MINUTES  
July 27, 2020

In attendance:  Brian Harris, Chairman, Elliot Benton, Vice Chairman, Jay Schondorf, Norma Kerlin, and Klaus Jander

Also in attendance:  Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carroll-Andrews, Senior Compliance Officer; Tony D’Andrea, Rocco V. D’Andrea, Inc.; Larry Liebman, S.E. Minor; Eric Brower, AICP; Jacqueline O. Kaufman, Esq. Carmody, Torrance, Sandak & Hennessy; William Kenny, William Kenny Associates, LLC; Jay Fain, Jay Fain & Associates, LLC; Michael Finkbeiner, Matthew McCullough, Michael Grunberg, John Harness, Dan Krober and Megan Raymond, Milone and MacBroom, inc.

Agency Session – 7:00 p.m.

1. Call to Order

Chairman Brian Harris called the meeting to order at 7:06 pm. Mr. Harris reported member Alan Rossi submitted his resignation, effective immediately. Mr. Rossi was thanked in abSENTia for this three years of service to the Agency.

2. Seating of alternates

Klaus Jander was seated.

3. Review and approval of draft minutes of June 22, 2020 meeting.

Elliot Benton made a motion to approve the minutes of June 22, 2020, seconded by Norma Kerlin, and passed 5-0-0.

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4. Director’s Report

Patricia Sesto reported the level of activity for the agency remains steady. She has opted to reduce the full time administrative position to part time to better reflect workloads. This is appropriate even without the current changes due to COVID-19. Jennifer Imbrogno, who currently holds the position, will be leaving the job to take another fulltime position in town.

5. Other business

Public Hearings

1. #2019-153 – 42 Dublin Hill Drive – Rocco V. D’Andrea, Inc. for LMB Dublin Hill, LLC for construction of single family residence, driveway with wetland crossing, pool, septic system, and drainage within and adjacent to wetlands. Tax #08-2590 (90 day extension 8/4/2020)

Robert Clausi entered the new documents into the record. He described the revised layout of the house, pool, and grading. The alternate driveway configuration presented at the last meeting has been withdrawn from consideration and the original wetland crossing is again the proposal for access. Much of the driveway is proposed to be porous asphalt. The level spreader of concern on the steep slope behind the house has been eliminated. Trees 3-6 inches dbh previously missing from the site plan have been added. As proposed 71 trees will be cleared to support the development. The revisions yielded a reduction in disturbance area of 10%. A report from William Kenny Associates LLC was newly submitted and is purportedly intended to address outstanding questions.

Anthony D’Andrea, D’Andrea Surveying & Engineering, P.C., addressed the agency. He recapped the three previous alternatives presented and noted DPW is nearly satisfied with the stormwater management plan. The first plan had site coverage of 6,300 s.f. for the house, etc. with another 3,500 of coverage for the pool and patio. Overall, there was 62,000 s.f. of disturbance. The subsequent revisions brought the area of disturbance down to 58,000 s.f.

William Kenny, William Kenny Associates LLC, continued the discussion. He stated, with the additional restoration plantings by the pool, the post construction vegetated buffer will be 60-80 feet in depth. This is a 15-20 foot increase over the previous plan. Overall, the restoration plantings for disturbed areas have moved from 3,000 s.f. to 15,000 s.f.

Mr. Kenny went on to review alternatives. The alternative to move the pool closer to the house to reduce the area of disturbance is not needed as the layout of the house and pool is “stepped,” reducing the need for additional grading. Further, such a rework of the site plan would not yield any less of an impact.
There is a vernal pool in the larger wetland system some 400+ feet from the development. This is farther than the sewage treatment plant of Greenwich Country Day School, which is 300+ feet and drains towards the pool. Citing the work of Dr. Michael Klemens, Mr. Kenny stated the Critical Terrestrial Habitat for vernal pools needs to have at least 50% forest cover to support the pool. The CTH for the offsite wetland would have 53%, if the plan is implemented as proposed.

Robert Clausi identified the pavilion in the north part of the site. Access would include paths and a boardwalk. As cited in Mr. Kenny’s report, the area would also have a deed restriction to prohibit additional development in this area.

