

MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
August 22, 2016

Members present: Vice Chairman Elliot Benton, Bill Galvin, Joe Rogers, Norma Kerlin

Alternates present: No alternates were present

Staff present: Patricia Sesto, Director, Lindsay Tomaszewski, Assistant Wetlands Compliance Officer

Others present: Rob Frangione, Peter Finkbeiner, Larry Liebman, Tony D'Andrea, Bryan Muller, Tom Heagney, Steve Danzer, Matt Popp, Richard Windels, Daniel Sherman, Susan Cohen, Ron Metell, and Cory Jorgensen

1. Call to Order

Vice Chairman Elliot Benton called the meeting to order at 7:00 p.m. in the Town Hall Meeting Room on the first floor of Greenwich Town Hall.

2. Seating of Alternates

No alternates were seated.

3. Review and approval of draft minutes

Bill Galvin made a motion to approve the draft minutes of July 22, 2016 and July 25, 2016 meetings with no corrections, second by Elliot Benton. The motion carried 2-0-2 with Joseph Rogers and Norma Kerlin abstaining for absences.

4. Director's Report

Patricia Sesto stated she had three topics for procedural review.

Ms. Sesto noted that in cases where Soil Scientists may not agree on a wetland boundary, it is at the Agency's discretion to accept whichever professional they wish. In keeping with the intent of the regulations to protect wetlands, it is consistent to accept the larger wetland boundary. The staff report will reference any previous mapping and make a recommendation if there is a consequential difference with an explanation of what may have occurred to change the line. It was the consensus of the Agency to accept this suggestion.

Ms. Sesto proposed the Agency let staff make determinations on as-of-right activities which are straight forward. The Agency would still review applications of larger or more complex scale. After some discussion, the Agency accepted Ms. Sesto's proposal.

Ms. Sesto reported the Town of Greenwich Survey resulted in feedback that spoke to the extended time it takes to get a permit. Her immediate recommendation is to have the Agency take action on an application where outstanding issues were addressed at the meeting, however no conditions of approval were previously crafted by staff. She confirmed most staff reports are

sent two weeks prior to a meeting to allow ample time for the applicant to respond, although responses may not be received in time for a new staff recommendation or some discussion at the meeting is warranted. Taking action in the absence of previously distributed conditions can be facilitated by distributing the list of common conditions that most Special conditions are pulled from. A motion would then made calling for any applicable standard Special conditions and any additional Special conditions articulated at the end of the discussion.

For Public Outreach, Patricia Sesto confirmed Doreen Carroll-Andrews interviewed two candidates for an internship. The person will start mid-September.

5. Compliance Report

Lindsey Tomaszewski 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 July, the incoming application summary, and a breakdown of bond releases. The total number of inspections for the month was 104 completed, of which 80 were for compliance, 5 final inspections and 11 drive-bys. Staff is working with 1 Redwood and the application is in progress. One stop work order was issued for 100 Meyer Avenue, which was addressed by Staff. Of 64 green sheets submitted, 20 did not require a permit but had wetlands. There were 61 office reviews, 2 field inspections and 13 applications for Agent Review. There were approximately 189 counter visits, down from last month's 216.

Bill Galvin requested the statistics are plotted on a graph so the trends and data are known in relation to another. Joe Rogers asked Patricia Sesto if there are any issues with deadlines as the list of upcoming deadlines seems abnormally long. She responded there are seasonal issues as fall is a busy time.

6. Other Business

No other business was raised.

I. Public Hearings

1. 2016-093 – 20 Idar Court – 20 Idar Court, LLC – Tax #01-2268/s

Construction of a multi-family residence, driveway, and covered deck 20' from a watercourse.

Rob Frangione, of Frangione Engineering, LLC requested a 30 day extension of the hearing. Bill Galvin made a motion to extend the public hearing, seconded by Joe Rogers, and carried 4-0-0.

2. #2016-099 – 34 Beechcroft Road – Francois Barthelemy – Tax #11-1793

Construction of a single-family residence, pool, patios, and septic system 35' from wetlands.

Patricia Sesto read the new documents of the application into the record.

