MINUTES

August 22, 2022

In attendance: Elliot Benton, Vice Chairman, Jacob Schondorf, Secretary, Bill Galvin, Norma Kerlin, Bob Rimmer, and Klaus Jander.

Also in attendance: Patricia Sesto, Director; Jenn Urena, Compliance Officer; Larry Liebman, Kristen LoDatto, S.E. Minor & Co.; Brian Phillips, Langan Engineering; Joseph Pajonas, Joseph Pajonas Studio; Anthony D’Andrea, Rocco V. D’Andrea, Inc.; Essa Audi, SLS Construction; William Kenny, William Kenny Associates, Brian Kavanagh, Sorin Stanciu, Brian Zeitlin.

1. Call to Order

Elliot Benton called the Meeting to order at 7:00 pm.

2. Seating of alternates

Klaus Jander was seated.

3. Review and approval of draft minutes of July 25, 2022 Regular Meeting.

Jacob Schondorf made a motion to approve the minutes as presented, seconded by Bill Galvin and carried 7-0-0.

4. Director’s Report

Patricia Sesto provided an update on two staff members who have been hired. An Assistant Compliance Officer, following the promotion of Jenn Urena, and a part-time Environmental Analyst Staff Specialist. The two week advertising timeframe for the Director’s position started August 19th. The decision and interview process for the Director position will include both Inland Wetland Agency and Conservation Commission members. The logistics of the newly created Deputy Director’s position and hiring process for all candidates was discussed.
5. Other business
   None.

**Consent Approvals**

1. #2022-090 – 51 Richmond Hill Road – S.E. Minor & Co., Inc. for Sean & Sabrina Lager – Construction of a mesh deer fence abutting wetland areas. Tax #10-3629.

2. #2022-093 – 111 Conyers Farm Drive – Jay Fain & Associates, LLC for Peter Joseph & Eva Jacqueline Fonseca – Install a 5-foot walking path through wetland and watercourse areas. Tax #11-3056.

Bill Galvin made a motion to approve the applications listed for consent approval, seconded by Jacob Schondorf and carried 7-0-0.

**Pending Applications**


   Jenn Urena noted the applicant responded to the questions in the July staff report. The de-wathering area will take place behind the pool house with minor grading for less of an impact on existing vegetation. The planting plan has been updated to show this area and the associated construction entrance. This is the only location on the property that will receive dry spoils. The site has an annual 1% chance of flooding but is not within a FEMA-designated floodway. An environmental monitor will be present during operations. Any future tree removal will require staff approval.

   Larry Liebman, S.E. Minor & Co., addressed the Agency confirming the revised plans have created a lesser impact to the wetland.

   Patricia Sesto confirmed the staff report items were properly addressed.

   Elliot Benton called for public comment. There was none.

   Elliot Benton made a motion at approve IWWA#2022-067 with the agency’s standard conditions and the special conditions proposed by staff, seconded by Klaus Jander and carried 7-0-0.


   Patricia Sesto noted many conceptual questions were raised at the last meeting. Information about the specific wetland that is the subject of this application has now been provided. The stormwater calculations have eliminated the assumed 2 inches per hour infiltration and used a percolation rate of 0 inches per hour, creating a safety margin to ensure the system will work in the absence of field data. The subsoil was tested for contamination and no actionable levels were detected, indicating either the nature of the pollutant does not allow movement through the soil or the mobile pollutants have long been washed away. CT DEEP will approve the final remediation plan. Logistics for the wetland risks have been considered with additional special conditions added by staff.
Brian Phillips, Langan Engineering, addressed the Agency stating he is in agreement with the staff report. The members had no questions for him.

Elliot Benton called for public comment. There was none.

Bill Galvin made a motion to approve IWWA#2022-076 with the agency’s general conditions and the special conditions proposed by staff, seconded by Elliot Benton and carried 7-0-0.

3. #2022-077 – 101 Indian Head Road – Rocco V. D’Andrea, Inc. for 26 Red Top LLC - Construction of a new residence and pool with their appurtenances. Tax #05-2453.

The Applicant asked this to be carried forward to the next meeting of the Agency.