Patricia Sesto challenged the limit of disturbance, indicating the affected area could be reduced to further preserve the wetland buffer. The pool and its associated patio and lawn area are examples of excessive disturbance. Jim Hoffman, property owner, conceded that area could be tightened up.

She also called attention to grading and tree removal south of the garage and on either side of the driveway north of the wetland crossing. While the grading here is not deep, it will cause the loss of several trees. Mr. D’Andrea disagreed with the value Ms. Sesto imparted on the 8-inch poplars, but agreed the grading could be pulled back to save an additional three trees.

Elliot Benton questioned the house placement; suggesting it and the other improvements to the west could shift eastward to line up with the backside of the garage in order to preserve more wetland buffer. Discussion ensued. Mr. D’Andrea declined to pursue such an alternative, citing it was aesthetically unacceptable and created access issues.

Mr. Harris called for public comment.

Robert and Jill Bernstein, prospective buyers of the parcel, express dissatisfaction with the suggested changes, stating they would not want the property if the house or pool change.

William Kenny corrected his report, stating no deed restriction for the land north of the northern wetland is being offered.

Francia Alvarez, Greenwich Tree Conservancy, questioned the impacts of runoff from the developed parcel, to which Mr. D’Andrea responded the development is designed in accordance with the Town’s drainage manual with the purpose of preventing off-site impacts.

Ms. Alvarez urged tree preservation, noting the town has only 37% forest cover.

Brian Harris sought information regarding the positions of the members. Elliot Benton stated an approval could be reasonable if the limit of disturbance to the west was reduced. Norma Kerlin stated too much information was belatedly submitted and too much discussion had taken place with conceptual changes to act on. Jay Schondorf did
not concur with efforts to move the house eastward but did support reducing the envelope of disturbance to the west. Mr. Schondorf asked for clarification on rescinding the offer to have a deed restriction to the north. With no restriction, the agency could see applications for activities in the wetland and upland review area in the future and would be responsible for weighing past incursions to the buffers against what was being proposed.

With no further discussion or public comment, Brian Harris made a motion to close the public hearing, seconded by Jay Schondorf, and carried 5-0-0.

2. #2020-010 – 306 Round Hill Road - S.E. Minor & Co., Inc. and Eric Brower, AICP for Christopher Pollack for maintenance of dam, dry hydrant, and installation of restoration plantings within wetland and watercourse. Tax #10-1018 (90 day extension 9/1/20) BC

Robert Clausi reviewed the directive of the agency at the last meeting to hire consultants to assist with the project review. Milone and MacBroom were hired and their report was circulated to the agency. The report identified issues with the proposal, questioning the stability and purpose of leaving a portion of the dam behind, and call out areas of the eastern retaining wall that needed repair and scour protection. The report cited evidence of fill being placed in the floodway and the recommendation to remove it. The project implementation is also lacking details and a long-term invasive plant management plan is warranted. Mr. Clausi suggested his list of conditions of the order be modified to incorporate compliance with the MMI recommendations.

Eric Brower, representing the applicant, agreed to have the plans modified in accordance with the MMI report.

Discussion ensued as to how revising the plans would be accommodated. It was determined a proposed condition of the order could be modified to express the intent to have the plans updated in accordance with MMI recommendations. The plans would then be approved by staff, with consultation by MMI as staff determined was needed.

With no further questions from the agency or public, Brian Harris made a motion to close the hearing, seconded by Elliot Benton, and carried 5-0-0.

Brian Harris made a motion to issue an order to correct with conditions proposed by staff and modifying the condition to require the restoration plans be revised in accordance with recommendations by Milone & MacBroom, inc, to the satisfaction of staff, seconded by Elliot Benton, and carried 5-0-0.

3. #2020-076 – 836 Lake Avenue – Jacqueline O. Kaufman, Esq. for Aquarion Water Company of Connecticut for 4-lot subdivision and installation of driveways, drainage, and grading within and adjacent to wetlands on the two residential lots. Tax #10-1255. (first 35 days 8/31/20). PS

Elliot Benton recused himself.
Ms. Sesto read the documents of the application into the record. This is a four-lot subdivision consisting of some 20 acres of class I and II watershed land to be retained by Aquarion, 72 acres of open space, and two, four-acre residential lots. The parcel is primarily wooded, with areas overgrown in non-native invasive species. There are vernal pools on-site, along with Converse Pond Brook, its associated wetland corridor, and two other wetland corridors. The development of lot 2 will necessitate crossing of hillside seeps to access the rear of lot 2.