Matt Popp of Environmental Land Solutions, LLC appeared before the agency on behalf of the applicant. There were a few outstanding items the agency had requested he add to the plan for approval. These revisions include adding boulders 10 ft. from the watercourse for limit of lawn delineation, and removing the previously proposed rain gardens that are no longer needed. The special conditions set forth have been agreed with the owner.

With no further comments from the agency or public, the hearing was closed.

A motion to issue a permit with general and special conditions as proposed by staff was made by Joe Rogers, seconded by Elliot Benton and carried 4-0-0.

3. #2016-101 – 273 Valley Road – John Ginter – Tax # 8A-1007/s

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

Patricia Sesto read the additional documents of the application into the record.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency on behalf of the applicant and reviewed the revised proposal to remove the lower retaining wall previously proposed. He noted activities were pulled back farther from the river, and a planting plan was provided, including invasive removal. He reminded the Agency the 2003 license was granted for a multi-family residence and the current request is for a residence and studio intended for single family use that will create less of an impact than multi-family. He stated he would provide a long-term invasive narrative for the next hearing.

Mr. Benton clarified the location of the structure is as close to the river as previously proposed. Mr. Liebman confirmed the back part of the building is in the area previously approved for development. Ms. Sesto countered the area in question was approved as the limit of disturbance as evidenced with the siltation fence, not the limit of buildings or retaining walls. Elliot Benton stated the studio will need to be eliminated or pulled further back. Bill Galvin concurred proximity is the issue.

The public was asked for comments. None were offered.

With no further comments from the agency or public, a motion was made to approve the requested extension of the hearing for 30 days by Joe Rogers, seconded by Bill Galvin and carried 4-0-0.

4. #2016-111 – 56 Clapboard Ridge Road – Meadowlark Manor, LLC – Tax #11-1257

For construction of a new single-family residence, pool, and septic system.

Patricia Sesto read the documents of the application into the record and reviewed the contents of her staff report.

Norma Kerlin and Joe Rogers have visited the site.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency on behalf of the applicant to request a continuation.

A motion to delay the hearing was made by Bill Galvin, seconded by Joe Rogers and carried 4-0-0.

II. Consent Applications

1. #2016-106 – 26 Normandy Lane – Redniss & Mead, Inc. for Paul Taske – Tax #05-2757/s – for construction of additions and deck.
2. #2016-115 – 51 Ridgeview Avenue – Solitude Lake Management for Judith Marcus – Tax #11-2998 – for chemical treatment of a pond.
3. #2016-116 – 49 Grahampton Lane – Solitude Lake Management for Anne Getz – Tax #11-1820 – for chemical treatment of a pond.

Vice Chairman Benton 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 Norma Kerlin and carried 4-0-0.

III. Pending Applications

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

Patricia Sesto stated the public hearing is closed and the special conditions have been provided. She stated the conditions require buffer plantings to the north of the two bridges. For the shoreline up the upper settling basin, she spoke to Department of Public Works about the proposed grass pavers. The pavers make it difficult to grow a proper buffer and other means to provide the stability needed in this area may be an option. She confirmed with DPW and Parks and Rec the replanting activity in the northern portion of the pond will not conflict with the recreational uses in the south.

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 4-0-0.

2. #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 revisions submitted. She commented on the greatly improved biological narrative and additional back-up describing the thinking process for alternatives, including a shared access driveway.

Ms. Sesto provided her recommendations from her staff report. There will be two open permits for this property, so one permit shall be voided when the other is acted on. The restoration plan for a corrective action in 2015 was recommended for implementation with a revised due date from the previously set end of May 2016 to October 31, 2016. This date will apply to the 2016

permit as well. Additionally, the boulders that are placed for demarcation should be placed 25 ft. on center. This is a compromise between the typical 15 ft. distance and an acknowledgement the last permit set these boulders 50 ft. on center. The rain garden planting detail should be submitted for approval and a notation that trees to be removed, approximately eight, will be replaced at a 2:1 ratio within the buffer.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency on behalf of the applicant. He stated he has demonstrated two homes can exist while the preserving the existing home. A small two-bedroom cottage is for family use. The existing topography will remain with an envelope of disturbance of 2.8 acres on a 8-acre site. The proposal reduces impervious surfaces by 10,000 sq. ft. utilizing the Stormwater Drainage Manual guidelines.

