MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
August 28, 2017

Members present: Vice Chairman Elliot Benton, Secretary Stephan Skoualos, Bill Galvin, Norma Kerlin, Jay Schondorf, Klaus Jander, and Peter Linderoth

Alternates present: Klaus Jander, Peter Linderoth

Staff present: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carroll-Andrews, Compliance Officer

Others present: Richard Feminella, Larry Liebman, Bill Kenny, Rich Berlandey, James Michel, Brian Fillespie, Rob Frangione, Bryan Muller, Dean Martin, Louis Fusco, Mike Radman, Elena Gryadovkina, Jeffery and Jennifer Davis

1. Call to Order

Vice Chairman Benton called the meeting to order at 7:00 p.m.

2. Seating of alternates

Peter Linderoth and Klaus Jander were seated as alternates.

3. Approval of draft minutes of July 24, 2017

Peter Linderoth made a motion to approve the minutes of July 24, 2017, second by Jay Schondorf. The motion carried 6-0-0.

4. Director’s Report

Patricia Sesto provided an overview of her report. The volume of inspections and counter visits was up considerably for the covered time period. iPads have been added to the staff tools to bring a higher level of efficiency to documenting field work. And Mrs. Sesto congratulated Doreen Carroll-Andrews for successfully completing the Leadership Institute program.

5. Other business
None.

I. Town of Greenwich Projects

1. #2017-074 – DOT Right-of-way west of I-95 Exit 4 Ramp – Town of Greenwich, Sewer Department for replacement of a 30’ diameter old Greenwich common force main 1’ from wetlands. Tax #N/A (second 65 days 9/27/17)
Bob Clausi reviewed the project and his staff report. The wetland in question is north of I-95 and south of the railroad. It is a highly impacted swale, whose inlet and outlet is clogged. DPW is proposing to replace a sanitary sewer immediately adjacent to the wetland.

Mr. Clausi recommends the swale be covered with a liner and backfilled with gravel to protect it during construction. At the end of the project, the gravel and liner can be removed.

Richard Feminella, P.E. of the Town of Greenwich Sewer Department appeared before the Agency, stating the intent to comply with Mr. Clausi’s recommendations. Mr. Feminella responded to Elliot Benton, stating the clogged inlet and outlets will be unearthed as part of the project, although the structures belong to the state and any further work would be for DOT to take on.

Rich Berlandey, of AECOM appeared before the Agency and reiterated that yes, the wetland would be directly impacted, but this impact is correctable.

Bill Galvin made a Motion to approve application IWWA #2017-074, with the Standard and Special Conditions proposed by staff, seconded by Stephan Skoufalos, and carried 7-0-0.

2. #2017-108 – Oneida Drive Bridge – Stantec Consulting Services, Inc. for Town of Greenwich for replacement of bridge over Smith Cove 0’ from wetlands. Tax #N/A (first 65 days 9/27/17)

Bob Clausi introduced the project, citing its location at Smith Cove. The bridge has been deemed deficient and needs to be replaced. The new bridge span will be longer to reflect current engineering standards. The cove and some adjacent wetlands are tidal, however there is an inland wetland northeast of the bridge. It is a scrub-shrub portion of what is otherwise a wooded wetland. No work is to be conducted in this wetland.

Bob Clausi reviewed his staff report, his recommendations, including the recommendation to issue a permit.

James Michel, P.E. Deputy Commissioner of the Public Works Department, Town of Greenwich appeared before the Agency. Mr. Michel concurred with Mr. Clausi’s description of the project and expressed a willingness to oblige his recommendations. The project is planned to start in July, 2018 and is expected to finish by September 2019. Coordination of utilities strongly contributes to the longer timeline.

Stephan Skoufalos made a Motion to approve application IWWA #2017-108, with the Standard and Special Conditions proposed by staff, seconded by Bill Galvin, and carried 7-0-0.

II. Public Hearing

Bob Clausi read the list of documents into the record and then described the nature of the violation. Landscape debris from the golf course has been routinely dumped in two locations, one at the 16th fairway and the other at the 17th tee, consuming approximately 1.5 acres combined.

The restoration plan aims to excavate the fill and return the area to its original grade. An assortment of shrubs and trees are planned to revegetate the area.

Mr. Clausi requested the applicant detail how future debris generated will be managed, substantiate the density and composition of plantings, and revise the monitoring plan to include more frequent inspections in the first year. Mr. Clausi recommended an order be issued, provided these issues can be addressed.

