

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
August 26, 2019**

Members present: Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Bill Galvin, Norma Kerlin, and Jay Schondorf

Alternates present: Alan Rossi

Staff present: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carroll-Andrews, Compliance Officer; and Sarah Cocco, Conservation Resource Manager I

Others present: Mary Kate and Jude Donato; Bruce Cohen and Michelle Cronin, Fogarty Cohen Russo & Nemiroff, LLC; Dan Kroeber and Megan Raymond, Milone & MacBroom, Inc.; Will Kies, Greenwich Land Trust; John Conte, President of Round Hill Association; Henriette Rieffel, Louisa Stone, Kristian Fontanilla, Ahneman-Kirby, LLC; Matthew Guttin, Masis Yeterian, Sal Triano, Crossland Engineering, PLLC; John Santoro, John Nolan, Tony D'Andrea, Rocco V. D'Andrea, Inc.; Mark Pruner, John Tesei, Gilbride, Tusa, Last & Spellane, LLC; Bill Kenny, William Kenny Associates, LLC; Lyn and Andrew Cushman, Jenny Larkin, Ted O'Hanlan, Ashley Cole, Larry Liebman, S.E. Minor & Co., Inc.; Joe Risoli, Risoli Planning and Engineering; Nancy Chapin, Bryan Muller, Sound View Engineers & Land Surveyors, LLC; Jonathan Wong, Tom Heagney, Heagney, Lennon, & Slane, LLP; Ty Corso, Jay Day, and others

1. Call to Order

Vice Chairman Benton called the meeting to order at 7:02 p.m.

2. Seating of Alternates

Alan Rossi was seated.

3. Approval of draft minutes of July 22, 2019

Bill Galvin made a motion to approve the minutes of July 22, 2019, seconded by Stephan Skoufalos and carried 6-0-0.

4. Other Business

Vice chairman Benton re-ordered the agenda.

I. Consent Approval

- 1. #2019-085 – 54 Lismore Lane – Rocco V. D’Andrea, Inc. for Gary Davis for water line repair. Tax #10-2944 (first 65 days 9/25/19)**
- 2. #2019-088 – 49 Grossett Road – The Law Office of Peter Ryan for Henriette Rieffel for replacement of broken drain pipe. Tax #05-2666/s (first 65 days 9/25/19)**

Stephan Skoufalos made a motion to approve the applications listed on the consent agenda, seconded by Bill Galvin, and carried, 6-0-0.

II. Public Hearing Applications

- 1. #2019-089 – 3 & 7 Hillside Road and 505 East Putnam Avenue – Rocco V. D’Andrea, Inc. for Milbrook Crossing, LLC for redevelopment of 16 dwelling units in three buildings, with driveways, utilities, drainage, and landscaping in and adjacent to wetlands and a watercourse. Tax #07-1266, #07-2136, #07-1388 (first 35 days 9/30/19)**

Patricia Sesto read items into the record. She described the project as the redevelopment of three single family homes into five buildings with a total of 16 units. The site is notably impacted by the 100-year floodplain and the floodway of East Brothers Brook. Buildings in the floodplain will have their garages open to flooding. All of the rain gardens are in the floodplain and the infiltration basin is in the floodway. Several trees important to the brook are not shown on the plan, thus the extent of impact cannot be fully evaluated.

Bill Galvin, Elliot Benton, Alan Rossi, and Stephan Skoufalos were identified as having visited the site.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency on behalf of the applicant. He summarized the drainage analysis his firm has conducted and asked the agency to continue the public hearing so they can address the issues which have been raised about this project.

Mrs. Sesto was asked to read her staff report, which highlighted the stormwater features would be inundated in a two-year storm, the garages would flood six to eight inches in a two-year storm and three feet in a ten-year storm. The silt fence would be under three feet of water in a two-year storm. And the infiltration basin will be damaged during storms, as it is in the floodway. Additional calculations are needed to characterize the flood implication of one-year and one-inch storms.

Mr. D’Andrea responded the issue of flooding the rain gardens has been discussed with Mr. Marucci. Mr. Marucci indicated he would find it acceptable if the gardens did not flood in the one-year storm event. Mrs. Sesto reminded Mr. D’Andrea that this agency is not bound by the limitations of Mr. Marucci’s findings.

