MINUTES
August 23, 2021

In attendance: Brian Harris, Chairman, Elliot Benton, Vice-Chairman, Norma Kerlin, Peter Linderoth and Jay Schondorf

Also in attendance: Patricia Sesto, Director; Robert Claudi, Senior Wetlands Analyst; Doreen Carrol Andrews, Compliance Officer; Larry Liebman and Haley DeMarchis, S.E. Minor & Co.; William Kenny, William Kenny Associates LLC; Joseph Risoli, Joseph F. Risoli, PE; Rob Frangione, Frangione Engineering, LLC; John Conte, Conte and Conte, Robert Zmarzlack, Sound View Engineers & Land Surveyors, LLC; Alberto Gonzalez, Andrew Logilisci; Daryl Wieland; Glen Willoughby; Mary Kate Frisin; William Rutherford; Tarek Saleh; Tom Heagney, Heagney, Lennon, & Slane; Zach Marchetti; Wayne DeFranzo

7:00 p.m.

1. Call to Order

   Chairman Harris called the meeting to order at 7:03 pm

2. Seating of alternates

   No alternates were present to be seated.

3. Review and approval of draft minutes of July 26, 2021 meeting.

   Elliot Benton made a motion to approve the minutes as drafted, seconded by Norma Kerlin, and carried, 3-0-1 with Brian Harris abstaining.

4. Director’s Report

   None.

   Jay Schondorf joined the meeting.
5. Other business

None.

**Public Hearing**

1. #2021-084 – [883 Lake Avenue](#) – William Kenny Associates, LLC for 883 Lake Avenue, LLC c/o Adam Ullrich – Construction of single-family residence, detached garage, pool, cabana, patio, driveway and associated site improvements partially within wetlands. (Second 65 days 10/6/21) Tax #11-1323. BC

   Robert Clausi reviewed the new documents submitted. Several pieces of requested information have now been provided. Not provided was a map showing trees sized 6-8 inches and development alternatives on the west side of the wetland.

   William Kenny, William Kenny Associates LLC, addressed the agency. He stated trees sized 6-8 inches are shown on the E&S Plan, but not the others. The other plans will be updated to be consistent. The previous plan to have intermittent sections of pervious pavement has been revised to have one continuous section. Some form of demarcation will be incorporated to alert snow plow operators and others of pervious pavement; perhaps a band of paving stone and/or signage.

   The site plan shows the detached garage pulled closer to the driveway to reduce the extent of impervious surface. The plan needs further revisions to shift the Cultec units and adjust the grading.

   Brian Harris questioned the absence of development alternatives entirely on the west side of the wetland. Mr. Kenny responded the bridge will only have a low impact that will be offset by wetland creation. His client declined to submit an alternative. Ms. Sesto reviewed the regulatory criteria for decision, noting the record must enable the agency to find there are no feasible and prudent alternatives with a lesser impact. Mr. Benton asked if Mr. Kenny understood the current record would force a denial. Mr. Kenny stated he will discuss the matter with his client.

   Mr. Harris called for public comments. There were none.

   The hearing was continued to September 27, 2021.

2. #2021-105 – [18 Stonehedge Drive South](#) – S.E. Minor & Company, Inc. for Phoebe and Gregory Slater – Construction of residential additions, driveway, pool, patio, septic system, and drainage system, designation of septic reserve area, and installation of culvert in watercourse. (First 35 days 8/30/21) Tax #10-2250. PS/JU

   The applicant requested an extension of the public hearing, which was granted by the agency.
Mr. Harris called for public comments. There were none. The hearing was continued to September 27, 2021.


Jennifer Urena read the list of documents into the record and described the project to conduct in-stream channel improvements to enhance fisheries habitat. Many of the issues raised in the staff report have been addressed, including the submission of a revised narrative.

Tom Heagney, Heagney, Lennon, & Slane, LLP, addressed the agency, stating this project is to improve fisheries habitat and will be conducted by Trout Scapes, a nationwide restoration firm. They will use low impact equipment, with all material excavated to be reused to build up other in-stream areas. Mr. Heagney requested the agency find this is an as of right project pursuant to section 4 of the regulations.

Larry Liebman, S. E. Minor & Co., spoke to the plan. Turbidity curtains will be used to contain sediment laden water. Ms. Sesto challenged this plan, noting turbidity curtains are not suitable for a cross-stream application. Discussion ensued.

Brian Harris asked if the sediments to be excavated have been tested. Mr. Liebman responded they have not.

