervious asphalt and Cultec units have been incorporated into the parking court. DPW has approved the resulting plan.

Peter Finkbeiner of Sound View Surveyors and Engineering appeared before the Agency on behalf of the applicant. He had no objections to the staff report and recommendations.

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 5-0-0.

### IV. New Applications For Review

1. **#2016-080 – 14 Cat Road – Miriam Syed – Tax #08-3406/s – for installation of buffer restoration plantings.**

   Doreen Carroll-Andrews reviewed the contents of her staff report for unauthorized removal of mature trees and deposition of dirt on a slope above wetland and watercourse areas. The violation was discovered during a routine inspection and a Cease and Correct Order was issued.

   The applicant has proposed to replace the five shade trees with ten flowering dogwoods. Ms. Carroll-Andrews recommended ten shade trees be planted to replace what was lost in kind. The fill, which is more than 100 feet from the wetland, is proposed to remain and be covered with mulch.

   The applicant was not present. There were no comments from the public.

   A motion to issue an order to correct the violation with general and special conditions as proposed by staff was made by Elliot Benton, seconded by Bill Galvin and carried 5-0-0.

2. **#2016-084 – 32 Bedford Road – Ken & Christine Begasse Jr. – Tax #10-1875 – for removal of landscaping debris from wetlands and installation of restoration plantings.**

   Doreen Carroll-Andrews reviewed the contents of her staff report. During an inspection for a bond release several pile of woodchips were observed in the front of the property and brush piles to the rear. An area approximately 35 feet X 100 feet was cleared and a cease and correct order was issued in May 2016.

   The applicant contends the area considered cleared was vegetated with herbs and suffered storm damage. To revegetate the area in front 43 shrubs and 130 hay scented ferns are proposed. To the rear, 19 shrubs are proposed and two dying red maple trees will be replaced. Ms. Carroll-Andrews recommends an alternate to the hay scented ferns be used as hay scented ferns discourage woody growth and will detrimental to the area’s recovery.

   Craig Studer of Studer Design Associates appeared before the agency on behalf of the applicant. He expressed no issues with the staff report. He requested clarification on the recommended boundary demarcation. The applicant can work this out with staff.
There were no comments from the public.

A motion to issue an order to correct the violation with general and special conditions as proposed by staff was made by Elliot Benton, seconded by Bill Galvin and carried 5-0-0.

Brian Harris left the room.

3. **#2016-087 – 8 Buckthorne Lane – Andrew & Christopher Berman – Tax #11-1931 – construction of a septic system 35’ from wetlands.**

Bob Clausi reviewed the contents of his staff report. The current system is in a wetland and the proposed system is in the buffer. A hydraulic analysis shows the travel time for effluent is as much as 300 days despite the system being 35 feet from the wetland. The fill package for the system is larger than normally found in order to accommodate maximum slope allowances for the driveway. No fill will enter the wetland. A 30 inch tulip tree is planned to remain, however it does eventually need to be removed, then three shade trees will be used to replace it.

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 4-0-0.

4. **#2016-090 – 18 Ballwood Road – Colin & Kerri Kinsella – Tax #06-3620/s – for replacement of a deck 5’ from wetlands.**

Patricia Sesto reviewed the contents of her staff report. The site is residentially developed with two remnant wetlands. The one closest to the project is entirely lawned and non descript. The proposed deck expansion is on the opposite side from the wetland and the reconfigured stairway tips over wetland boundary. There will be no functional impact to the wetland.

Chairman Harris rejoined the meeting.

Tony D’Andrea of Rocco V. D’Andrea, 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 Brian Harris, seconded by Stephan Skoufalos and carried 5-0-0.