The applicant included alternative development proposals stemming from past concepts. Once would be a full subdivision layout with 10+ lots, another with four residential lots, and a two-lot alternative that places a second lot off of Lake Avenue to avoid direct wetland impacts.

The preferred 2-residential lot alternative is devised based on state statutes that promote preservation of water company lands. The plan has been reviewed and approved by the Public Utility Regulatory Authority. Under the rules of the statutes, the 72 acres of open space must be deed restricted and open to the public. Additionally, the Town and Greenwich Land Trust are partnering to purchase the land with GLT taking title and the Town taking a conservation easement of the land.

Jacquelyn Kaufman, Carmody, Torrance, Sandak, and Hennessy, provided additional details of the proposal. The residential lots are four acres in size, consistent with the zone. Converse Pond Brook flows through the site, north to south, eventually discharging to the Byram River. The entire 100 acre property has been under the ownership of a water company since the late 1800’s and under past statutes, the Class III land could not be sold. This has changed, allowing the current proposal.

Norma Kerlin and Jay Schondorf were identified as having visited the site.

Mark Lancour, of X, provided an overview of the site and the development proposal. Lot 2 includes three wetland crossings with a total of 2,400 s.f. of direct wetland impact and 1 ac of wetland buffer intrusion. Due to statutory limitations, the lot cannot be made larger to seek an alternate means of access to avoid the wetland crossings. Appropriate LID practices are proposed to offset the impact.

Mr. Lancour referenced the alternate plan for an 11-lot subdivision and another with a 3rd lot. The 3rd lot scheme set a parcel in the middle of the proposed 72-acre open space. While this alternate for a second lot would avoid direct wetland impact, it indirectly impacts higher quality wetlands.

William Kenny, William Kenny Associates LLC, characterized the project as an amazing conservation development. With 2.5 acres of development, only 3% of the entire site will be disturbed. Mr. Kenny described the three wetland corridors, including Converse Pond Brook and the aqueduct that was dug to divert its flows to reservoirs south and east. The aqueduct now serves as hibernaculum to federally threatened long-eared bats, and state...
threatened tri-color and little brown bats. An apparent second attempt for an aqueduct comes off the brook further south. The massive ditch dead ends to the east of the brook. There are four vernal pools on-site within a high quality forest. The forest has lower quality to the west and southeast where invasive species have compromised the integrity of the forest edge. The western forest contains the hillside seeps as part of lot 2. These wetlands are lower in quality because they are on a hillside, meaning overland flows have a short residence time and do not recharge groundwater, store floodwater, or provide high water quality renovation opportunities. The wetlands also lack diversity from the surrounding vegetation. An old wood road already crosses the wetland seeps and the proposed driveway would follow this route.

Mr. Kenny spoke to the alternative of having the second lot off of Lake Avenue and avoiding direct wetland impacts. He concluded the impact to the Critical Terrestrial Habitat of the vernal pools was a greater impact to the pools that the direct impact to the lesser quality hillside wetlands. Further, the loss of vegetation associated with the Lake Ave alternative lot would compromise the heart of the forest, inviting non-native species and degrading the bat habitat. The break in the forest would also compromise the connectivity between three of the four pools. The proposed lot 2 is on the western edge of the vernal pool assemblage.

Ms. Sesto asked about the stonewall on lot 2 that is proposed to be relocated to the eastern property boundary. She expressed a preference for it to mark the limit of lawn. She acknowledged the health code requires the wall to be moved and understood this to be the result of stones below grade. If the wall could be built on the surface, would the health code allow it to be less than 50 feet away from the leaching fields? Discussion ensued with Mr. Lancour agreeing to investigate health code requirements.

Mr. Harris called for public comment.

Jeffery Chaff asked if the houses depicted would be built. Ms. Kaufman and Ms. Sesto explained that if a permit was granted, these houses could be built as shown. If a different end user chose another development proposal, a new permit may be required depending on how different the new layout was.

With no further questions from the agency or public, Klaus Jander made a motion to close the hearing, seconded by Brian Harris, and carried 4-0-0.