Patricia Sesto reviewed the additional information that was requested at the last meeting regarding the extent of trees being removed, the extent of lawn adjacent to driveway, the impact to the upland review area in the rear of house, and stormwater management being pulled back outside of the regulated area. The planting plan has been enhanced. Staff recommends the limit of boulder demarcation be moved westward to compensate for the intensive use. The scope of the application has been revised to include the addition of electrical service via utility trench.

Joe Pajonas, Pajonas Studio, explained the electrical service addition to the proposal with a goal to create the least amount of disturbance. The stormwater components have been shifted outside the review area. He asked for flexibility on the 10 ft. limit of lawn adjacent to the driveway to which the Agency did not oppose.

Mr. Pajonas presented two options to bring electrical service to the house; one is a shorter distance through the wetland but has a greater impact on tree roots and the other has no impact on tree roots but has a longer path through the wetland. Discussion ensued.

Essa Audi, SLS Construction, stated the current electrical conduit is not adequate and needs to be replaced. Path A is in the same area as the sewer line, which is in good shape. Eversource prefers option A as it is known from previous activities. The Agency prefers Option B for less long term disturbance. A new pole is not a feasible option due to the high voltage transformer on the street pole.

It was the consensus of the Agency that route B is preferable.

Elliot Benton called for public comment. There was none.

Elliot Benton made a motion to approve IWWA#2022-080 with the Agency’s general conditions, special conditions proposed by staff, and with modifications required for plan B and the limit of lawn location proposed by the applicant, seconded by Klaus Jander and carried 7-0-0.
**New Applications for Review**


Jenn Urea reviewed the violation where a bocce court and retaining wall were constructed without a permit. The applicants have proposed to remove one corner of the “L” shape wall near wetland flags 4 and 5 and maintain the remainder which is 33 ft. away from the wetland. Materials are permeable, and the area was historically maintained as lawn. There are open permits for a boardwalk, an invasive species management plan, and a driveway reconfiguration. Staff recommends bonding be required. Final plans should include all completed projects to qualify for return of the bond.

Diane Devore, landscape architect, Devore Associates, addressed the Agency. The oyster shell surface and sand-base are fully permeable. Mitigation is a continuation of meadow restoration approved with prior applications. Discussions ensued relating to expansion of the past invasive management onto the neighbors’ properties and method of control. Sesto stated the expansion was authorized as a field change and control methods, including judicious use of pesticides was previously authorized thought the permit.

Elliot Benton called for public comment. There was none.

Elliot Benton made a motion to issue an order to correct with conditions as stated, seconded by Jacob Schondorf and carried 7-0-0.

4. #2022-087 – 8 Laurel Lane Spur – Rocco V. D’Andrea Inc. for Daniel and Lindsey Collins – Realign existing driveway and crossing a watercourse. Tax #11-1582.

Patricia Sesto reviewed the application noting a past approval was granted for work that is not yet completed. There is an existing wood road, but its alignment is not conducive to the size of machinery that will be needed to construct a pool, etc. on the west side of the lot. The stream crossing exists and will be enhanced. The realignment will not require tree removal. Tree protection plans are included. Staff comments were provided.

Tony D’Andrea, D’Andrea Surveying & Engineering, P.C., addressed the Agency. He described the wood roads and noted the owners would like to finish the area near the north side of the home during its current renovation to prepare for a future pool. There is a planting plan flanking the driveway on the slope. He described the existing culvert in the stream and it being protected with a steel plate when the pool is constructed. All noted conditions in the staff report are acceptable to the owners.

Elliot Benton called for public comment. There was none.

Patricia Sesto noted the draft approval includes the requirement for the wood road relocation to be tied to the pool construction. Mr. D’Andrea reiterated the desire to disturb this area coincident with the site disturbance for the house renovation. The Agency members agreed to remove this recommended condition.
Klaus Jander made a motion to approved IWWA#2022-087 with the normal special conditions and the special conditions provided by staff, striking the correlation with the pool, seconded by Bill Galvin and carried 7-0-0.

5. #2022-089 – 8 Neil Lane – Rocco V. D’Andrea Inc., for Kevin P. Gillick – Construct an addition with exterior stairwell with associated activities approximately 46’ from wetlands. Tax #12-0830/s.