5. **#2016-091 – 286 Cognewaugh Road – Damien Marshall & Irene Ricci – Tax #8A-1707 – for construction of residential additions and septic system 80’ from wetlands.**

Patricia Sesto reviewed the contents of her staff report. This site was previously reviewed for a proposal to expand the yard towards a valued wetland. The new proposal includes the demolition of an addition, reconstruction of an addition and an expansion of the deck. Overall, the structure will be further from the wetland than currently exists. Additionally, two planted basins area proposed along the stone wall at the rear of the yard to receive water from the gutters.
Tony D’Andrea of Rocco V. D’Andrea, 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 5-0-0.


Bob Clausi reviewed the contents of his staff report. This site has previously secured two permits to construct a garage is effectively the same location partially over the end of the driveway. Those permits have expired and the new owner likewise wants to construct a garage.

A complicating factor is the presence of a boardwalk, ornamental pond, and pergola. These elements were added to the property without permits and before the current owner acquired the property. Staff became aware of this in 2007, but did not pursue a resolution. The as-built for the garage should also include these features along with the original wetland boundary.

Bill Galvin visited the site and conveyed he did not see these features as being detrimental to the wetland.

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 Bill Galvin, seconded by Elliot Benton and carried 5-0-0.

7. #2016-094 – 113 Woodside Drive – Michael & Gloria Boccardi – Tax #01-2391/s – for construction of residential additions and stormwater management structures adjacent to a pond.

Patricia Sesto reviewed the contents of her staff report. The property is residentially developed and borders Lower Lake. The lake shore is armored with rock and the lawn leads down these. The applicant proposes to reconfigure the driveway and construct a garage beyond the 100 foot buffer limit. Infiltrators and a deck expansion are within 100 feet of the lake.

Overflow from the infiltrators will discharge to an existing drain line which discharges to Lower Lake. The applicant has included buffer plantings to separate the lawn from the lake.

Tony D’Andrea of Rocco V. D’Andrea, 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 Bill Galvin, seconded by Elliot Benton and carried 5-0-0.

8. #2016-096 – 160 Bedford Road – THCERPUR, LLC – Tax #10-1115 – for a two-lot subdivision, and construction of a single-family residence, studio, garage, driveway, and two pools and pool terraces 60’ from wetlands.

Patricia Sesto reviewed the contents of her staff report. This property was before the agency in late 2015 for additions and reconstruction of the pool and pool house. This application is for a two-lot subdivision and results in a less aggressive renovation of the house and a larger reconstruction project for the pool house.

Mrs. Sesto reviewed the outstanding application requirements and needed information. No alternatives were provided, the biological narrative lacked necessary detail, and the efficacy of rain garden #2 warranted further discussion. If this proposal is approved, the corrective action planting plan approved in 2015 needs to be explicitly accommodated in this permit, too.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency on behalf of the applicant. He took issue with Mrs. Sesto’s staff report, noting several improvements of the site development plan. The house now remains, the leaching field is further from the wetland, and the stormwater basin eliminates lawn from areas adjacent to the pond.

Mr. D’Andrea described the water quality basin adjacent to the pond, the design parameters imposed by the Drainage Manual, and expectations for water movement through the basin. The goals for design of the dwelling and pool were spoken of, including the desire to capitalize on the pond views.

Mrs. Sesto pressed Mr. D’Andrea regarding alternatives. Mr. Harris suggested a common driveway as a means to reduce the volume of runoff created and subsequently reduce the size of the water quality basin serving the driveways.

There were no comments from the public.

A motion to delay the application was made by Stephan Skoufalos, seconded by Elliot Benton and carried 5-0-0.

9. #2016-097 – 21 Walker Court – Peter Bria – Tax #09-2723/s – for relocation of a shed 12’ from wetlands.