Ms. Urena questioned the proposed entry point to the stream. Mr. Liebman stated the entrance point is dominated by winged euonymus, which when cut, will be used as a brush mat. While the bank is steep, the contractor has asserted the equipment can traverse it.

Ms. Sesto read section 4.3 of the regulations to support her conclusion the project does not qualify as a permitted activity because removal and deposition of material is involved.

Mr. Harris called for public comments. There were none.

The applicant was asked to address the turbidity curtain issue, perhaps by using multiple curtains, contact the landowner, The Nature Conservancy, to the south to discuss the project and possible turbid water entering their property, conduct soil testing, and provide a planting plan to restore the stream bank at the entry point.

The hearing was continued to September 27, 2021.

Consent Approvals

1. #2021-103 – 21 Wyngate Road – Rocco V. D’Andrea, Inc. for J. Vince Glenn – Dredging of pond. (Second 65 days 11/5/21) Tax #11-2490. BC
Elliot Benton made a motion to approve IWWA 2021-103 with the agency’s general conditions and the special conditions proposed by staff, seconded by Peter Linderoth, and carried 5-0-0.

Pending Applications

1. #2021-076 – 979 Lake Avenue – Alberto Gonzalez for construction of pool, spa, and deck 7’ from wetlands. (Second 65 days 9/3/21) Tax #11-1164. BC

   Robert Clausi described the revisions to the plan. The wetland boundary is now mapped showing the wetland 11 feet from the pool and 4.5 feet from the deck. The footprint of excavation is not shown. Inconsistencies between documents do not allow one to correlate the shade analysis to the plans. No substantive alternatives have been submitted. The report submitted by Matt Davidson speaks to the mitigation plantings, the health of surrounding trees, and states there are no better alternatives.

   Alberto Gonzalez, owner, and Zach Marchetti, contractor, addressed the agency. The over-dig for the pool installation is two feet and the deck will have a six-foot cantilever on its north end. Mr. Davidson will be hired to oversee installation.

   Discussion ensued regarding patching the liner in the event of a tear and alternatives. It was concluded that Mr. Davidson will monitor the project, the north end of the deck will be reduced to match the depth of decking on the south side, a tree protection plan shall be submitted indicating among other things, that any roots encountered during excavation shall be cut rather than ripped, and the mitigation plan shall be revised to have the northern mitigation area enlarged to be ten feet deep and extend southward to meet up with the second mitigation area.

   Brian Harris made a motion to approve IWWA#2021-076 with the agency’s general conditions and the applicable normal special conditions and the additional special conditions as listed by Ms. Sesto. Norma Kerlin seconded the motion and it carried 5-0-0.

2. #2021-096 – 436 Stanwich Road – Fairfield County Engineering L.L.C. for Tarek Saleh – Construction of single-family residence, driveway, pool, patio, septic system and drainage system 29’ from wetlands. (First 65 days 9/1/21) Tax #11-2234. BC

   Mr. Clausi introduced the application and indicated the three outstanding issued has been addressed since the last meeting. DPW has conceptually approved the project. Issuance of a permit was recommended by Mr. Clausi.

   Wayne Defanzo, Fairfield Co. Engineering, responded by stating he is in agreement with Mr. Clausi.

   Peter Linderoth made a motion to approve IWWA#2021-096 with the agency’s general conditions and the special conditions proposed by staff, seconded by Jay Schondorf, and carried 5-0-0.

3. #2021-106 – 11 Partridge Hill Lane – Joseph F. Risoli, PE, LLC for Daryl Wieland and Andrew Berenblum – Demolition and construction of single-family residence, driveway, greenhouse, septic system, and
Robert Clausi reviewed the changes since the last meeting. Of note, the house will be built west to east, DPW has conceptually approved the plan, and the rain garden has been relocated out of the wetland, and the pool and its patio will remain. The mitigation planting plan has substantive revisions that provide planting by the watercourse and pond and allows the mowed grass to evolve to a meadow with just a mowed path.

Peter Linderoth clarified the walking path would be four feet wide and be either woodchips of mowed grass. Discussion ensued about marking the boundary of the path.

Elliot Benton made a motion to approve IWWA#2021-106 with the agency’s general conditions and the special conditions proposed by staff, seconded by Peter Linderoth, and carried 5-0-0.

**New Applications for Review**


   Robert Clausi described the map revisions to show the wetland to the west, with the infiltrators and retaining wall shifted away from this wetland by 10 feet. A planting plan 15-feet deep was added. One alternative was submitted that straightens the retaining wall, causing it to be farther from the wetland. Mr. Clausi expressed his preference for this plan and recommended an approval.