Mr. D’Andrea responded to Ms. Sesto’s previous request for details on rain garden #2. The rain garden takes runoff into a sand medium where the water filters down through natural soil and into the pond. Mr. D’Andrea spoke to the driveway alternatives. The owner has requested the separation of the driveways for security purposes. As the existing driveway will remain in parts, the plan shows where it approaches the northern lot and curves around.

There were no comments from the public

A motion to approve the application with conditions recommended by staff was made by Joe Rogers, seconded by Bill Galvin and carried 4-0-0.

IV. New Applications For Review

1. #2016-102 – 6 Dunwoodie Place – Glamoria Powell – Tax #11-2672 – for wetland restoration.

Patricia Sesto reviewed the contents of Doreen Carroll-Andrews staff report and explained the violation. Twelve tree stumps were noted in a regulated area with the distance to the wetland ranging from 17 ft. to 47 ft. The trees removed where 18” in diameter. To mitigate this loss of trees, a variety of wetland trees were recommended. A deer fence should be installed and the landscape debris should be removed. An issuance of an order was recommended.

There were no comments from the public.

A motion to issue an order to correct the violation with conditions provided by staff was made by Joe Rogers, seconded by Bill Galvin and carried 4-0-0.

2. 2016-104 – Lot 15 Knollwood Drive East – Chris Cabanillas – Tax #11-2990/s – for construction of a new single-family residence, driveway, pool, patio, and drainage.

Norma Kerlin and Joe Rogers have visited the site.

Patricia Sesto reviewed the contents of her staff report and the proposal. Most of the development is 50 ft. from the resource and the biological evaluation has been received. There are four large trees that would need to be removed which would create a substantial loss to the canopy in proximity to the wetland. She had suggested the driveway be shifted to the north-west to be further away. Including the alternative that was submitted earlier in the day, the application is capable of being approved.

Bryan Muller provided two alternatives for consideration. One alternate has the four-car garage pushed closer to the wetlands. There is an existing wall for demarcation which keeps all activities to the north and west. It has been challenging to maintain minimal impacts from the activities in this area. To accomplish this end, Mr. Muller has worked with Ms. Sesto and Mr. Clausi by changing the house architecturally, by rotating the house, shifting the pool and configuring the stormwater management system.

Mr. Muller stated in place of a rain garden and cul-tech unit, the alternate includes a smaller rain garden and cul-tech unit with a level spreader. This scenario limits the total disturbance to less than half the lot which qualifies as Low Impact Development.

An alternate for the driveway configuration was requested to limit the loss of trees including a 12 in. and a 36 in. Maple. In pushing the driveway upslope, it was explained more disturbance would be required to compensate for the steeper grades. Mr. Muller expressed optimism the trees in question could be saved with minor field changes. This may be true for other trees as well. Mr. Muller agreed to walk the site again with Ms. Sesto and an arborist to provide a focused assessment for tree preservation.

Another alternate was explored to share a driveway to the north but was not viable due to slopes. Mr. Muller noted the planting plan provides a 2:1 replacement, an increase of the stone bed on the driveway and demarcations can be installed to avoid future buffer encroachment.

Mr. Galvin noted the alternatives were appreciated. Mr. Rogers stated the first condition should be to save trees when possible.

There were no comments from the public.

A motion was made to approve the application with conditions proposed by staff made by Joe Rogers, seconded by Bill Galvin and carried 4-0-0.

3. #2016-105 – 59 Cat Rock Road – Wayne Jervis – Tax # 08-1617 – for construction of a pool, pool house, and patio, and installation of a water line and underground utilities.

Patricia Sesto reviewed the contents of Robert Clausi's staff report. Concerns were raised about the details of the water line replacement. The depth and how it works on the property should be detailed prior to approval. The previous 2013 permit required plantings along the watercourse that were not recognizable to Mr. Clausi during his visit. There is an accumulation of debris that should be removed from the watercourse.

Norma Kerlin and Joe Rogers have visited the site.

Steven Danzer of Steven Danzer PhD & Associates, LLC appeared before the Agency on behalf of the applicant. He confirmed the additional information was provided on the utilities. The utilities will be 48 in. deep to clear the frost line and the water line will have a two feet of cover. He confirmed the leaves and debris have been removed as requested.