Doreen Carroll Andrews reviewed the contents of her staff report. During an inspection for permit compliance, Ms. Andrews observed a shed straddling a watercourse and this shed was not part of the 2012 permit. Following the issuance of a cease and correct order, the applicant is proposing to relocate the shed 12 feet from the watercourse. The proximity to the watercourse is a concern given sheds are often used to store petroleum products, pesticides and fertilizers. Alternatives should be discussed, although the site has extensive steep slopes, which hinder the applicant’s ability to find other suitable locations. Mrs. Sesto added these products are a threat to the watercourse if they were to spill.
Peter Finkbeiner of Sound View Engineers & Land Surveyors LLC appeared before the agency on behalf of the applicant. He stated he is unfamiliar with the site and therefore cannot comment on possible alternate locations. Likewise, he does not know the applicant’s intended uses for the shed.

There were no comments from the public.

A motion to issue an order to correct the violation with general and special conditions as proposed by staff was made by Elliot Benton, seconded by Bill Galvin and carried 5-0-0.


Bob Clausi reviewed the application proposal. The applicants wish to rebuild the house, utilizing the existing foundation. A retaining wall is proposed on the east side of the house, immediately adjacent to a wetland. This is actually beneficial to addressing an existing erosion problem on the steeply sloped side yard. To the rear of the property, a wetland exists and is part of a larger system extending east, west, and south. The pool fence is proposed within the wetland with evergreen trees to be planted between the fence and pool.

It was noted Bill Galvin visited the site.

Masoomeh Priou, property owner, appeared before the agency and described the property and proposal further.

Brian Harris asked what the likelihood the wetland on the inside of the fence will eventually be converted to lawn. Mr. Clausi stated the area is easily viewed from the Francine Drive cul-de-sac, meaning staff can easily monitor the property.

Masoomeh Priou expressed her willingness to move the fence to coincide with the wetland boundary and extend the retaining wall eight feet towards Hillside Drive to more fully encompass existing eroded slopes.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff and the additional special condition to require the submission of a drainage exemption form was made by Brian Harris, seconded by Elliott Benton and carried 5-0-0.

V. Agent Approvals

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

1. #2016-082 – 12 Flagler Drive – Jerry & Ilene Schiff for reissuance of a permit to construct a single-family residence 50’ from wetlands. Tax #11-3246
2. #2016-083 – 1177 King Street – Trustees of the Convent of the Sacred Heart, Inc. for construction of a driveway spur and drainage 60’ from wetlands. Tax # 10-4021 & #10-1993

3. #2016-086 – 39 Lincoln Avenue – Adam & Danyella La Rosa for construction of a porch and fireplace 3’ from wetlands. Tax #06-2641/s

4. #2016-095 – 340 Stanwich Road – Benno & Marli Meier for construction of residential additions, septic system, and rain garden 70’ from wetlands. Tax #11-2383

5. #2016-103 – 15 Center Drive – Hongwei Chen and Ying An for construction of a deck 45’ from a watercourse. Tax #06-2915

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 thirteen applications listed on the agenda and schedule them for discussion or public hearings as appropriate, at the next meeting of the Agency, second by Bill Galvin and carried 5-0-0.

VII. Violations

1. Cease & Correct Order #2016-11 – 3 Oakwood Lane – Three Oakwood, LLC – Tax #11-1532/s

Doreen Carroll-Andrews reviewed the Violation Summary. The unauthorized activity includes grading and filling within upland review areas.

The violation was discovered during a standard inspection to review site work authorized under Permit 2015-037 for the construction of residential additions. Work had taken place on the property that was outside the scope authorized and includes filling and grading an area adjacent to the wetland located on the northeastern part of the property. Several trees were removed and fill brought in to create a level area approximately 45 feet by 30 feet. Silt fencing is in place and functioning properly.

The wetland is in the process of being re-delineated and the contractor, Ron Metell, was informed that when two wetland soil scientists have differing delineations, the two must collaborate and come to an agreement to a wetland delineation to be reviewed and approved by the Agency. In either instance, the fill material is either right up against the wetland line or approximately 25 feet from the wetland.

The applicant is also seeking relief for the penalty portion of the filing fee.

Doreen Carroll-Andrews read the evidentiary documents into the record.

