Call to Order

Chairman Harris called the meeting to order at 7:05 p.m.

Seating of Alternates

Alan Rossi and Klaus Jander were seated.

Approval of draft minutes of August 26 and September 9, 2019

Elliot Benton made a motion to approve the minutes of September 9, 2019, seconded by Klaus Jander, and passed 3-0-4. Members Rossi, Harris, Kerlin, and Schondorf abstained.

Jo Rogers made a motion to approve the minutes of August 26, seconded by, Elliot Benton and carried 7-0-0.

Director’s Report

a. Monthly Summary

Patricia Sesto stated the part-time intern position has been advertised and Doreen Carroll-Andrews and she are reviewing the 14 applications. Work continues on the invasive species management plot on North Street. She then gave an overview of the sea level rise project commissioned by the Conservation Commission. Some implications of SLR will affect inland wetlands and waterways due to salt water intrusion.

Quarterly Compliance Report

Doreen Carroll-Andrews provided an overview of the agency activity for the last quarter. The written report also includes the data from last year for the same period.
6. Other Business
   None

I. 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 the new documents into the record. She stated the applicant is requesting the public hearing be extended.

   John Tesei, Gilbride, Tusa, Last & Spellane, LLC appeared before the agency. He stated the consultants have been working on the engineering and need more time to address other outstanding issues cited in the staff report.

   Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency on behalf of the applicant. He indicated they would be ready for the November meeting.

   Chairman Harris called for public comment.

   Sue Baker spoke to the caliber of Chris Franco’s work and her support of the project. She requested the agency err on the side of conservation and support the plan. This proposal is good and preferable over a commercial development, as the underlying zone would accommodate.

   Mary Hull echoed Ms. Baker’s accolades for Mr. Franco’s work.

   Elizabeth Dempsey, Hillside Road, offered statements regarding the tendency of the neighborhood to flood and her concerns of adding more impervious coverage. She has lived upstream from the subject parcels for 20 years and rafted on the flooded brook a number of times. The neighborhood already bears the burden of pollution from contaminated fill at Greenwich High School and other poor choices associated with developing the high school property. This proposal would exacerbate the problems.

   Chris Franco, applicant, spoke to his respect for the agency’s jurisdiction and the environment. He is intent on mitigating the flooding as part of repurposing the historic buildings. This project would preserve the streetscape and has an FAR 25% lower than zoning regulations allow. Parking is below grade to protect the look of the property. Various groups and individuals support the project and it is consistent with the draft 2019 Plan of Conservation and Development.

   Jenny Larkin, owner of 3 Hillside Road appeared before the agency. She expressed dissatisfaction with the situation whereby past decisions that have increased flooding on her
property are being cited as the problem with the proposed development. Why should her 1.3-acre parcel bear the burden of upstream development?

No further public comment was made.

Elliot Benton made a motion to accept the request to authorize a 65-day extension and continue the public hearing to November, seconded by Jo Rogers, and carried 7-0-0.

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)

Mrs. Sesto reported the applicant has requested the public hearing be continued to October and has authorized an extension of 65-days in which to conduct the hearing.

Chairman Harris called for public comment. There was none.

Jay Schondorf made a motion to accept the request to authorize a 65-day extension and continue the public hearing to October, seconded by Alan Rossi, and carried 7-0-0.

3. #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 35 days 10/28/19)

Patricia Sesto read the documents into the record.

Tom Heagney, Heagney, Lennon, & Slane, LLP, requested the public hearing be continued to the October meeting.

Elliot Benton and Jay Schondorf were identified as having visited the site.

There was no public comment and the hearing was continued.

II. Consent Approval

1. #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)

2. #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)
3. #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)

Staff recommended #2019-100 and #2019-112 be issued orders to correct and application #2019-101 be issued a permit.

Regarding application #2019-101 Elliot Benton asked if sediment should be tested given the potential for pollutant sources from the nearby Merritt Parkway. Since this is a request for an after-the-fact permit, the opportunity to test the soil has passed. It was noted the staff report from which the conditions will be taken, need to be revised to remove language requiring conditions be met before work begins.

Jo Rogers made a motion to approve the applications listed on the consent agenda, with the amended conditions of 2019-101, seconded by Elliot Benton, and carried, 7-0-0.

III. New Applications for Review

1. #2019-087 – 105 Dingletown Road – Grumman Engineering, LLC for Warren and Dalia Raum for construction of detached garage, carport, and driveway modifications. Tax #11-1131 (second 65 days 11/29/19) BC

Postponed at the request of the applicant.

2. #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)

Bob Clausi reviewed his application and his staff report. The proposal to renovate the residence is generally well removed from the on-site wetland. Recommendations by the applicant’s consultant to move the discharge outfalls farther from the pond are good.