Klaus Jander made a motion to approve IWWA#2020-076 with the normal conditions, special conditions proposed by staff, and the additional special conditions that the applicant investigate the feasibility of restacking the stonewall on the eastern limit of lawn on lot 2 and limit of lawn be otherwise marked on both lots, seconded by Jay Schondorf, and carried 4-0-0.

**Consent Approval**

None
Pending Applications

1. #2020-031 – 82 Buckfield Lane – Matthew McCullough for Michael Grunberg for corrective action for fence construction within wetlands. Tax #10-1741 (second 65 days 7/31/20) DCA

Elliot Benton was reseated.

Doreen Carrol Andrews described the violation of installing a deer/pool fence in a high quality wetland, a fence the applicant is looking to legitimize. The fence posts do not have concrete. The past pool fence was placed along the wetland boundary and this fence is in the wetland with standing water. If the fence is to serve as a pool fence in addition to being a deer fence, it cannot have the 6-inch gap along the bottom the agency typically requires for deer fencing.

The Building Division cited the property with a violation for the pool fence no being compliant with the building code because the homeowner was using the pond as part of the barrier. The state subsequently denied the use of the pond as a barrier.

Ms. Carrol Andrews recommends the application be denied as there are feasible and prudent alternatives with less impact and issue an order to restore the fence consistent with the permit issued under IWWA#2014-064.

John Harness, attorney for the applicant, addressed the agency. He stated a report by William Kenny, William Kenny Associates LLC, and an email from Joseph Cassidy of the State of CT were sent to Ms. Carrol Andrews at 3:30 pm this afternoon. Ms. Carrol Andrews had not seen the email. Mr. Harness conveyed Mr. Cassidy’s position that he would approve the pond as part of the pool barrier if their code compliant fencing along the side yards. The owner would like to have the southwestern fence serve as a deer fence and pool fence as the owner is “deathly afraid” of contracting Lyme disease.

William Kenny, William Kenny Associates LLC, described his familiarity with the property, noting he was involved with a past permit from 5-10 years ago. The subject fence is oriented north to south, parallel with the development and open to the pond. This orientation allows for wildlife movement on the west side of the fence to the north. It also prevents wildlife from entering the residentially developed portion of the property and falling prey. The deer fence function allows the plants on the inside of the fence to be protected from deer browse.

Ms. Sesto contradicted Mr. Kenny’s assertion that the fence will help wildlife make better decisions on how to traverse the landscape and noted having a portion of the high quality wetland cut off from the rest of the system is not desirable. Discussion ensued.

Matt McCullough stated the fence on the other side of the property was fitted with mesh with 3 inch holes, per staff directive, so it could be used as a pool fence. Ms. Sesto noted this was a field change approved by staff and when challenged, the agency over rode staff, as is their prerogative to do. Ms. Sesto went on to say since the question about how big an opening is

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needed has been challenged, she contacted herpetologist, Dr. Michael Klemens, who stated the gap should be at least 8 inches below the fence.

John Harness added the agency came to terms with the easterly fence, allowing the mesh to remain with staff directed modifications.

Ms. Sesto contradicted Mr. Harness, stating the agency overrode the staff at the June meeting and required the mesh be removed from the easterly fence. They allowed the staff approved field change for the placement of the fence to remain.

Mr. McCullough stated the agency is placing the needs of wildlife over public health and the building code with these requirements.

Mr. Benton interjected, stating the issue is trying to use one fence for two purposes. The previously issued permit provides for a compliant pool fence.

Mr. Grunberg addressed the agency, noting permits have been issued for pool fences in wetlands. He continued to assert that they followed the staff directive to modify the mesh below the easterly fence and that should not have been up for reconsideration. Further, the agency was provided with all of the facts in June. If he and his representatives had been allowed to speak at the June meeting, they would have told the agency the eastern fence was to also serve as a pool fence. In the absence of this information the agency was wrong to override staff’s directives regarding the mesh.

Ms. Sesto explained the agency has approved deer fences and pool fences as described. Each project is evaluated on its own merits as each contains a unique set of circumstances. Past approvals don’t set precedences for future applications. Also, wetland protection science changes and it is staff’s responsibility to update the agency accordingly. Lastly, staff serves the agency and it is the agency who makes the final decision, including overriding staff decisions.

Mr. Grunberg restated the locations of the fences and narrative provided by Mr. Kenny.

