

MINUTES

GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

September 24, 2018

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Jo Rogers, Jay Schondorf, Bill Galvin, Norma Kerlin

Alternates present: Peter Linderoth

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

Others present: Jason Kaufman, Senior Civil Engineer, Town of Greenwich – DPW; Tom Heagney, Heagney, Lennon & Slane, LLP; Bill Kenny, William Kenny Associates, LLC; John Tesei, Gilbride, Tusa, Last & Spellane, LLC; Tony D’Andrea, Rocco V. D’Andrea, Inc.; Matt Popp, Environmental Land Solutions, LLC; Jim McTigue, Joseph F. Risoli, P.E.; Bryan Muller, Sound View Engineers & Land Surveyors, LLC; Brian McMahan, Redniss & Mead, Inc.; Dan Abaroa, Karl and Evelyn Peterson

1. Call to Order

Chairman Brian Harris called the meeting to order at 7:01 p.m.

2. Seating of Alternates

No alternates were seated.

3. Approval of draft minutes of August 27, 2018

Brian Harris made a motion to approve the minutes of August 27, 2018, seconded by Norma Kerlin, and carried 6-0-1. Jo Rogers abstained.

4. Director’s Report

a. Monthly Summary

Patricia Sesto provided an overview of her report. Efforts are underway to hire an intern; suggestions for the budget were requested, staff members are participating in

town-initiated professional training courses; the appeal of the PRIW denial was not taken up by the Appellate Court, and; a suit has been filed regarding a staff decision pertaining to 489 North Street.

5. Quarterly Compliance Report

Doreen Carroll-Andrews reviewed the content of the quarterly report. The number of Green Sheets and applications is maintaining an average pace. Staff continues to meet the minimum target of 100 site inspections per month, and unmet corrective action deadlines were described.

6. Other Business

None.

I. Town of Greenwich Projects

- 1. #2018-105 – Sunshine Avenue over Binney Park Brook – GM2 Associates, Inc. for Town of Greenwich, DPW for replacing existing bridge and extending upstream culvert within a watercourse. Tax #12-1757 (first 65 days 10/31/18)**

Bob Clausi introduced the project, describing the plan to replace the existing bridge with a box culvert. The new culvert will be 50 feet long and will meet up with an upstream culvert. The conceptual diversion plan is acceptable and the final plan will be discussed with the contractor prior to the start of work.

The culvert will be lined with natural stream bed material, 2/5 of a foot deep. Mr. Clausi observed no fish in the stream, the stream can be intermittent, and the other culverts up and downstream already impact fish passage. Accordingly, alternative to a box culvert would not benefit the watercourse.

Jason Kaufman, P.E., Greenwich DPW addressed the agency, offering to answer questions. There were none.

Stephan Skoufalos made a motion to approve action of IWWA 2018-105 with the General Conditions and Special Conditions proposed by staff, seconded by Bill Galvin, and carried, 7-0-0.

II. Public Hearings

- 1. #2018-096 – 1252 & 1275 King Street; 100 Cliffdale Road – Redniss and Mead, Inc. for Brunswick School, Inc. for construction of a pedestrian tunnel under King Street, track with multi-purpose field, baseball fields, and wetland enhancement. Tax #10-1388, #10-4147, #10-1040 (first 65 days 9/26/18)**

Patricia Sesto reminded the agency the public hearing closed last meeting and she was directed to draft conditions of approval. The conditions are mostly routine, with the exception

that the language of the conditions allows each ball field to be accommodated individually for the purposes of bonds, as-built surveys, etc. This should be advantageous to the applicant.

Bill Galvin made a motion to approve action of IWWA 2018-096 with the General Conditions and Special Conditions proposed by staff, seconded by Elliot Benton, and carried, 7-0-0.