Mr. D'Andrea, citing the extent of work it takes to generate the additional flood data, again requested the hearing be continued.

Vice chairman Benton called for public comment.

Jenny Larkin, resident at 3 Hillside Road appeared before the agency addressing her experience with flooding on the property over the past 30 years.

No further public comment was made.

Alan Rossi made a motion to continue the public hearing, seconded by Bill Galvin, and carried 6-0-0.

2. #2019-093 - 47 Fairfield Avenue – Milone & MacBroom for Greenwich Country Day School for development of synthetic athletic fields, stadium, accessory buildings, parking, bridge replacement 5 feet from wetlands and over a watercourse. Tax #11-4013 (first 35 days 9/30/19)

Patricia Sesto read items into the record and noted Bill Galvin, Elliot Benton, Alan Rossi, Norma Kerlin, and Jay Schondorf have visited the site. Mrs. Sesto then reviewed the application and her staff report. The proposal is a resubmission of an application to create an athletic complex including two synthetic turf fields, with the ancillary improvements to parking, Cardinal Road, and the road bridge. Development of the fields will require filling and cutting in the floodplain of East Brothers Brook, which runs along the outer perimeter of the existing fields.

The artificial fields have been moved eastward as compared to the original submission, providing a 20-45-foot buffer between the fields and the brook. The parking lot has been reduced in size and is entirely out of the upland review area of the wooded wetland in the center of the site. The rain garden previously located next to this wetland has been eliminated. A substantial mitigation plan is proposed in the newly created space between the fields and watercourse and includes elimination of non-native invasive species and replanting.

Mrs. Sesto described concerns relating to the project and impacts to the watercourse. The plan to bury natural soil with several feet of fill and gravel will eliminate the biological interaction of the soil with infiltrated stormwater. The effects of this has not been discussed. This is of concern as groundwater discharges to the adjacent brook to support its base flow.

The filled portion of the floodplain will also compress storm flows to increase velocity to a cfs high enough to cause erosion in the watercourse channel.

Mrs. Sesto noted the applicant has not met its burden of establishing there is no feasible and prudent alternative with a lesser impact. Given the proposed field complex will serve a GCDS school other than the middle school whose property is the subject of the application, the alternatives should address all of GCDS properties.

Bruce Cohen of Fogarty Cohen Russo & Nemiroff, LLC appeared before the agency on behalf of the applicant. Mr. Cohen requested the record from the similar application GCDS made earlier this year (Application #2019-037) be included by reference in the current application. Mr. Cohen used an enlargement of a Bing maps aerial image of the subject property to give the agency an overview of the project context, then submitted the image for the record. Mr. Cohen stated the Plan of Conservation and Development (POCD) recognizes the need to improve athletic fields throughout Greenwich and acknowledges artificial turf is an option. He noted GCDS proposes to convert their fields to artificial turf because the current grass fields cannot be used in wet weather. Mr. Cohen concluded his remarks by requesting a continuation of the public hearing so the project team can address the issues which have been raised about this project.

Dan Kroeber of Milone & MacBroom, representing the applicant, oriented the agency as to the location within the project area of the FEMA floodway and floodplain, as well as the extension of the floodplain through the northern end of the site, which his firm derived from watershed modeling. Mr. Kroeber stated the current grass fields can only be used for approximately 15-20 hours a week before they begin to degrade and safety concerns increase.

Mr. Kroeber was asked to substantiate field usage among all of GCDS fields.

He then highlighted some of the modifications which have been made to the proposal vs. the plans reviewed under Application #2019-037:

- The rain garden, tree clearing, and all other activities have been removed from the upland review area of the pocket wetland near Cardinal Road. Overall, the current proposal will disturb 3.3 acres of upland review area vs. the 5 acres proposed in the prior plan. Of this, new disturbance within the upland review area will be 0.41 acres vs. the prior 1.1 acre.
- Grass, rather than artificial turf, is now proposed on the practice field.
- The storage building formerly shown between the two easterly fields is now proposed at the north end of the practice field.
- The separating distance between the stadium field and wetland has been increased via a reduction in the field width and a reduction in the amount of hardscape near the stadium, which allows for a shift of the whole field to east.
- The northern artificial turf field has been reduced in size and moved closer to the stadium field, which has increased the separating distance to the wetland.
- Non-infill turf will be used on the northern field and this field will be set lower than the current playing surface, which will provide flood storage to compensate for storage that will be lost due to the proposed fill beneath the stadium field. After Mr. Kroeber described the way this field will flood beginning with the two-year storm, Bill Galvin asked the applicant to provide a summary of the number of storms within each frequency level which have occurred over the past 10 – 20 years.