   Robert Frangione, P.E. Frangione Engineering, concurred with Mr. Clausi assessment, except for the preference for the alternate retaining wall.

   Brian Harris made a motion to approve IWWA#2021-108 with the alternate stonewall, the agency’s general conditions and the special conditions proposed by staff, seconded by Elliot Benton, and carried 5-0-0.


   Robert Clausi described the project as a modest pond dredging proposal. The applicant was asked to incorporate breaks in the pond’s stone lining, to which a revised plan shows a generous response. The sediment was tested and determined to lack contamination. Proposed special condition #2 is no longer needed.

   Andrew Logilisci made himself available for questions. There were none.
Peter Linderoth made a motion to approve IWWA#2021-109 with the agency’s general conditions and the special conditions proposed by staff, eliminating special condition #2, seconded by Jay Schondorf, and carried 5-0-0.

3. #2021-112 – 47 Woodside Drive – S. E. Minor & Company, Inc. for Lindsey and Michael Levine – Construction of in-ground pool, drainage, and pool fence 14’ from wetlands. (First 65 days 9/29/21) Tax #01-1371/s. BC

Robert Clausi described the project and noted the pool fence is proposed is close to the wetland and lake, despite the pool being 60 feet away. He questioned what grading might be needed for the playset. He noted the lake has a strong buffer and stabilization is needed by the proposed infiltrators. Lastly, he requested clarification regarding the depiction of the flood zone.

Larry Liebman, S.E. Minor & Co., stated the depiction of the flood zone does not match site conditions. All of the work is above the 20 foot elevation and out of the flood zone. While the map shows a four-foot change in elevation under the play set, site conditions actually will require just minor grading. Mr. Liebman concurred with the planting recommendation.

Brian Harris made a motion to approve IWWA#2021-112 with the agency’s general conditions and the special conditions proposed by staff, seconded by Peter Linderoth, and carried 5-0-0.

4. #2021-113 – 5 Wyckham Hill Lane – S. E. Minor & Company, Inc. for Marc Chafiian – Construction of in-ground pool, patio, pergola, and drainage, and designation of septic reserve area 53’ from wetlands. (First 65 days 9/29/21) Tax #11-3105. BC

Robert Clausi introduced the project stating the majority of the project is straight forward with the pool being in gently sloping lawn 60 feet from wetlands. Mr. Clausi expressed concern about fill in the floodplain and the applicant’s solution to excavate elsewhere to compensate. He suggested the retaining wall should be pulled back. The excavated area will cause three of mature trees to be cut.

Haley DeMarchis, S.E. Minor & Co., addressed the agency. She responded that her client is not fond of the suggestion to relocate the wall. Discussion ensued.

Mr. Clausi suggested one new tree could be planted for every six inches of tree diameter lost. The trees should be planted in and close to the wetland to offset naturally occurring breaks in the canopy.

Peter Linderoth made a motion to delay taking action on the plan, Jay Schondorf seconded. Discussion about the need to delay action vs. formulating conditions of approval took place. Mr. Linderoth withdrew his motion.

Peter Linderoth made a motion to approve IWWA#2021-113 with the agency’s general conditions and the special conditions proposed by staff, and the additional condition that a new shade tree shall be planting in and near the wetland for every six inches of tree diameter removed. The motion was seconded by Elliot Benton and carried 5-0-0.
5. #2021-114 – 37 Baldwin Farms North – S. E. Minor & Company, Inc. for Andrew and Jenna Weinberg – Construction of in-ground pool, patio, and drainage 68’ from wetlands. (First 65 days 9/29/21) Tax #10-2628. BC

Mr. Clausi presented the proposal to construct a pool, calling attention to an area of grading that crosses over the limit of lawn previously approved by the agency. The rain garden is within the area of previously approved lawn. The plants associated with prior applications are thriving and should not be disturbed.

Larry Liebman, S.E. Minor & Co., concurred with Mr. Clausi’s account of the application and agreed to the proposed conditions of approval.

Elliot Benton made a motion to approve IWWA#2021-114 with the agency’s general conditions and the special conditions proposed by staff, seconded by Peter Linderoth, and carried 5-0-0.

6. #2021-116 – 105 Parsonage Road – Conte & Conte, LLC for Jing Ge & Shirley Chan – Construction of in-ground pool and terrace, and installation of wetland enhancement plantings. (First 65 days 9/29/21) Tax #11-1932/s. BC

Robert Clausi introduced the application by recounted the elements of a past approval for a pool on the south side of the lot. That location allowed for a stronger buffer than what is currently proposed. He went on to call out the limit of lawn demarcation that was installed, the limit that was approved, and the boundary being proposed. The proposed boundary does not encompass as much area as the original approval.