Bill Kenny of William Kenny Associates, LLC appeared before the Agency on behalf of the applicant. The affected areas consist of 1 acre of filled wetlands and another 0.5 acre of filled buffer. The density proposed is substantially consistent with Director Sesto’s memo outlining standards for restoration plans. She calls for planting stations to be spaced 15 feet on center and a station should consist of 1 tree or a cluster of 3-5 shrubs.

The planting plan for the 16th fairway has stations spaced 16 feet on center. The 17th tee planting stations are spaced 15.2 feet on center. Mr. Kenny explained he had designed the plan based on his professional experience and it closely matches Director Sesto’s intent.

Landscape debris generated in the future will be handled differently. Grass clippings are already being spread through the areas of rough. Soil and other more material will be taken off site.

Mr. Kenny was in agreement with the recommendation for increased monitoring.

Brian Gillespie of Tamarack Country Club confirmed the new protocol for debris management, citing a company they work with who specializes in hauling compostable debris.

Vice Chairman Benton called for public comment. Hearing none, a motion to close the Public Hearing for application IWWA #2017-105 was made by Peter Linderoth, seconded by Klaus Jander, and carried 7-0-0.

Stephan Skoufalos made a Motion to issue an order to correct application IWWA #2017-105, with the Standard and Special Conditions proposed by staff, seconded by Bill Galvin, and carried 7-0-0.

III. Pending Applications
1.  #2017-094 – 11 Dialstone Lane – Mike Radman for 11 Dialstone Lane, LLC for redevelopment of a new family residence, drainage, grading and landscaping 18’ from wetlands. Tax #05-2262 (first 65 days 8/30/17)

Patricia Sesto reviewed the changes to the site plan. At the last meeting, the agency requested alternatives which did not include an extensive retaining wall and a better survey of trees adjacent to the property. The new plan has the retaining wall needed to satisfy the grade plane regulations close to the house, with steps leading down to the rear yard, which will effectively remain at the same elevation. This redesign eliminates the concerns regarding impacts to trees and the systematic walling-off of the wetland.

Ms. Sesto recommended the agency issue a permit with the conditions provided in her report.

Dean Martin, P.E., Grumman Engineering, addressed the agency, further detailing the changes to the site plan. Access to the rear yard will be accommodated via a 6-foot wide side yard to the north of the house. Four trees are proposed along the rear property line as mitigation. Mr. Martin reviewed the cross section of the development plan previously requested by the agency.

Jay Schondorf made a Motion to approve application IWWA #2017-094, with the Standard and Special Conditions proposed by staff, seconded by Bill Galvin, and carried 7-0-0.

2.  #2017-096 – 15 Stonebrook Lane – Joseph F. Risoli, P.E. for Darlo Erceg for expansion of a driveway, other hardscape improvements, and a bioretention system 10’ from a wetland. Tax #08-1311 (first 65 days 8/30/17)

Patricia Sesto described the project to reconfigure the driveway. As part of the project, a rain garden had been proposed adjacent to the wetland in a wooded area. She conveyed to the applicant it was not appropriate to degrade the buffer to satisfy drainage requirements. Subsequently, the rain garden was relocated to a place at the edge of the lawn, 100+ feet from the wetland. The plan also includes a wood-chipped path, which Ms. Sesto had no concerns about.

Ms. Sesto recommended the agency approve the application with the conditions provided.

Bill Kenny of William Kenny Associates appeared before the Agency on behalf of the applicant to answer any questions the agency may have.

Stephan Skoufalos made a Motion to approve application IWWA #2017-096, with the Standard and Special Conditions proposed by staff, seconded by Jay Schondorf, and carried 7-0-0.

IV. New Applications for Review

Bob Clausi described the property and project, and reviewed the contents of his staff report. The property is large, however, the area of residential development is small. There is a large wetland on-site which is in close proximity to the work area. The project consists of constructing a pool house on lawn adjacent to the pool and wetland. The pool house will have a septic system, also proposed in the regulated buffer. Mitigation plantings are shown for the lawn area between the pool and wetland. Mr. Clausi stated he found the proposal to be reasonable and recommends the agency approve the application with the provided conditions.

Bob Frangione of Frangione Engineering, LLC appeared before the Agency on behalf of the applicant and stated his concurrence with staff comments.