Stephan Skoufalos asked that the applicant address the concern regarding the impact of artificial turf on soil biota.

In response to a question from Alan Rossi, Mr. Kroeber stated the two easterly fields cover approximately four acres.

Mr. Kroeber noted expanded natural buffers and stormwater quality/quantity improvements are among the mitigation offered by the current plan. Mrs. Sesto reminded Mr. Kroeber the order of assessment is to avoid impacts, minimize impacts, then mitigate.

Regarding the effect of the field modifications on the velocity of water in the brook compared to existing conditions, Mr. Kroeber said the velocity would be less upstream of the stadium field, higher adjacent to the stadium field, and unchanged velocities and surface water elevations downstream of the stadium. Mr. Kroeber concluded his remarks by stating he does not believe the current proposal will result in an adverse wetland impact.

discussion ensued between Mr. Benton and Mr. Cohen after the vice chairman questioned the relevance of the PoCD position on improving athletic fields to the current application. If the new fields were not going to be open to others outside of GCDS, how does that help achieve the cited PoCD goals. In response to Mr. Cohen's assertion that the existing grass fields presented greater risk of injury than artificial fields, Mr. Benton instructed the applicant to provide an analysis of the kinds of injuries which occur on grass vs. artificial turf fields. He also asked for a summary of all of the GCDS athletic fields, who uses (and will use) them, and their schedule of use. Mr. Cohen answered "no" in response to Mr. Benton's final question as to whether GCDS has other sites available to develop into new athletic fields.

Vice chairman Benton called for public comment. There was none.

Stephan Skoufalos made a motion to continue the public hearing, seconded by Bill Galvin, and carried 6-0-0.

The public hearing was continued to the next meeting.

3. #2019-095 – 124 Old Mill Road – Rocco V. D'Andrea, Inc. for Cosette Property LLC for construction of 28 residences with driveways, drainage, utilities, and septic 90 feet from wetlands. Tax #10-3576, 10-3578, 10-3577, 10-1791 (first 35 days 9/30/19)

Patricia Sesto read items into the record and noted Bill Galvin, Elliot Benton, Alan Rossi, and Stephan Skoufalos have visited the site. Mrs. Sesto then reviewed the application and her staff report.

The parcel is approximately 80 acres and exists as four oversized lots. The proposal is to combine the four lots and develop the parcel into one ten-acre lot to support the existing home and build 28 detached condominium homes in the central portion of the site. This includes retaining an existing dwelling within the upland review area. The development would be served by an on-site community septic system and community well.

The site has two water courses and associated wetlands; one along the western property boundary and the other on the east side. The eastern wetland and watercourse also has a pond. The wetlands and water courses would be in open space.

Mrs. Sesto stated the submitted information underrepresents the extent of regulated activities. There is not just one dwelling in the upland review area, rather there are several water quality features across the western wetland and watercourse. Several of these are within the wooded buffer and will require clearing. The level spreaders and weirs discharge to steep slopes, well in excess of the maximum slope indicated by the CT DEP S&E manual. The plans also do not account for outdoor living space to the west and what impact to the tree line is anticipated.

The sedimentation and erosion control plan is not adequate and must include a phasing plan.

John Tesei, of Gilbride, Tusa, Last & Spellane, LLC appeared before the agency on behalf of the applicant. Mr. Tesei stated answers will be provided to the issues raised in the staff report. Mr. Tesei summarized some of the aspects of this project to develop 28 single-family residences in an Historic Overlay zone and stated the property had the potential to be more intensively developed than what is being proposed. Mr. Tesei also noted the applicant's plan will increase the portion of this 75-acre parcel under conservation easement from the current 20% to 50%. The project will require two P&Z Commission permits.