John Conte, Conte & Conte . LLC, recapped his recollection of the original approval, stating the expanded area of buffer was a reflection of the pool location at the time. He detailed the needs of his client for an expanded yard and how the currently proposed pool location was a better fit of their needs.

Ms. Sesto expressed disapproval of the proposal to reduce the extent of wetland buffer. Discussion ensued. The consensus of the members was to have the a newly configured buffer that matched the square footage of the previously approved buffer.

Elliot Benton made a motion to approve IWWA#2021-116 with the agency’s general conditions and the special conditions proposed by staff and the additional condition that a revised plan shall be submitted showing an area of buffer equal to that of the prior approval, seconded by Norma Kerlin, and carried 5-0-0.

7. #2021-118 – 85 Zaccheus Mead Lane – Sound View Engineers & Land Surveyors, LLC for Laxman Narasimhan – Construction of in-ground pool, patio, and pool fence, and designation of septic reserve area 25’ from wetlands. (First 65 days 9/29/21) Tax #10-2534. BC
Robert Clausi described a 2013 permit that authorized pool demolition. This application is to construct a new pool 35 feet from a wetland, with its pool fence 25 feet from the wetland. The originally proposed patio is no longer part of the project and an existing shed will be removed. These changes are proposed to reduce the new impervious coverage to under 500 s.f. Mr. Clausi described a pre-existing rain garden and mitigation plantings that have failed. A new restoration plan needs to be submitted.

Robert Zmarzlack, P.E., Soundview Engineering, offered to addressed this as a condition of approval.

Elliot Benton did not accept the suggestion, instead wanting to have an explanation of the violation and a planting plan with plantings sized to account for the growth the plants should have achieved.

The agency delayed taking action.

Applications to Be Received

1. #2021-119 - 36 Birchwood Drive – Rocco V. D’Andrea, Inc. for Andrew Milstein – Construction of addition over existing patio 72’ from wetlands. Tax #10-2801.

2. #2021-120 – 70 Lower Cross Road – Redniss & Mead, Inc. for SBP Lower Cross LLC – Residential redevelopment including a tennis court, guest house, pool house, patios, and grading adjacent to wetlands. Tax #11-1842.


5. #2021-123 - 5 Angus Lane – Daniel Ahern – Reserve Septic system 58’ from wetlands. Tax #07-2117.


7. #2021-125 – 70 Hunting Ridge Road – Patrick Cummings – Corrective action to remediate dumped debris in wetlands. Tax #11-2074.


10. #2021-128 – 606 Indian Field Road – 606 Indian Field LLC – Reconstruction of pool 57’ from wetlands. Tax #02-1580.

11. #2021-129 – 78 Zaccheus Mead Lane – Michael Behringer - Construction of a pool, terraces and retaining walls and designate 100% septic replacement area 7’ from wetlands. Tax #10-1957.


Brian Harris made a motion to accept the applications listed for receipt, seconded by Jay Schondorf and carried 5-0-0.

Agent Approval Permits

1. #2021-110 – 2 Sparrow Lane – S. E. Minor & Company, Inc. for Jason Smith & Dominick Micciotta – Construction of in-ground pool, patios, retaining wall, and drainage 46’ from wetlands. (First 65 days 9/29/21) Tax #11-1733/s. BC

2. #2021-111 - 121 Cat Rock Road – To Richard and Jenning Kohlberger for construction of residential addition and drainage system, and designation of septic reserve area 29’ from wetlands. Tax #08-1232.

3. #2021-117 - 190 Sheephill Road – To Diane Denardo for construction of residential addition and retaining wall 68’ from wetlands. Tax #12-2037/s.

There were not questions or comments regarding agent approvals.

Violations

1. Cease & Correct Order #2021-004 - for Jongmin & MeeYoung Kim – 15 Surrey Drive. Unauthorized topping of trees and fill being spread within regulated areas; unauthorized construction of a wall along the brook. Tax #12-2343. JU

Jennifer Urena read the list of documents into the record. She explained the daughters of the property owners have been in contact. They emailed today to say they do not dispute the violation and intend to submit a corrective action application as directed in the order.
Brian Harris made a motion to uphold the cease and correct order, seconded by Peter Linderoth and carried 5-0-0.

Adjourn

With no further business, the meeting adjourned at 9:57 pm.

Patricia Sesto
Director