Patricia Sesto explained the parcel is small with a steep slope in the back. The addition is at the top of the slope and no tree removal is requested. The wetland at the base of the slope is large and in reasonable health considering the surrounding urban development. She recommended that an arborist confirm mature trees nearest to the northwest corner of the house will not be adversely affected by the addition. Information regarding logistics of working in a tight envelope in the upper left corner of the addition and detail regarding the loss of ornamental vegetation was requested.

The stormwater plan is unusual in that it proposes to discharge the roof drain to an existing 40 - 60 ft deep decorative well. This well currently receives roof runoff. This is troubling as pollutants are discharged directly to groundwater with no pollutant renovation and presumably this groundwater discharges to the wetland. Additional discharge is not prudent. Ms. Sesto suggested gravel base be installed below the patio to infiltrate runoff and better protect the wetland.

Tony D’Andrea, D’Andrea Surveying & Engineering, P.C., addressed the Agency. He confirmed they considered other options for stormwater management with a focus on the least amount of disturbance. The western side of the addition has a stone border with easy access. He suggested a plan to double up the extent of infiltration galleries to pick up the roof drains with overflow going to the well. The driveway to the north is stable and will remain unchanged. The silt fence location was confirmed.

Given there is no loss of vegetation there is no need for a planting plan. Accordingly, conditions #1, #3 and #8 can be removed and #4 will be modified to reflect this.

Elliot Benton called for public comment. There were none.

Elliot Benton made a motion to approve IWWA#2022-089 with the general conditions, special conditions provided by staff with modifications to include to requirement to capture the first inch of entire roof runoff to the extent possible, strike conditions 1, 3, and 8 and modify 4, seconded by Jacob Schondorf and carried 7-0-0.


Jenn Urea explained the violation whereas the owner was removing dead and downed trees and overlying vegetation was removed. There were no live stumps found and mainly non-native vegetation was removed under misconstrued guidance that a permit would not be required from this Agency. The applicant is proposing an old field mitigation planting plan with 42 trees, 64 shrubs, and a robust amount of ground cover once the grasses are
recovered. A timeline is recommended for installation and bi-annual reports should be submitted to the Agency.

Jay Fain, Jay Fain Associates, sees this as an opportunity to improve the area which was part of Conyers Farm. The owners are requesting a reduction in the fee and instead have those funds go towards enhancing the reconstruction of the ecosystem.

Bill Galvin considered dropping the fee from $18,000 to to $12,000 and members agreed. Mr. Elliott confirmed the expectation that the $6,000 reduction will result in a more robust planting plan.

Elliot Benton made a motion to issue an order with the reduction of the filing fee of $6,000 to be attributed to expanding the planting plan, and special conditions as recommended, seconded by Jacob Schondorf and carried 7-0-0.

7. #2022-094 – 16 Chieftans Road – Rocco V. D’Andrea, LLC for Schuyler Estates, LLC – Construction of a pool, patio, rain garden, drainage and landscaping with the closest disturbance approximately 35’ from wetlands. Tax #10-3599.

Jenn Urea explained the closest disturbance is a level spreader located 35 ft. from the wetland. There is an off-site wetland with densely planted material planted parallel to the western border. There are trees not shown on the plan in the northern area which should be added to the planting plan. The level spreader may affect these trees. A demarcation border was requested. The pool fence should be closer to the pool and farther from the wetland.

Tony D’Andrea, D’Andrea Surveying & Engineering, P.C., noted the septic system is approved by the Health Department with a cartridge type system for the pool.

William Kenny, William Kenny Associates LLC, addressed the Agency. He agreed with the suggested conditions with the exception of the 30 ft. buffer. The area to the north has a 45 ft. buffer with a path which they would like to maintain. The pool fence is at the property line and can be pulled off that line without encompassing the walking path. The level spreader is a threat to the evergreens and can be relocated. The level spreader should be installed roughly in line with contour 338.

Elliot Benton called for public comment. There was none.

Condition #2 is being modified to allow the existing path to be within the fenced portion of the yard, with it extending north along the 337.5 contour and adjust condition #3 to relocate the level spreader location to contour 338

Elliot Benton made a motion to approve IWWA#2022-094 with general and special conditions provided by staff as modified, seconded by Bill Galvin and carried 7-0-0.