It was reiterated that alternative development proposal needs to be addressed per the regulations.

Bill Galvin expressed concern about ±48 trees, 12" diameter or greater which will be removed from the upland review area. Mrs. Sesto pointed out the regulations require application plans to show all 6" and larger diameter trees found in the area of disturbance.

Elliot Benton asked the applicant to quantify the amount of ground water this development is likely to require on an ongoing basis. Mr. Tesei noted the Aquarion Water Company will manage the proposed community well system.

Vice chairman Benton's called for public comment.

John Conte spoke in his capacity as president of the Round Hill Association. Mr. Conte stated over 100 people attended a recent meeting of the association at which the applicant's proposal was discussed, and those in attendance expressed a number of concerns about the plan, including:

- The ground water demand of 28 new houses, a wellness center, and associated landscaping, and the potentially adverse impact this will have on the base flow of nearby watercourses and surrounding properties, which already experience periodic supply problems.

- Operational shortcomings or failures of the community septic system may result in contamination of surface and ground waters.
- The stormwater management system may direct pollutants to surface waters, especially since discharge points are proposed 20-30' from wetlands and watercourses.

Mr. Conte concluded by asking the agency to keep the public hearing open to provide his organization the time it needs to do a thorough review of the application.

Bill Galvin stated for the record that he attended the Round Hill Association meeting referred to by Mr. Conte.

Jay Day, of 111 Lower Cross Road, asked the agency to take into consideration the number of 4-acre single-family lots this property could support is approximately half the number of homes proposed by the applicant.

Jonathan Wong, 101 Maple Avenue, expressed concern that developing this property as proposed and failure to maintain the septic system in the future would result in adverse downstream impacts.

Mark Pruner, 44 Burying Hill Road, offered the opinion that the currently 4-lot layout of this property is the alternative the agency should be entertaining. He added approval of this application as it stands would likely result in other large lots in the backcountry being similarly developed, which would replicate the range of potential wetland impacts noted by the prior speakers.

John Vanhorn expressed opposition to the proposal.

John Tesei agreed to an extension of the public hearing and asked that it be continued at the agency's October 28th meeting.

Stephan Skoufalos made a motion to continue grant an extension of the period to hold a public hearing and continue the public hearing to October 28th, seconded by Alan Rossi, and carried 6-0-0.

III. Pending Applications

- 1. #2019-054 – 306 Taconic Road – S.E. Minor & Co., Inc. for Patricia Gallardo for construction of pool house, porch, and septic reserve 95 feet from wetlands. Tax #11-1252 (second 65 days 8/30/19)**

Bob Clausi reviewed his supplemental staff report. The proposed pool house is fine and he was waiting on a planting plan to address buffer planting that were removed. The submitted planting plan does not replicate the intent of the former plantings. A condition of approval helps correct the deficiency. Additionally, the corrective action filing fee needs to be paid.

Excessive algal blooms in the pond led to having the water tested for evidence of a septic leachate. No leachate was found, and consequently, there is no need for the bentonite curtain.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency. He stated no opposition to the staff report and its recommendations.

Norma Kerlin made a motion to approve the application with the conditions proposed by staff, seconded by Jay Schondorf, and carried 6-0-0.

4. #2019-073 – 8 Dublin Hill Drive/255 Stanwich Road – William Kenny Associates, LLC for Fred and David Hochberg for corrective action to remove fill and install restoration plantings. Tax #08-2568, 08-2696 (first 35 days 8/1/19)

The Agency held public hearing sessions to consider this application on June 24 and July 22, 2019. The first 35-day review period ended on July 29th without authorization from the applicant for the Agency to extend its review. By default, the public hearing is now closed.

The Hemplemans did not provide a letter of authorization. Thus, the agency can move ahead to issue an order to correct for 8 Dublin Hill Drive and a separate enforcement action for 255 Stanwich Road is needed.

Stephan Skoufalos made a motion to issue an order to correct for 8 Dublin Hill Drive with the conditions proposed by staff and to commence enforcement action against 255 Stanwich Road, seconded by Bill Galvin, and carried 6-0-0.