Mr. Danzer noted a planting plan was approved when the home was re-built after a fire ten years ago. That permit included planting the southern portion of the wetland but the plan has since

gone missing from the town and the owner's records. Mr. Danzer confirmed the bond associated with the plantings was released, which would indicate compliance at that time. That plan included rhododendrons and ferns and Mr. Danzer offered more plantings.

Mr. Danzer explained there is a pipe from the Red Maple swamp that goes under the existing pool which was built prior to regulations. The pipe is functioning to convey an intermittent watercourse. It was explained contractors do not intend to touch this pipe under the pool, but will place the new pool in the same place. If a problem arises, the applicant would be required to come back to the agency for any alterations. He confirmed the pipe is currently functional and not meant to be touched.

Ms. Sesto raised concern about the pipe's proximity to the sewer and water pipe which need to be 4 ft. underground. The piped watercourse is likely to be shallow and the utilities would have to go underneath it. Mr. Rogers stated these issues need to be addressed prior to installing a new pool for integrity purposes.

Mr. Danzer confirmed an alternate plan is currently underway with the pool shifted. Mr. Rogers suggested providing a better planting plan along the lower end of the watercourse. Mr. Danzer agreed he could look at the southern end for this purpose.

There were no comments from the public.

A motion to delay the application was made by Joe Rogers, seconded by Bill Galvin and carried 4-0-0.

4. #2016-107 – 3 Oakwood Lane – Three Oakwood, LLC – Tax #11-1532 – for regrading of wetlands.

Patricia Sesto reviewed the contents of Doreen Carroll-Andrews staff report and explained the application is in response to a permit violation from 2015 where fill was pushed beyond the approved limit of disturbance. The person who handled the file with the town is no longer employed and no records can be found authorizing this work as stated by the site manager. The owner was intending to flatten the area for lawn.

Ms. Sesto described the staff recommendation to pull the fill to the 98 ft. contour line, leaving half the area as lawn. The planting plan concentrates on the filled area and is acceptable by staff.

Norma Kerlin and Joe Rogers have visited the site.

Rob Frangione, of Frangione Engineers, LLC appeared before the agency on behalf of the applicant. The timeline of meetings with the agency's staff was addressed and Mr. Frangione stated no violation or attempt to do anything in the wetland took place, therefore, the approval should be granted. The request to pull back to the 98 ft. contour is not fair as the applicant was working off a verbal approval from former staff. This directive would include the need to remove fill 5 – 6 ft. deep would require a 6 ft. engineered retaining wall.

Mr. Frangione provided an alternate to pull back the fill, freeing up two large trees from fill in their dripline. The plan includes a 2 ft. boulder wall placed 18 – 19 ft. off the wetland. In this case, some fill would be pulled back and material would be removed from the western side and

install plantings. This option achieves the goals of staff and the agency while protecting trees and planting 10 new trees and ferns.

Ron Metell, the builder, appeared before the agency on behalf of the applicant. He stated he was present at one site meetings with former staff and no work was completed without approval. He contested the staff proposal to remove fill back to the 98 ft contour. Ms. Sesto countered that she spoke to him on-site as well and she thought she was clear about the distance between the trees. Mr. Metell stated he did not realize the grading was so aggressive.

Ms. Sesto suggested making the top of slope at the 98 contour and use a 3 ft. retaining wall to limit the extent of filling. Mr. Frangione stated this would require 2 ft. of fill removal. Mr. Benton inquired how much fill was brought in. Mr. Frangione estimated 758 cu. yds. of fill was brought in for the area and approximately 24 cu. yds. of material is being proposed for removal by the applicant.

Mr. Benton stated placing 750 cu. yds. of fill and removing 25 cu. yds. is not a compromise. He suggested delaying the application. Ms. Sesto agreed to re-visit the property in the interim.

There were no comments from the public.

A motion to delay the application was made by Bill Galvin, seconded by Norma Kerlin and carried 4-0-0.

5. #2016-110 – 115 Zaccheus Mead Lane – Sidney & Amy Goodfriend – Tax #10-1662 – for pond dredging.