Mr. Harness questioned the nature of the agency’s objections, asking if this is a new precedent. Will the agency no longer allow pool fences in wetlands?

Mr. Harris explained each application has to stand on its own merits. Pertaining to the field change it is the agency’s decision in the end, not their staff’s.

Upon questioning, Mr. Kenny identified himself as a professional wetland scientist, a soil scientist, and a landscape architect. He has 30 years of experience and a degree from the Yale School of Forestry. In response to Mr. Harness, Mr. Kenny restated his conclusion that the proposed fence did not impact the wetlands.

Ms. Sesto and Ms. Carrol Andrews likewise entered their credentials into the record. Ms. Sesto has a B.S. in biology and has practiced wetland protection for 34 years. Ms. Carrol Andrews also has a B.S. in environmental biology and has been practicing for 17 years.
Mr. Benton questioned Ms. Sesto on the agency’s preferred practices associated with deer fences. She confirmed it is the normal practice to have a six inch gap at the base of deer fences in wetlands and 35 feet on either side of them. This requirement does not conform with the building code requirement for pool fences. Mr. Benton concluded that Mr. Grunberg can implement the fence location previously approved.

Discussion ensued regarding the role of staff, the agency, and past permits for pool fence issued by the agency. Ms. Carrol Andrews clarified what precipitated the notice of violation that is the subject of the current application. She was conducting a compliance inspection to close out one of the other permits for the site and took note of the non-compliant fence. From there the violation process began. The fence had been modified from being just a deer fence with the gap to a pool fence, with no gap.

Mr. Harris allowed public comment. Alan Small, neighbor, contended permits and decisions by the agency have been made on false information.

Brian Harris made a motion to invoke the 90-day extension provided by executive order, seconded by Jay Schondorf, and carried 5-0-0.

New Applications for Review

1. #2020-062 – 260 Riverside Avenue – Christine and William Ruskin to legitimize unauthorized deer fence within and adjacent to wetlands. Tax #05-2404. (first 65 days 8/26/20).

Jennifer Urena described the application to retain a deer fence that was installed without a permit. To bring it into compliance with the agency standards, the fence would need to be altered to create a six-inch gap along the base in the wetland and 35 feet into the buffer. The applicant has requested the dated to complete this work be October 1 rather than August 3rd as stated in the staff report. Ms. Urena had no objections to the change.

Brian Harris made a motion to approve IWWA#2020-062 as proposed by staff, modifying the date for creating a gap to October 1, 2020, seconded by Klaus Jander, and passed 5-0-0.


Norma Kerlin and Jay Schondorf were identified has having visited the site.

Robert Clausi reviewed a past permit which allowed for a pre-existing pool to be reconstructed is almost the same location. This permit application seeks approval for a different location, 23 feet from the wetland as opposed to 60 feet. The pool fence will be 15 feet from the wetland. Eight trees will have to be removed and include some evergreens in poor health and a mature trio of healthy deciduous shade trees. Matt Popp of Environmental Land Solutions prepared a
mitigation plan. Mr. Clausi noted 37% of the property is to be preserved and the existing retaining wall serves as an effective limit of lawn demarcation. Alternatives to be considered include moving the pool south and east to move away from the healthy trees.

Anthony D'Andrea, D'Andrea Surveying & Engineering, P.C., addressed the agency. He concurred the pool could be shifted south and east by 10 and 5 feet, respectively. Ms. Sesto responded this will not be far enough to save the trees. The location of the pool excavation will be still too close to the trees and will effectively eliminate half of their root system. Discussion ensued.

Brian Harris recommended Mr. D'Andrea return with a revised plan and more detailed information pertaining to the trees and the extent of their canopy. Robert Clausi suggested the applicant also consider where mitigation could go that directly benefits the wetland in exchange for the proposed indirect impact.

The application was continued to the August meeting.


Patricia Sesto introduced the application, noting its purpose is to restore a site degraded by non-native invasive species. Under a previous approval, site development began by constructing a driveway and then work ceased. In the intervening years, the driveway served to block groundwater and a small wetland formed at the turnaround. Three other wetlands exist in the southeastern quadrant of the parcel. The plan includes the creation of a rocky habitat, a den, and vernal pools.