IV. New Applications for Review

1. #2019-086 – 16 Lakeview Drive – S.E. Minor & Co., Inc. for Mariano Lozano for maintaining existing walkway and stairs to a dock located in the Mianus Pond. Tax #12-2054/s (first 65 days 9/25/19)

Doreen Carroll-Andrews reviewed staff report. This is the third application to correct the violation of constructing masonry stairs and retaining walls in open space adjacent to Mianus Pond. The open space should be owned by an association, but that association doesn't exist. Further, P&Z has to grant a modification to the deed restriction and they have not yet been willing to do so. P&Z would like to see a more natural path.

Regardless of P&Z's position, this project would not have been supported by staff.

Tom Heagney of Heagney, Lennon, & Slane, LLP appeared before the agency. He stated the new association is nearly formed, with just one more signature to go. He has been in ongoing communication with P&Z and expressed optimism this proposal is heading in a positive direction. P&Z will be walking the site to convey their preference regarding location and materials. P&Z will not make a decision until IWWA does and IWWA is not bound by their recommendations on location and materials.

Stephan Skoufalos made a motion to delay IWWA application #2019-086 with the conditions proposed by staff, seconded by Norma Kerlin, and carried 6-0-0.

Mr. Heagney, on behalf of his client requested the fee be waived in consideration that this the third time the application has been reviewed. Ms. Sesto apprised the agency on the amount of work that has gone into each review and the return of records prepared for the law department to pursue enforcement. It was the consensus of the agency to lower the fee to \$1,500.

3. #2019-090 – 12 Hillcrest Lane – Ahneman Kirby, LLC for Derron and Marion Stonecker for residential addition, deck, porous asphalt driveway, and pool 20 feet from wetlands. Tax #12-1532/s (first 65 days 9/25/19)

Bill Galvin, Elliot Benton and Alan Rossi were identified as having visited the site.

Doreen Carroll-Andrews reviewed the application and her staff report. This project was originally to construct an addition and pool, but the house was taken down in the process. There should be no threat to the wetland.

Christian Fontna of Ahneman Kirby, LLC appeared before the agency. He was in agreement with the staff report and recommendations.

Bill Galvin made a motion to approve IWWA application #2019-090 with the conditions proposed by staff, seconded by Norma Kerlin, and carried 6-0-0.

4. #2019-091 – 16 Potter Drive – Sound View Engineers and Land Surveyors for Matthew and Merissa Guttin for construction of single family residence, driveway, pool, retaining walls, drainage and grading 50 feet from wetlands. Tax #06-2541 (first 65 days 9/25/19)

Patricia Sesto reviewed this application and her staff report. This project entails razing the house and reconstructing with some grade modifications. The floodplain of the adjacent creek encompasses the property, as well as its upland review area. A small portion of fill needed to satisfy the grade plane requirements crosses over into the 100-year flood plain. The shed at the southwest corner should be removed, as products normally stored in a shed should not be in a floodplain.

In order for this development to address pollutants associated with residential development, a ten-foot wide buffer is recommended along the western property boundary.

Bill Galvin, Elliot Benton and Alan Rossi were identified as having visited the site.

Bryan Muller of Sound View Engineers & Land Surveyors spoke to the application, providing additional description of the development. He stated his client is not supportive of the recommendation to install a ten-foot deep planted buffer. They are not opposed to planting, but want to do it on their terms. Discussion ensued and Matthew Guttin joined in.

The discussion led to a compromise of a five-foot deep buffer, with plants of the applicants' choosing.

Bill Galvin made a motion to approve IWWA application #2019-091 with the conditions proposed by staff, with condition #2 to be modified to reflect a five-foot deep buffer, comprised of plants selected by the applicant, seconded by Norma Kerlin, and carried 6-0-0.

5. #2019-092 – 67 Caroline Place – TJ Engineering, LLC for Jennifer Salinas for removal of unauthorized fill adjacent to wetland. Tax # 09-2672 (first 65 days 9/25/19)

Doreen Carroll-Andrews reviewed this application and staff report. The application was submitted for a cease and correct order for unauthorized fill adjacent to wetlands and watercourses. The fill has already been removed and the tree replacement needs to be at a 2:1 ratio.

The applicant is seeking relief from the punitive filing fee. They are requesting reduction of the fee from \$4,500 to \$1,500.