Patricia Sesto reviewed the contents of her staff report. The proposed dredging will yield 2,000 cu. yds. of sediment which is meant to be deposited throughout the residential site. Permits for dredging were granted in 1993 and 2003, but neither was acted on. Both previous permits had a proposal for an emergent shelf. There is a recommended buffer associated with this application. Lastly, an interpretation of the soil testing needs to be provided as several samples exceed the reporting limit.

Ms. Sesto noted discharge pipes on the property, which she opined comes from the roof leaders. The discharge of the heated water to the pond undermines the goal of creating a healthier pond. Dredging is just one element. She witnessed discharge pipes to the south, an outlet for a curtain drain and several pipes which were not located on the plan so additional information was requested. The error on plan for the machine access has been revised and the stockpile area still has to be moved to a more appropriate location. The dam has no structural changes proposed.

Ms. Sesto confirmed the discharge from dewatering will go directly to the stream over a sheet of plywood to diffuse flow. The spoils will be partly placed over the leaching fields which has Health Department approval. The filling of a wetland as proposed is not in concert with regulations that require prevention of long-term impacts. Alternatives to placing pond spoils in the wetland were requested, as was planting details for the pond buffer. A delay is recommended.

Norma Kerlin and Joe Rogers have visited the site.

Richard Windels of Northeast Pond Restoration Services, LLC appeared before the Agency on behalf of the applicant. His company has a special hydraulic dredge machine that is made in Kansas which can access and dredge ponds with very little disturbance to the shoreline. The drainpipes capture all runoff from the house and pass around the septic area. A plan for the pipe outfall is being prepared. The dredge proposal is not a large one but the sediment needs to be removed and 100% of it will remain on site. Mr. Windels stated the wetland has been maintained as lawn for 60 years and placing sediment on top will not change the functions. It is better for the project to keep the sediment on-site and make the slope gradual. He stated trucking sediment off-site is detrimental to the environment.

Mr. Windels stated there will be a shallow habitat area at the dam where the prior owner attempted to use a weir board. The sediment will be piped under the driveway to the dewatering basin. A polymer is injected into the dewatering line to separate the sediment from the water. The clean water is then put back into the pond. He explained sediment comes out of the pond it anaerobic. If it is aerated, it will break down to produce topsoil which will be used to create a smooth area.

Mr. Benton asked for the size of the area that would receive this topsoil. Mr. Windels responded the sediment volume was over estimated and will likely be closer to 1,200 c.y. This volume is cut in half because the spoils dry and this volume would be approximately 600 cu. yds. Mr. Windels stated approximately $\frac{1}{4}$ acre of wetlands would be filled.

Ms. Sesto inquired about the pond's surface area, stating the report identified it as being $\frac{3}{4}$ of an acre. If this is accurate, then the wetland area to be filled is closer to this size, not $\frac{1}{4}$ acre. Mr. Windels responded the pond may not be that big and it is a hardship to take the spoils off-site. Ms. Sesto noted a recent approval down the road from this property had all dredged material taken off site. Mr. Windels reiterated there is a strong environmental incentive to not add trucks to Interstate 95, and added no sediment would be placed under the drip lines of the mature trees in the wetland.

Mr. Rogers questioned the reported levels of contaminants in the soil report. Mr. Windels stated he concurs the report is unclear. The report should determine the parts per million that are permissible in a residential environment in a meaningful way for the Agency.

Ms. Sesto stated she was not sure an approval should be granted with the pipes near the leaching fields. Mr. Windels responded the pipe project is not something he is handling. Ms. Sesto reported the pipes may not have been installed with the guidance of the Health Department and would be imprudent for the Agency to approve.

Pipes which are not tight-pipe need to be 50 ft. downslope from the leaching field and it does not appear this criteria is met. Ms. Sesto confirmed more information on the pipe was requested in the staff report but not provided. Mr. Windels inquired if the Agency would require the pipes to be moved to which Ms. Sesto responded affirmatively as the pipes could intercept the effluent plume and discharge into the wetland.

Mr. Windels provided two alternatives with the expressed hope the application could be approved tonight to capture the end of the growing season. The plan with pink color is the preferred plan, not including the narrow strip which was an error, and no materials will be placed in the wetland.

The consensus of the agency is the gutter leader goes to the pond so a better discharge plan is in order requiring a delay. The piping and the septic system are being questioned and the grading plan of fill needs to be provided. The soil and erosion measures should also be detailed on a plan. Mr. Windels confirmed the timeframe of the dredge is approximately 60 days.