The work was previously approved in 2001, including the code complying leaching field on the far side of the pond. The new plan also includes drainage in compliance with the town’s drainage manual. The proposed reserved system is in a wooded area, quite close to wetlands, and would require the septic line to cross through the pond. Questions remain regarding the applicant’s ability to simply rehabilitate the leaching field in place, and forego the plan to cross the pond.

The 2001 approved plan included a planting plan requirement along the pond’s edged. The current application proposes an eight-foot buffer, which Mr. Clausi assessed as being too narrow.

Mr. Clausi recommended the agency delay taking action on the proposal.
Elliot Benton was identified as having visited the site.

Tony D’Andrea of Rocco V. D’Andrea appeared before the agency and stated he has been working with the Greenwich Health Department. The existing system is in fill and this material doesn’t meet the current health code. More hand-dug test pits will be examined on the far side to see if that area is suitable for a leaching field.

For the drainage plan, the northern drain pipe is being eliminated in favor of overland flow, and the southern drain will be shortened.

Much more work is needed to explain the logistics of the installation and its impacts on the wetlands and pond.

Elliot Benton challenged the idea that this agency had to yield to the health code in situations like these. The health department should consider the agency’s inclination not to approve it to protect the wetlands and pond. Mrs. Sesto offered to have IWWA staff, Mr. D’Andrea and health department staff meet to determine where flexibility lies within the respective regulations.

Elliot Benton made a motion to delay IWWA application #2019-102 seconded by Jo Rogers, and carried 7-0-0.

3. #2019-108 – 148 Glenville Road, 0 Rockfields Lane (Lots 1, 3, 4, 7, 8, and open space), 0 Ashton Drive – Redniss and Mead, Inc. for Aquarion Water Company for relocation of a water main from a pond. Tax 10-1317/s, 10-3660/s, 10-3670/s, 10-3671/s, 10-3674/s, 10-3675/s, 10-9079, 10-9078, 10-9012 (first 65 days 10/30/19)

Bob Clausi reviewed his application and his staff report. He described the project as one to replace a section of a water main installed in 1927. The main is situated in a pond and runs through the pond’s dam. CT DEEP, Dam Safety Division, has ordered certain repairs to the dam and Aquarion is inclined to correct this ill-suited location of the water main prior to working on the dam. The exiting 24-inch water main will be abandoned in place and the new pipe will be installed immediately adjacent to a wetland/pond at its east end, and then transition to the wood road. An intermittent watercourse will be traversed.

Because the project is subject to PURA regulation, this agency only has an advisory role in reviewing the proposal.

Mr. Clausi referenced several outstanding questions. He asked if the section of the main just one foot from the wetland be relocated further away; how long will the installation take; how will vegetation be managed in the one narrow area of the wood road; and recommended additional thought be given to the dirt bag location.
Craig Flaherty of Redniss and Mead, Inc. appeared before the agency. Mr. Flaherty provided a more detailed description of the access road and its conditions with narrative and pictures. Effort has been made to reduce tree loss, and only nine trees are proposed for removal. Geotextile fabric will be used between the dirt roads and gravel over-layer, and considers the existing wood roads advantageous to limiting new impacts.

The configuration of the main is constrained, as it cannot include sharp turns. As such, the proximity to the wetland at the east end is pretty well fixed and the location helps to avoid tree loss. The groundwater expected in this area and others will be pumped up to the high side of the trench, filtered and released below the trench.

The project should take 90 days to complete. And will ideally occur this winter when the ground is firm and customer demand is lower.

Mr. Flaherty agreed with the other recommendations in the staff report and to having an environmental monitor make routine site visits. Field reports will be sent to the IWWA office weekly.

Jo Rogers questioned Mr. Flaherty’s assertion that the path of the main was limited and could not include sharp turns. The western end of the main has two 90 degree turns. Mr. Flaherty conceded he had no explanation for the layout at that point.

It was the consensus of the agency to support the project with the conditions outlined by staff and further, that an environmental monitor routinely inspect the site and submit weekly reports.

4. #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)

Bob Clausi reviewed his staff report. The applicant has proposed a five-foot tall fence to act as both, the pool fence and a deer fence. The fence would be located at the property line, running through wooded wetlands and over a stream. Since this would be a safety pool fence, it could be no more than two inches off the ground per the building code. Mr. Clausi challenged the height of the fence, stating it would not be serviceable as a deer fence. Further, it would be quite difficult to maintain the two-inch maximum gap at the bottom, given the undulating micro topography and stream crossing.

Elliot Benton was identified as having visited the site.