Discussion ensued regarding the merits of this request. The affected area is a bit more than one tenth of an acre. Doreen Carroll-Andrews cited the lengthy efforts that were necessary to gain compliance by the violator to get to this point.

It was the consensus of the agency to reduce the fee to \$3,000.

Elliot Benton made a motion to issue an order to correct IWWA application #2019-092 with the conditions proposed by staff, seconded by Bill Galvin, and carried 6-0-0.

6. #2019-094 – Dublin Hill Drive – Rocco V. D'Andrea, Inc. for Dublin Hill Drive Tax District for installation of water main within private roadway right-of-way. Tax #N/A (first 65 days 9/25/19)

Patricia Sesto reviewed her staff report and described the proposal to install a water and utilities lines below Dublin Hill Drive. The installation will require crossing underneath three culverts. Mrs. Sesto stated she had no concerns with the project as a whole. However, she was concerned about the possibility of needed to replace a culvert. This potential was not part of the application and a permit based on the submittal would not cover this regulated activity.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency to provide an overview of the project. Following discussion with staff and agency members, Mr. D’Andrea described the process for culvert replacement. Any damaged culverts or portions of a culvert found would be replaced in kind. The work will likely be done during periods of no flow, but in the event flow exists, coffer dams and pumps will be used to divert the water around the work area. Mr. D’Andrea described the project as moving along quickly.

Stephan Skoufalos made a motion to approve IWWA application #2019-094 with the conditions proposed by staff, and the additional condition to allow culvert replacement consistent with the testimony provided, seconded by Bill Galvin, and carried 6-0-0.

V. Agent Approvals

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

- 1. #2019-096 – 38 Duncan Drive – J. Bond Septic Service for Maura Smotrich for B100a septic replacement area. Tax #10-2847**
- 2. #2019-097 – 27 Greenbriar Lane – J. Bond Septic Service for James Johnston for replacement of septic system. Tax #10-2447**
- 3. #2019-099 – 6 School Street – Louise Wales for fence replacement adjacent to a brook. Tax #08-1087**

There were no questions or comments.

VI. Applications to be Received

Elliot Benton made a motion to receive the fourteen applications listed on the agenda, seconded by Norma Kerlin, and carried 6-0-0.

- 1. #2019-098 – 26 Cary Road – Sound View Engineers and Land Surveyors for Jeannette Ogilvy for redevelopment of a dwelling 35 feet from Mianus Pond. Tax #12-1484/s (first 65 days 10/30/19)**
- 2. #2019-100 – 18 Lake Drive – David and Kyle Clark for corrective action to remediate cut trees adjacent to a wetland. Tax #09-1970 (first 65 days 10/30/19)**
- 3. #2019-101 – 1 Loch Lane – Sound View Engineering and Land Surveyors for Christopher Numme for corrective action to remediate excavation in a wetland. Tax #11-1622 (first 65 days 10/30/19)**

4. **#2019-102 – 210 Stanwich Road – Rocco V. D’Andrea, Inc. for Vikram K. and Michelle C. Desai for construction of residential addition, garage, drainage, and landscaping 65 feet from a wetland and pond. Tax. #11-2740 (first 65 days 10/30/19)**
5. **#2019-103 – 270 Palmer Hill Road – Jeffrey and Mandi Drayer for patio removal and construction of deck in a wetland. Tax #12-3234 (first 65 days 10/30/19)**
6. **#2019-104 – 21 Cedarwood Drive – S.E. Minor & Co., Inc. for 21 Cedarwood Drive LLC for landscaping associated with a residential redevelopment in and adjacent to a wetland. Tax #11-1191 (first 65 days 10/30/19)**
7. **#2019-105 – 36 Zaccheus Mead Lane – Environmental Land Solutions, LLC for Fisk Management, LLC for construction of gazebo 10 feet from a wetland. Tax #10-3225 (first 65 days 10/30/19)**
8. **#2019-106 – 10 Edgewood Drive – Environmental Land Solutions, LLC for The Cotswolds Association for control of invasive plants within pond, wetland, and wetland buffer. Tax #07-9653 (first 65 days 10/30/19)**
9. **#2019-107 – 51 Mary Lane – Ivan and Cheryl Krieg for an addition 50 feet from a wetland. Tax #12-2279/s (first 65 days 10/30/19)**
10. **#2019-108 – Indian Spring Forest – Redniss and Mead for Aquarion Water Company for relocation of a water main from a pond. Tax #N/A (first 65 days 10/30/19)**
11. **#2019-109 – 249 Valley Road – Rocco V. D’Andrea, Inc. for Timothy Sauders for two-lot subdivision and construction of a single family residence 11 feet from wetlands. Tax #08-2018/s (first 65 days 10/30/19)**
12. **#2019-110 – 7 Cherry Valley Road – Rocco V. D’Andrea, Inc. for Ronan Fitzpatrick for residential additions, pool, patios, septic system, and drainage 5 feet from wetlands. Tax #10-2371 (first 65 days 10/30/19)**
13. **#2019-111 – 31 Baldwin Farms North – Rocco V. D’Andrea, Inc. for Bobby Ben-Simon for installation of pool fencing within wetlands. Tax #10-2629 (first 65 days 10/30/19)**
14. **#2019-112 – 42 Stag Lane – William Kenny Associates, LLC for Manuel and Lois Nieto for corrective action to remove a stone wall and restore plantings 6.5 feet from wetlands. Tax #11-2240 (first 65 days 10/30/19)**