Bill Galvin made a Motion to Approve application IWWA #2017-107 with the Standard and Special Conditions proposed by staff, seconded by Norma Kerlin, and carried 7-0-0.

2. **#2017-110 – 131 Old Mill Road – S.E. Minor & Co., Inc. for 131 Old Mill LLC for expansion of a driveway with associated drainage 14’ from wetlands. Tax #10-1266 (first 65 days 9/27/17)**

Bob Clausi stated this is a 10-acre property, with a dwelling, out buildings, and driveways serving them. The proposal is to relocate the driveway serving the main residence and eliminate a portion of the secondary driveway. The new driveway will be located on a portion of an old wood road as it passes by a wetland. Stormwater management is included with the new driveway, which is in direct contrast to the existing driveway with no stormwater management.

The rain garden was shown in close proximity to the wetland in the original submission. The plan has since been revised to move the basin to the lawn on the east side of the driveway, approximately 75 feet from the wetland.

Construction debris was observed west of the pool and Mr. Clausi has included its removal as a condition of approval.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant. Mr. Liebman referenced a newly submitted application for an equestrian facility; a plan that is prompting the relocation of the driveway.

Norma Kerlin, Elliot Benton, and Stephan Skoufalos indicated they visited the site.

Stephan Skoufalos made a Motion to Approve application IWWA #2017-110 with the Standard and Special Conditions proposed by staff, seconded by Jay Schondorf, and carried 7-0-0.
3. #2017-111 – 84 Sawmill Lane – Sound View Engineers & Land Surveyors LLC for Jason Vintiadis for construction of a residential addition 50’ from wetlands. Tax #11-2764 (first 65 days 9/27/17)

Bob Clausi described the project as a minor addition to square off the back half of the house. The addition alone would have been considered for an agent approval, but upon inspecting the site, an area of tree removal was observed, bringing in the need for restoration. The applicant submitted pictures documenting some fallen trees and others were then proactively taken down. The restoration plan is appropriate and included enhancing the buffer along the pond’s edge, which is a benefit.

Mr. Clausi recommended the agency issue a permit with the conditions provided.

Bryan Muller of Sound View Engineers & Land Surveyors, LLC appeared before the Agency on behalf of the applicant. He too noticed the area of clearing when he met his client on-site. The trees were growing on a shallow-to-ledge hillside, thus is was not surprising some trees fell. The restoration plan includes stabilizing this slope with pachysandra.

Members questioned the use of the non-native pachysandra. Mr. Muller responded by extolling this plant’s ability to stabilize difficult areas.

Norma Kerlin, Elliot Benton, and Stephan Skoufalos indicated they visited the site.

Stephan Skoufalos made a Motion to Approve application IWWA #2017-111 with the Standard and Special Conditions proposed by staff, seconded by Jay Schondorf, and carried 7-0-0.

V. Applications to Be Received

Secretary Stephan Skoufalos made a motion to receive the seventeen applications submitted as identified on the agenda and schedule them for discussion of public hearings as appropriate, at the next meeting of the Agency, second by Bill Galvin and carried 7-0-0.

VI. Agent Approvals

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

1. #2017-093 – 200 Old Mill Road – Maura Brickman for repairing a failing septic system approximately 50’ from a wetland. Tax #10-2288

2. #2017-103 – 1 Ashton Drive – Mark Feder for construction of a pool and terrace. Tax #10-3510/s
3. #2017-104 – 404 Round Hill Road – Edward and Melissa Schiff for removal of existing pool and patio, construction of a new pool and patio. Tax #10-1250

4. #2017-106 – 44 Duncan Drive – Amir Afshar and Christiane Campese for expansion of garage, stair in area of patio and planting bed. Tax #10-2848

5. #2017-109 – 65 Rockwood Drive – Sekou & Jennifer Kaalund for constructing residential additions, a patio, and hardscape features 62 feet from a wetland. Tax #11-1577

There were no questions or comments by the Agency.

VII. Violations

1. Cease and Correct Order #2017-12 – Elena Gryadovkina – 30 Sherwood Avenue for unauthorized removal of trees and other vegetation from buffer areas. Tax #10-1842

Ms. Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary for unauthorized removal of trees and other vegetation from buffer area. Staff was alerted to tree removal occurring on the property in an area adjacent to wetlands. On site, staff found that 10+ trees were removed from around the pond located on the southern portion of the property. A Stop Work Order was issued to the contractor on site, Pulla Tree Contractors, on June 30, 2017.