Patricia Sesto reviewed the application. The closest disturbance is 25 ft. from Cider Mill Brook which is off-site. The stream enters a culvert then daylights across the street, where it again enters a pipe. Half of the development is adjacent to the piped portion of the watercourse.

Tony D’Andrea, D’Andrea Surveying & Engineering, P.C., explained how the stormwater discharge relates to the brook. There is a large culvert which pushes water to the galleries. New Cultec units are proposed in the back portion of the construction.

Elliot Benton called for public comment. There was none.

Klaus Jander made a motion to approve with the conditions as noted, seconded by Jacob Schondorf and carried 7-0-0.

9. #2022-096 – 18 West End Avenue – Environmental Land Solutions, LLC for Robert & Chiara Carter – Construct addition to garage, installation of a boardwalk and management of invasive plant species within wetland and buffer areas. Tax #06-3682/s.

Patricia Sesto explained the application for a small addition to the garage and management of knotweed and phragmites. Only knotweed would be under the purview of this Agency as the inland wetland transitions into a tidal wetland. This boundary is reflected in the change from Japanese knotweed to phragmites.

Matt Popp stated they are in agreement with the conditions for approval.

Elliot Benton called for public comment. There was none.

Bill Galvin made a motion to approve with the normal and special conditions, seconded by Robert Rimmer and carried 6-0-1 with Elliot Benton abstaining.

Applications to Be Received

1. #2022-099 – 86 Doubling Road – Rocco V. D’Andrea, Inc. for Abelardo and Angela Riera – Construct a pool, patio and drainage with the closest disturbance approximately 40’ from wetlands. Tax #11-2826.

2. #2022-100 – 20 West Brother Drive – S.E. Minor & Co. for 2 West Brother 1 LLC – Corrective action for unauthorized removal of ten trees and vegetation, and regrading, within the wetland and wetland buffer areas. Tax #’s 01-1176 & 01-1000/s.

3. #2022-101 – 14 Pecksland Road – Sound View Engineers & Land Surveyors for Lisa Skinner – Reshape the patio areas and install drainage improvements. The closest disturbance to wetlands is 82’. Tax #10-1693.

5. #2022-103 – 92 Sawmill Lane – S.E. Minor & Co., for Brian Neilinger – Addition, drainage improvements, plantings and designation of septic replacement area, 67’ from the wetlands at closest. Tax #11-1195.


7. #2022-105 – 128 Halstead Avenue – Ahneman Kirby for Girish Arora – Redevelopment of a residential property with associated activities in a wetlands. Tax #09-2156/s.

8. #2022-106 – 0 Caroline Place – Ahneman Kirby for Girish Arora – Redevelopment of a residential property with associated activities in a wetlands. Tax #09-2157.

Patricia Sesto stated the agenda is missing application #2022-107 - 686 Lake Avenue - All Habitat Services for Lucy Rinaldi - Invasive species management.

Elliot Benton made a motion to receive all nine Applications, seconded by Bill Galvin and carried 7-0-0.

Agent Approval Permits

1. #2022-088 – 75 Pecksland Road – S.E. Minor & Co., Inc. for Lance & Janell Bakrow – Construction of an addition, patio, drainage improvements and associated work. The closest disturbance is located 75’ from wetlands. Tax #10-1590.

2. #2022-091 – 51 The Avenue – Rocco V. D’Andrea Inc., for Mike & Gabriella Prorokovic – Installation of a septic system approximately 54’ from wetlands. Tax #11-1306.

3. #2022-097 – 74 Park Avenue – Ahneman Kirby for Hunter Mulligan – Construction of a rear deck and pergola, with an outdoor fireplace, bench seating, steps, new fencing and the associated site modifications with closest disturbance approximately 31’ from wetlands. (First 35 days 8-31-22) Tax #06-1704/s.

4. #2022-098 – 29 Field Point Drive – Sound View Engineers & Land Surveyors for Nancy O’Neill – Construct residential additions approximately 50’ from wetlands. Tax #02-1103/s.

No questions were raised.

Violations None

Other Business None
Adjourn

With no further business the meeting adjourned at 9:04pm.

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 demetria.nelson@greenwichct.org as soon as possible in advance of the event.