VII. Violations

1. Cease and Correct Order #2019-014 – 11 Midwood Road – Lyn and Andrew Cushman for unauthorized installation of drain within a wetland. Tax #07-1226

Doreen Carroll-Andrews summarized the elements of this violation for the agency.

A call came into the office and suggested drainage was potentially being installed at this property. On site, staff of Sam Bridge Nursery was completing the installation of drainage to alleviate a very soggy lawn to the rear of the house. The drain outlet releases through a stone wall along the southeastern property boundary and toward an off-site stream.

According to a soils report prepared by Edward M. Pawlak, dated January 10, 2002, wetland soils are present in the area where drains were installed.

Cease & Correct Order #2019-014 was issued August 19, 2019 with a deadline for the submission of an application by September 16, 2019.

It is recommended the Cease & Correct Orders #2019-014 be upheld and a Certificate of Violation be filed on the Land Records if an application to address the subject violation is not submitted by the deadline of September 16, 2019.

Ty Corso appeared before the agency and provided details of the work. The property owners claimed their lawn was getting wetter over the years and not draining properly. Mr. Corso attributed to the poor overland drainage to changing micro topography caused by a root ridge of a red maple. A 12-inch yard drain discharging to a four-inch pipe was installed to drain of the lawn area.

Andrew Cushman displayed a photo of the lawn and asked not to have to go through the permitting process. Mr. Skoufalos explained the regulations and the necessity to get a permit.

Elliot Benton made a motion to uphold the cease and correct order, seconded by Bill Galvin, and carried 6-0-0.

2. Cease and Correct Order #2019-015 – 80 Glenville Road – Mary Kate and Jude Conato for unauthorized extension of lawn and removal of vegetation within regulated wetland areas. Tax #07-1323

Doreen Carroll-Andrews summarized this violation prepared by Jennifer Urena.

A call was received and reported work on the property of 80 Glenville Road was underway to extend the lawn near wetland area. A field inspection confirmed much of the wetland to the east of the garage was lawn. The last IWWA application for the property was from May 21,

1999, which included a wetland and buffer mitigation plan around the eastern wetland and the rear side pond. This area was now clear.

Cease & Correct Order #2019-015 was issued on August 19, 2019 with a deadline for the submission of an application by September 16, 2019.

Staff recommends the Agency maintain Cease & Correct Order #2019-015, that a Certificate of Violation be filed on the Land Records if an application to address the subject violation is not submitted by the deadline of September 16, 2019.

Mary Kate and Jude Conato, property owners, appeared before the agency and stated their willingness to correct the violation. Discussion ensued regarding the 1999 planting plan, what existed at the time the lawn was expanded, and what the next steps should be.

Stephan Skoufalos made a motion to uphold the cease and correct order, seconded by Norma Kerlin, and carried 6-0-0.

VIII. Other Business

IX. Adjourn

With no further business, the meeting adjourned at 10:44 p.m.

Patricia Sesto
Director