Ms. Sesto explained she has no reservations with the non-native plant removal and restoration plan. If the project is abandoned midcourse, the plants will take hold again. She stated her only reservation is the creation of vernal pools. No information has been submitted to substantiate the hydroperiod of the pools. If it is too short, amphibian breeding attempts may be doomed, and the population impacted.

William Kenny, William Kenny Associates LLC, conveyed his enthusiasm for the project to restore the 12 acres through a management plan to maximize diversity. The site is a classic drumlin land form with moist soils. Mr. Kenny reviewed the various habitat types proposed and the desire to create vernal pools as there is currently no ponded water on-site. A boulder drain in the southeast wetland will be disabled and the flow from two other wetlands will be dammed. Mr. Kenny concurred that the is no data to draw conclusions on the potential hydroperiods, but the goal is more to pond water, not necessarily to create vernal pools.

Ms. Sesto stated her discomfort with the lack of information or defined goals for the ponded water. After some discussion, it was determined at the end of the 5-year permit term, a report will be submitted to the agency regarding the pools and final decisions regarding their disposition will be made at that time.
Brian Harris made a motion to approve IWWA#2020-070, with the normal conditions, the special conditions proposed by staff and the additional condition the agency will receive a report at the end of five years to make a final determination regarding the disposition of the pooled areas, seconded by Elliot Benton, and carried, 5-0-0.

4. #2020-071 – 301 Round Hill Road and 0 Round Hill Road – S.E. Minor for Melvyn and Mary Powers to correct unauthorized tree removal and placement of wood chips within wetlands. Tax #’s 10-3023 and #10-1485. (first 65 days 8/26/20).

Doreen Carroll Andrew reviewed the violation for this application. And area of sparse trees heavily infested with vines was cleared and the wood chips used to fill wetlands and adjoining areas. The intent of the woodchip fill was to combat Japanese knotweed. The restoration plan appears appropriate with respect to trees. Ms. Carrol Andrews discouraged the use of shrubs due to deer browse and the need to eventually shade the area to manage the knotweed in the long term. A five-year management plan is needed to effectively control for knotweed. She recommended the management plan call for black fabric overlay and then meadow seed. The trees should be more equally dispersed throughout the affected area.

Larry Liebman of S.E. Minor, Inc. addressed the agency, stating the applicant has no objections to Ms. Carrol Andrews recommendations.

Elliot Benton made a motion to issue an order for IWWA 2020-071 with the agency’s general conditions and the special conditions recommended by staff, seconded by Brian Harris and carried 5-0-0.


Bob Clausi reviewed this application and his staff report. This application for a dock is out of the ordinary as the size of the dock exceeds the agency guidelines. The property is quite large with an extensive shoreline. Mr. Clausi recommended a planting plan be prepared to encompass the area from the shoreline to the top of the slope. He also recommended a permit be issued with the conditions provided.

Jay Fain of Jay Fain & Associates LLC, addressed before the agency. He stated the larger dock is reasonable as the parcel is 30 acres in size and has 1,500 linear feet of shoreline. He had no objections to the recommendations of staff.

Elliot Benton made a motion to approve IWWA 2020-072 with the agency’s general conditions and the special conditions recommended by staff, seconded by Jay Schondorf, and carried 5-0-0.
6. #2020-073 – 13 Field Point Drive – Rocco V. D’Andrea Inc. for 13 Field Point Drive LLC for demolition and construction of single family residence, driveway, pool, and retaining walls 25 feet from wetlands. Tax #02-1253. (first 65 days 8/26/20).

Bob Clausi reviewed the application and his staff report. The wetland is down a steep slope and off-site. Reinforced erosion and sedimentation controls are warranted due to the slope and a planting plan that does not include turf grass is needed. The site falls within an area designated by the Natural Diversity Data Base and guidance on best management practices from them should be taken.

Tony D’Andrea of Rocco V. D’Andrea, Inc. concurred with Mr. Clausi’s recommendations.

Francia Alvarez, Greenwich Tree Conservancy, questioned why no trees were being saved on this parcel. Mr. D’Andrea responded that the hemlocks are too tall and need to be removed. The other vegetation is not of a caliber to warrant saving. The mature hedge will be preserved and shade trees will be planted.