Ms. Sesto inquired how the hydraulic dredge process would remove only a portion of the soil profile if a contaminant exceeds the residential criteria. Mr. Windels confirmed his machine allows removal by the inch.

Ms. Sesto confirmed before the dredging takes place, the pipe detail is required, a means to end the direct discharge of the roof gutter to the pond needs to be proposed, and a revised grading plan including soil and erosion measures should be provided. Additionally, confirmation of the meaning of the contaminates discovered and how they will be handled is needed, along with the other conditions previously communicated.

There were no comments from the public.

A motion to approve the application was made by Joe Rogers, seconded by Bill Galvin and carried 4-0-0.

6. #2016-113 – 66 & 68 Halsey Drive – Network Development Company, LLC – Tax #12-1147/s, #12-1148/s – for re-subdivision and development of a parcel.

Patricia Sesto reviewed the elements of the application and the contents of her staff report. In 2014, the properties were approved for a 4-lot subdivision with open space. The applicant is requesting the re-development of the parcel for the original two lots. The original houses were demolished. There is a narrow intermittent stream on the property. A biological evaluation is required to describe what the resources on and off-site. The new house location for 66 Halsey is closer to the wetlands than previously approved. Fill and debris are to be proposed for removal on 68 Halsey and debris was also noted further downstream and this should be removed as well.

Ms. Sesto noted there are large trees marked on the plan for removal without obvious reason. She thought perhaps these notations are carry overs from the 2013 plan. An alternate utility crossing of the stream is requested without an explanation of what circumstances would be required to use this route and the removal of triple maple would be necessary. The applicant should minimize and prevent damage including creating a mitigation plan. A delay was recommended.

Tony D’Andrea of Rocco V. D’Andrea, Inc. for appeared before the Agency on behalf of the applicant. The subdivision started out with four lots, and was revised to three lots. The existing driveway is to remain, the grades will be kept but the retaining wall will not be required as it was in 2013. He confirmed the ledge will remain in-tact which was a point of contention with the last application. The location of the house on the front lot is being discussed, but preserving the ledge does influence the house location.

There were no comments from the public.

A motion to delay the application was made by Joe Rogers, seconded by Bill Galvin and carried 4-0-0.

7. #2016-114 – 35 Winding Land – James & Loren Ridinger – Tax #10-2472 – for construction of a deck and walking paths.

Patricia Sesto reviewed the contents of Bob Clausi's staff report. The application has two layers. There was a permit issued in 2012 to construct a home with a yard. In 2015, a pool was built without a wetlands permit due to a procedural loophole when obtaining building permits. This has since been corrected. The pool is within in the envelope previously approved for development. Rough armoring is shown to stabilize the 8 – 10 ft. slope between decks and set of stairs adjacent will connect them. The additional decks come within the 35 foot buffer established under the previous permit and do not support development balanced with wetland protection.

Mr. Clausi's report stated the wetland area by northeast side of the fence has a significant difference in two independent soil reports. He would recommend continuing with the wetland boundary delineated by Otto Theall. The lower deck is a concern due to the proximity of trees and future requests to remove those trees that may fall. The property does not have a drainage exemption form and if the plan is implemented it would require stormwater mitigation. There are four watercourse crossings and no details have been submitted. There is a recommendation for a delay.

Norma Kerlin and Joe Rogers have visited the site.

Daniel Sherman Landscape Architect P.C. for appeared before the Agency on behalf of the applicant. The proposal entails installing wood-chipped pathways and stairs leading to the brook. The plan was based on Christie Coon's Soils Report and the fence was placed 35 ft. from her ribbons. He was not aware of the other wetland delineation. There will be no tree removal in conjunction with the proposed decks. The owners would like access to the wooded part of their property to enjoy it. The stream crossing can use stepping stones and all work to be completed will be done by hand with no machinery.

Ms. Sesto explained some decks are considered impervious by the town's drainage manual. An engineer can guide their construction to render them pervious. Mr. Sherman stated he did not have a mitigation or planting plan prepared and there will be come cutting of brush where the cement steps are proposed. He inquired if he can keep the fence 35 ft. from Ms. Coon's report if he installs buffer plantings. Bill Galvin responded he supports using Mr. Theall's delineation.