Tony D’Andrea of Rocco V. D’Andrea appeared before the agency. He added the building department has approved the design acknowledging the two-inch gap limitation would be exceeded across the streams. Mr. D’Andrea suggested two fences; one for deer exclusion and another closer to the pool. He will verify this arrangement with his client.
Nancy Marshall, Baldwin Farms North, appeared before the agency. She expressed concern regarding the fence and need to remove trees. She is wary of new development and the toll it takes on the land based on her experience with the redevelopment of the adjacent property. Her pond is downstream and is showing signing of decline.

Brian Harris made a motion to delay action on IWWA application #2019-111, seconded by Jo Rogers, and carried 7-0-0.

V. **Agent Approvals**

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

1. #2019-107 – 51 Mary Lane – Ivan and Cheryl Krieg for construction of an addition and patio 50 feet from a wetland. Tax #12-2279/s

2. #2019-115 – 212 Riversville Road – Raymond F. Augustine for construction of a septic system 100’ from wetlands. Tax #10-2000

There were no questions or comments.

VI. **Applications to be Received**

Chairman Harris made a motion to receive the thirteen applications listed on the agenda, seconded by Jo Rogers, and carried 7-0-0.

1. #2019-113 – 12 Knollwood Drive – Ozair Minty for corrective action for unpermitted removal of trees. Tax #11-1289 (first 65 days 11/27/19)

2. #2019-114 – 1 Smith Road – Joseph F. Risoli, P.E., LLC for Stephen Freidheim for building demolition, construction of an accessory structure, and reconfiguration of a driveway. Tax #02-1404 (first 65 days 11/27/19)

3. #2019-116 – 80 Glenville Road – Jude and Mary Kate Donato for corrective action for unauthorized removal of vegetation and extension of lawn within wetlands. Tax #07-1323 (first 65 days 11/27/19)

4. #2019-117 – 41 Rock Ridge Road – Rocco V. D’Andrea, Inc. for Brandon and Blair Hall for construction of a retaining wall 78 feet from a wetland. Tax #10-1279 (first 65 days 11/27/19)

5. #2019-118 – 120 Perkins Road – Rocco V. D’Andrea, Inc. for Burning Tree Country Club for dredging pond near the 18th fairway. Tax #11-2504 (first 65 days 11/27/19)
6. #2019-119 – 30 Rustic View Road – Sound View Engineers and Land Surveyors for Jeff and Wendy Lederer for construction of an addition and septic reserve area 50’ from wetlands. Tax #08A-1193 (first 65 days 11/27/19)

7. #2019-120 – 340 Cognewaugh Road – Sound View Engineers and Land Surveyors for Yury Sofman for redevelopment of a residence and installation of a septic system 9.2’ from wetlands. Tax # 08-2341 (first 65 days 11/27/19)

8. #2019-121 – 15 Stonebrook Lane – Joseph F. Rosoli, P.E. LLC for Dario Erceg for installation of deer fence within wetlands. Tax #08A-1311 (first 65 days 11/27/19)


10. #2019-123 – 78 Zaccheus Mead Lane – Conte & Conte, LLC for Walter Raquet for grading and boulder wall construction. Tax #10-1957 (first 65 days 11/27/19)

11. #2019-124 – 600 North Street, Lot 1 – Eric V.P. Brower for JZ Investments LLC for construction of a single family residence, septic, drainage, and driveway. Tax #11-3245 (first 65 days 11/27/19)

12. #2019-125 – 600 North Street, Lot 2 – Eric V.P. Brower for JZ Investments LLC for construction of a single family residence, septic, drainage, and driveway. Tax #11-1090 (first 65 days 11/27/19)

13. #2019-126 – 600 North Street, Lot 3 – Eric V.P. Brower for JZ Investments LLC for construction of a single family residence, septic, drainage and driveway. Tax #11-3244 (first 65 days 11/27/19)

VII. Violations

1. Cease and Correct Order #2019-016 – 34 Concord Street – Sergio Biagioni for unauthorized construction of stone walls within/adjacent to wetlands. Tax #09-2843/s

Doreen Carroll-Andrews summarized the elements of this violation for the agency. The original permit called for a stonewall along the back property line. Instead, stonewalls also extend down the side yards and no erosion and sedimentation controls are in place. A Notice of Violation was issued to the property owner on September 10, 2019 by certified and regular mail.

Cease & Correct Order #2019-016 will be issued via regular and Certified Mail on September 16, 2019 with a deadline for the submission of an application by October 25, 2019.
Staff recommends that the Agency maintain Cease & Correct Orders #2019-016, 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 October 25, 2019.

Bill Kenny of William Kenny Associates, LLC appeared before the agency and stated he will be assisting the property owners with the application. He confirmed work on the garage can continue.

Elliot Benton made a motion to uphold the cease and correct order, seconded by Jo Rogers, and carried 7-0-0.

**VIII. Other Business**

**IX. Adjourn**

With no further business, the meeting adjourned at 8:50 p.m.

Patricia Sesto  
Director