Elliot Benton made a motion to approve IWWA 2020-073 with the agency’s general conditions and the special conditions recommended by staff, seconded by Klaus Jander, and carried 7-0-0.

7. #2020-074 – 68 Lockwood Road – S.E. Minor & Co, Inc. for Sebastian & Beatriz Canale for installation of pool, pool fence, patio, drainage and plantings adjacent to wetlands. Tax #05-2809/s. (first 65 days 8/26/20).

Norma Kerlin and Jay Schondorf were identified as having been to the site.

Bob Clausi described the proposal to install a 10X22 foot pool in a lawned area adjacent to a wetland and watercourse. Runoff is proposed to infiltrate below the patio and recent soil data substantiates the validity of this plan.

Mr. Clausi recommends an approval and corrected the second special condition he provided: the plantings are to go in the wetland, not adjacent to it.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency and supported Mr. Clausi’s recommendations.

Elliot Benton made a motion to approve IWWA 2020-074 with the agency’s general conditions and the special conditions recommended by staff, seconded by Jay Schondorf, and carried 5-0-0.


Bob Clausi reviewed the proposal to replace a failed drainage pipe that runs through a wetland to a pond. Since the initial submission the plan has been revised to show the replacement pipe daylighting
in the wet meadow as far east as elevations will allow. Mr. Clausi supports abandoning the failed pipe in place.

Robert Zmarlack of Sound View Engineers & Land Surveyors, concurred with Mr. Clausi’s report and recommendations.

Elliot Benton made a motion to approve IWWA 2020-075 with the agency’s general conditions and the special conditions recommended by staff, and with the modification the existing pipe will be abandoned in place, seconded by Jay Schondorf, and carried 5-0-0.

Applications to Be Received

1. #2020-078 – 122 Lancer Road South – Michael W. Finkbeiner for Daniel and Ayaka Stubbs for residential addition 18 feet from wetlands. Tax #12-2560/s. (first 65 days 9/30/20).

2. #2020-079 – 27 Ettl Lane – Sound View Engineers & Land Surveyors for Luigi Rogliano for construction of single family residence, deck, and retaining walls 14 feet from wetlands. Tax #09-2550/s. (first 65 days 9/30/20).

3. #2020-081 – 12 Ledge Road – Lynn Kovack for Douglas Musicaro for construction of deck 5 feet from wetlands. Tax #06-2337/s. (first 65 days 9/30/20).

4. #2020-084 – 225 Stanwich Road – Crossland Engineering, PLLC for Colleen and Phillip Hempleman for corrective action and wetland restoration for unapproved fill. Tax #08-2696, 08A-1236. (first 65 days 9/30/20).

5. #2020-085 – 300 Stanwich Road – Fabio Silvagni for extension of deck, and installation of concrete slab under deck 85 feet from wetlands. Tax #11-2898. (first 65 days 9/30/20).

6. #2020-086 – 14 The Avenue – Rocco V. D’Andrea, Inc. for Sean and Courtney Caso for construction of deck and stairway 73 feet from wetlands. Tax #11-3160. (first 65 days 9/30/20).

7. #2020-087 – 200 Stanwich Road – Muller Engineering, LLC for 200 Stanwich Road, LLC for corrective action for unpermitted repair and replacement of stormwater drainage pipes within wetlands. Tax #11-1395. (first 65 days 9/30/20).

8. #2020-088 – 50 Husted Lane – Gabriela Baumatz de Isman for installation of pool/deer fencing 5 feet from wetlands. Tax #11-1362. (first 65 days 9/30/20).

9. #2020-089 – 271 Valley Road – Elizabeth Coelho for installation of ramp and floating dock in a watercourse. Tax # 08-2278/s. (first 65 days 9/30/20).
10. #2020-090 – 37 Baldwin Farms North – Rocco V. D’Andrea, Inc. for Precise Construction Contracting, Inc. for corrective action for unauthorized retaining wall 40’ from wetlands. Tax #10-2628. (first 65 days 9/30/20).

11. #2020-091 – 6 Willow Run Road – Sound View Engineers & Land Surveyors, LLC for Joseph Lamberti for construction of single family residence, driveway, septic, and drainage 45’ from wetlands. Tax #10-1849. (first 65 days 9/30/20).