There were no comments from the public.

A motion to delay the application was made by Joe Rogers, seconded by Bill Galvin and carried 4-0-0.

V. Agent Approvals

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

1. #2016-120 – 15 Potter Drive – Brian Leam for construction of a residential addition, deck, driveway, and retaining walls. Tax #06-2691/s

2. #2016-112 – 721 Lake Avenue – Guy Sutton for construction of residential additions, deck, driveway, retaining walls, and septic system 60 feet from a wetland. Tax #11-2897

No questions were presented and no public comments were received. No action by the Agency was required.

VI. Applications To Be Received

Joe Rogers made a motion to receive the nine 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 4-0-0.

VII. Violations

1. Cease & Correct Order #2016-10 – 471 Stanwich Road – Li Ning and Yuan Gao – Tax #11-3252

Lindsay Tomaszewski reviewed Doreen Carroll-Andrews' Violation Summary for the unauthorized removal of vegetation and deposition of material within a wetland and buffer area and failure to install erosion controls.

At the June 27, 2016 Agency meeting, members and staff discussed a violation found at 471 Stanwich Road. A site inspection found trees had been removed around the property and fill and logs have been deposited along the eastern edge of the parking area, either within or adjacent to wetland areas.

A permit was issued to the site in 1976 for the construction of a church, driveway, parking area, septic, and earth berm and grading. A field inspection report in the file dated September 21, 1976, describes the wetland boundary to be generally delineated by the stone wall across the rear portion of the property. This stone wall is indicated by two gray lines on the GIS map and is in the location of the 236/234 contour lines to the rear of the parking area.

Also of note is a sign posted at the northeastern end of the parking area indicating the presence of a high pressure gas line, presumably running east/west along the northern part of the property.

Cease & Correct Order #2016-10 was issued to the homeowner via regular and Certified Mail on June 20, 2016. The Certified mailing was returned unclaimed.

The Agency passed a motion at the June meeting to uphold the Order and required an application to address the violation be submitted by August 3, 2016. If the application was not submitted, a Certificate of Violation should be placed on the Greenwich Land Records. A letter detailing these rulings was issued to the homeowners on July 1, 2016 by regular and Certified Mail. Again, the Certified mail was returned unclaimed. No application has been submitted.

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

Staff recommends that the Agency maintain Cease & Correct Order #2016-10. Staff further recommends referring the matter of non-compliance to the Law Department for resolution in Superior Court.

A motion to uphold the Order with staff recommendations was made by Elliot Benton, second by Bill Galvin. The motion carried 4-0-0.

Bond Releases

1. Application #2007-064 – Permit #2007-058 for Customers Bank – 12 Byfield Lane. The \$12,000 bond is to be returned to Pecora Brothers, Inc.
2. Application #2010-073 – Agent Approval #2010-018 for Traditional Building and Design LLC – Lot #5 Stanwich Road. The \$6,000 bond is to be returned to Traditional Building and Design LLC.
3. Application #2010-096 – Permit #2010-097 for Brunswick School, Inc. – 1252 King Street. The \$5,000 bond is to be returned to Brunswick School.
4. Application #2013-090 – Permit #2013-099 for West Lyon Farm Condominium Association – 75 West Lyon Farm Drive. The \$8,000 bond is to be returned to Weaver Street Tax District.
5. Application #2014-098 – Permit #2014-082 for 269 Palmer Hill Road, LLC – 269 Palmer Hill Road. The \$3,000 bond is to be returned to 269 Palmer Hill Road, LLC.
6. Application #2015-025 – Permit #2015-033 for John and Susan McKee - 48 Winthrop Drive. The \$6,000 bond is to be returned to John and Susan McKee.
7. Application #2015-082 – Permit #2015-077 for Kenneth Schulman – 24 Fox Run Road. The \$3,000 bond is to be returned to J. Bond Septic Service.

A motion to release the bonds was made by Joe Rogers, second by Bill Galvin and carried 4-0-0.

VIII. Other Business

- a. General Procedural Discussion - None

IX. Adjourn

With no further business, the meeting adjourned at 10:22 p.m.

Liz Larkin
Recording Secretary