The property owner contacted staff and stated that he only removed dead trees that he was concerned created a hazard for his children and property. Staff revisited the site and observed that the trees and other vegetation (including Japanese knotweed) along the northern slope of the pond at the southern end of the property were all dead. The pond is of high quality and supports an abundance of life, including frogs, a strong environmental indicator species. The question remaining is what lead to the death of the vegetation around the pond? An application submission should include a biological investigation into the death of the vegetation in this area. Cease and Correct #2017-12 was issued to the property owner via certified and regular mail on July 17, 2017.

Ms. Carroll-Andres recommended the Agency maintain Cease & Correct Order #2017-12 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 29, 2017.

The property owner, Elena Gryadovkina, addressed the Agency. She spoke of previous approval granted via a declaratory ruling to remove knotweed up by the house. She stated she was unaware of the standing dead trees being described. She expressed a willingness to correct the situation and requested direction from the agency.

Stephan Skoufalos responded Ms. Gryadovkina should meet with staff to craft a plan of action.
A motion to uphold the Order with staff recommendations to submit an application to correct by September 29, 2017, was made by Elliot Benton, second by Norma Kerlin. The motion carried 7-0-0.

2. Cease and Correct Order #2017-15 – Jeffrey and Jennifer Davis – 542 Lake Avenue for unauthorized ground disturbance and installation of a pipe in a wetland. Tax #10-1503

Ms. Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary prepared by Lindsay Tomaszewski for unauthorized ground disturbance and installation of a pipe in a wetland.

There is currently an open permit for this property to construct a pool. The owners stated they replaced a pipe which had fallen into disrepair. Past surveys do not show the pipe in question. The line begins approximately at wetland flag #16, crossing flags #18 and #19, then crosses flags #20 and #21 before reaching the stream.

A Stop Work Order was issued on August 23, 2017 by in person to Jennifer Davis. Cease & Correct Order #2017-15 was issued via regular and Certified Mail on August 24, 2017 with a deadline for the submission of an application by September 22, 2017.

Ms. Carroll-Andrews recommends that the Agency maintain Cease & Correct Order #2016-15. Staff further recommends that a Certificate of Violation be filed on the Land Records if an application to correct the violation is not received by a deadline of September 22, 2017.

Louis Fusco, Landscape Architect appeared before the Agency on behalf of the property owners. He explained the pipe was installed over a weekend to replace a damaged pipe. The pipe appears to drain a small wetland and Mr. Fusco suggested an area be enhanced with planting to compensate for the pipe.

Ms. Sesto asked for clarification on the purpose of the pipe. Mr. Fusco was not certain of the original intent for the pipe.

Property owners, Jeffrey and Jennifer Davis appeared before the Agency. Mr. Davis apologized for taking action without a permit. The pipe was removed in the spring of 2017 and is needed to draw water off a 100+ sq.ft. area that ponds.

Peter Linderoth questioned the direct discharge to the watercourse and whether there were options to reduce or eliminate this.

Ms. Sesto stated her understanding of the regulations. Pipe replacement is specifically regulated. This provides the agency with the opportunity to evaluate the purpose of piping in the regulated areas and if, over time, this is still an appropriate action. Before the agency considers modifying the pipe or evaluating a mitigation plan, the purpose of the pipe has to be understood. It may be the purpose of the pipe no longer fits well with what current understanding of wetland preservation is.
A motion to uphold the Order with staff recommendations to submit an application to correct September 22, 2017 and to release the stop work order, was made by Stephan Skoufalos, second by Peter Linderoth. The motion carried 7-0-0.

3. **Cease and Correct Order #2017-16 – for David & Janine Braun and Muskus Landscaping and Tree Service – 36 West Brother Drive unauthorized tree removal from watercourse buffer areas. Tax #01-1352/s**

   The property owner is out of town and has requested the agency continue this matter to the next meeting.

**VIII. Other Business**

**Cease & Correct Order #2014-17 for Cherie Quain – 81 Duncan Drive. Tax #10-2863**

Doreen Carroll-Andrews informed the Agency the conditions of the Order have been met and recommended the release of the Certificate of Violation. No persons appeared before the Agency on behalf of the owner. No Agency comment was received.

The motion to remove the Certificate of Violation was made by Elliot Benton, second by Bill Galvin. The motion carried 7-0-0.

**IX. Adjourn**

With no further business, the meeting adjourned at 8:27 p.m.

Patricia Sesto
Director