12. #2020-092 – 40 Locust Road – Sound View Engineers & Land Surveyors, LLC for Sanle Zhang and Yangping Li for installation of gravel walking path in wetlands. Tax #10-1594. (first 65 days 9/30/20).

Brian Harris made a motion to accept the applications listed on the agenda, seconded by Elliot Benton, and passed 5-0-0.

**Agent Approval Permits**


2. #2020-065 – 382 Riversville Road – Murphy Brothers Landscaping for Eagle Hill Foundation Inc. for replacement of septic system 60 feet from wetlands. Tax #10-1606.

3. #2020-067 – 18 Mimosa Drive – Rocco V. D’Andrea, Inc. for Brendan and Leigh Moynihan for construction of retaining wall and removal of shed 65 feet from wetlands. Tax #08-3783/s.

4. #2020-068 – 27 Perkins Road – Muller Engineering LLC for Christopher and Kasey Musumeci for additions, patios and drainage 30 feet from wetlands. Tax #11-2188.

5. #2020-069 – 137 Valley Drive – S.E. Minor & Co., Inc. for Serenity Estates Holdings LLC for installation of fence and plantings 12 feet from wetlands. Tax #07-2825.

6. #2020-077 – 150 Bedford Road – Kristen Prohl & Kevin Kleinbardt for construction of a residential addition 61 feet from wetlands. Tax #10-1543.

7. #2020-080 – 464 Cognewaugh Road – Vittorio Portolano for construction of pool and pool equipment 53 feet from wetlands. Tax #08-1266.

8. #2020-082 – 63 Winthrop Drive – Wojtek Szumski for Aaron and Jennifer Wolfe for construction of roof over patio 10 feet from wetlands. Tax #05-2313/s.

9. #2020-083 – 293 Lake Avenue – 293 Lake Avenue, LLC for Matthew Traina construction of pool, patio, and pool equipment 50 feet from wetlands. Tax #07-1471/s.
Violations

None

Other Business

1. #2020-078 – 122 Lancer Road South – Michael W. Finkbeiner for Daniel and Ayaka Stubbs for residential addition 18 feet from wetlands. Tax #12-2560/s. (first 65 days 9/30/20). BC

Bob Clausi described the violation as a shed having been installed at some point between 2008 & 2013 by a previous owner. The shed is located two feet from a lawned wetland. The violation was discovered in the course of inspecting the site related to an application for an addition. The addition would qualify for an agent approval, until the issue of the shed came up. Mr. Clausi sought a determination from the agency if this project could still qualify for and agent approval.

It was the consensus of the agency to support such action.

2. 147 Fairfield Road – Greenwich County Day School – Athletic field improvement project plan updates. Tax #11-40/13. BC/PS

The project was introduced by Ms. Sesto, who stated this proposal was previously approved by the agency and since that approval modifications have been made. The applicant is seeking a determination from the agency if changes amount to more than field changes.

Dan Kroeben, Milone and MacBroom, Inc. addressed the agency and described the various site plan modifications. Notably, the road has been narrowed and alterations to the parking area have been deleted. The restoration plan associated with the watercourse remain unchanged. The change of interest to the agency lies with a reconfiguration of the road as it passes through a small grove of mature pine trees. In order to preserve those trees, a 100-foot long section of road has been shifted towards the pocket wetland by two to ten feet.

Megan Raymond, Milone and MacBroom, Inc. continued the presentation by describing the wetland and the nature of the buffer area to be impacted. Over the course of the 100 feet, the area has sections that were previously impacted by errant fill and the remainder is sparsely vegetated and impacted with knotweed. The functions of the 2,000 s.f. wetland will be unchanged.

The agency considered the merits of the proposed change. The consensus of the agency was to consider the change a field change, with no new permit required.
Pending Applications

1. #2019-153 – [42 Dublin Hill Drive](#) – Rocco V. D’Andrea, Inc. for LMB Dublin Hill, LLC for construction of single family residence, driveway with wetland crossing, pool, septic system, and drainage within and adjacent to wetlands. Tax #08-2590

Members provided a brief statement of their current thinking on the application. With no clear consensus, staff was directed to draft both an approval and a denial for consideration at the next meeting.

Adjourn

With no further business, the meeting adjourned at 12:14 am.

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 alan.barry@greenwichct.org as soon as possible in advance of the event.