Rob Frangione appeared before the agency on behalf of the property owner. Presently, permit 2015-037 is being implemented. During the course of work, former Asst. Compliance Officer
Daniel Berheide made several site inspections and during one inspection he spoke to the homeowner about the tree work. The property owner contends Mr. Berheide authorized the work, stating no permits are necessary. Mr. Frangione read a timeline of events to substantiate his client’s position.

Ms. Carroll-Andrews recommended the Agency maintain Cease & Correct Order #2016-11 and further recommends a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by August 10, 2016.

A motion to uphold the Order with staff recommendations and waive the penalty portion of the application fee was made by Bill Galvin, second by Brian Harris. The motion carried 5-0-0.

2. **Cease & Correct Order #2016-12 – 201 Pemberwick Road – Mary Rovello – Tax #09-3445/s**

Lindsay Tomaszewski read the evidentiary documents into the record and reviewed the Violation Summary. The unauthorized activity includes installation of a fence and removal of vegetation 35 feet from a watercourse. This work may extend onto conservation areas.

Based on the site visit and a review of aerial photography and Google streetview, a least two trees on the property of 201 Pemberwick were cut, along with various shrubs. 0 Pemberwick Road was also previously vegetated with small trees and shrubs. The property line for 201 Pemberwick extends approximately a few feet to the right of the northern sewer drain. It is therefore possible the fence does not cross onto the conservation property. Regardless, the fence was installed less than 35 feet from the nearby watercourse without approval from IWWA.

A Violation was issued on July 15, 2016 by regular and Certified Mail with a deadline for the submission of an application by August 19, 2016. Cease & Correct Order #2016-12 was issued to the homeowner via regular and Certified Mail on July 19, 2016. Ms. Tomaszewski recommended the Agency maintain Cease & Correct Order #2016-12 and a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by August 19, 2016.

Mary Rovello, property owner, addressed the agency. She stated the property is leased to Derek and Bill D’Andrea who initiated this work in order to start a nursery. Ms. Rovello took issue with some of the characterizations of the site and work, which prompted a discussion between the agency and Ms. Rovello to properly define the extent and location of the work. At the conclusion of this discussion, it was agreed clearing did take place without a permit, but more work needs to be done to properly depict the location of it. Accordingly, Mrs. Sesto and Ms. Tomaszewski will meet with Ms. Rovello and her tenants on-site to seek this clarification.

A motion to uphold the Order with staff recommendations was made by Brian Harris, second by Elliot Benton. The motion carried 5-0-0.

**VIII. Bond Releases**

1. Application #2007-064 – Permit #2007-058 for Customers Bank – 12 Byfield Lane. The $10,000 bond is to be returned to Pecora Brothers, Inc.
2. Application #2010-029 – Permit #2010-052 for Rosemary and John Martin – 84 Butternut Hollow Road. The $8,000 bond is to be returned to BSF Properties, Inc. and the $5,000 bond is to be returned to Rosemary and John Martin.

3. Application #2014-090 – Permit #2014-077 for Estate of Mary Ella Griswold – 14 Rockwood Lane. The $6,000 bond is to be returned to The Kaali-Nagy Company.

4. Application #2014-095 – Permit #2014-093 for Mike Rosa – 50 Bedford Road. The $10,000 bond is to be returned to Michael Rosa.

5. Application #2015-056 – Permit #2015-051 for Brian Gentile – 0 South Street. The $8,000 bond is to be returned to Nicole Allen and Brian Gentile.

6. Application #2015-133 – Agent Approval #2015-106 for 143 Clapboard Ridge Road, LLC – 143 Clapboard Ridge Road. The $1,000 bond is to be returned to Fogarty Cohen Selby & Nemiroff, LLC.

A motion to release the bonds was made by Stephan Skoufalos, second by Elliot Benton and carried 5-0-0.

IX. **Other Business**

   a. General Procedural Discussion

X. **Adjourn**

With no further business, the meeting adjourned at 11:05 p.m.

Patricia Sesto
Wetlands Director