III. Pending Applications

- 1. #2018-051 – 581 & 585 West Putnam Avenue – Joseph F. Risoli, P.E., LLC for Putnam 600 Acquisition & 585 West Putnam LLC for demolition of buildings and parking lots, and construction of a 4-story building, parking garage, drainage, and associated grading 25' from wetlands. Tax #07-2163, #07-2164 (second 65 days 9/28/18)**

Bob Clausi recapped the history of the application. This was first submitted to the agency in 2017, but was subsequently withdrawn to address sewer issues. The sewer needed to support the development has a constriction down the line in the Holly Hill transfer station. DPW has been working on developing plans to correct the constriction, but funding is routinely deferred. The developer has agreed to fund the upgrade and the town's plans for the repair were submitted as part of this application.

The repair consists of replacing a section of pipe that runs parallel with Tom's Brook, before turning away from it. The impacted area is 2nd growth woodlands, dominated by invasive species such as Norway maple and Japanese knotweed. An existing chain link fence should be effective in limiting the disturbance area. Supplemental conditions of approval to address the sewer were distributed by Mr. Clausi.

John Tesei addressed the agency, stating he is in agreement with Mr. Clausi's description and recommendations.

Discussion ensued regarding the nature of the sewer problem and the scope of the repair. The pipes on either side of the repair are larger than the subject section, causing a constriction. The repair is engineered to accommodate flows based on current zoning.

Jo Rogers made a motion to approve action of IWWA 2018-051 with the General Conditions and Special Conditions proposed by staff, seconded by Bill GalvStephn, and carried, 7-0-0.

IV. New Applications For Review

- 1. #2018-099 – 9 Heather Lane – Murphy Bros. Landscaping, LLC for Alan and Silvana Wheeler for replacement of failing septic system. Tax # 10-2697 (first 65 days 10/31/18)**

Doreen Carroll-Andrews described the proposal to repair a failed septic system. The Department of Public Health confirmed the system was failing and the location of the proposed system was the best the site has to offer, despite it being in a wetland. The site is severely constrained and the affected portion of wetland is currently lawn. A curtain drain is needed to divert groundwater and will discharge to the stream. There are no feasible or prudent alternatives to the proposal.

Given this was an emergency repair, the work is underway and the agency needs to formalize the approval.

Stephan Skoufalos made a motion to approve action of IWWA 2018-099 with the General Conditions and Special Conditions proposed by staff, seconded by Norma Kerlin, and carried, 7-0-0.

2. #2018-106 – 70 Bedford Road – Sound View Engineering & Land Surveyors for Mirash Dedvukaj for demolition of the existing residence, and construction of a single family residence, driveway, septic system, and drainage system 56' from wetlands. Tax #10-1568 (first 65 days 10/31/18)

Norma Kerlin, Jo Rogers, and Jay Schondorf were identified as having visited the site. Bob Clausi indicated the demolition of structures were authorized via the “Green Sheet” given there was no activity within 100 feet of the on-site wetland. Contrary to this assertion, clearing and stockpiling of material occurred within the upland review area and wetland. Otherwise, the proposed redevelopment of the site is straight forward and approval is recommended provided an appropriate restoration plan is submitted.

Bryan Muller, Soundview Engineering, conveyed his observation of the violation and conciliatory response of the property owner. Mr. Muller alerted Mr. Clausi to gain direction on appropriate actions to amend the application. He went on to describe the stormwater management system and indicated he had no objections to the proposed special conditions.

William Kenny of William Kenny Associates, LLC described the wetland and watercourse, noting they are sustained by groundwater seeps. The area was dominated by non-native invasive plants, including Japanese wisteria and Japanese knotweed. The restoration plan includes additional work to rid the invasive species and replant with trees and shrubs. A demarcation feature is proposed forty feet out from the wetland boundary. The intent is to implement the first round of herbicide to the invasive plants and possibly plant trees. A temporary cover crop of rye grass would be used, given the need to repeat the herbicide application in the next growing season.

Jo Rogers questioned the width of the buffer, noting the site drains to the wetland. Mr. Kenny stated the width is a reflection of the distance to the pre-existing driveway behind the garage. Patricia Sesto further pursued the rationale for the buffer, noting the driveway may be forty feet away to the west, but to the north vegetation was intact for the full 100 feet and more. She asked what was the justification for reducing the buffer, which the agency had set through regulation as a means to protect wetlands and watercourses. The proposal to reduce this in order to create lawn, a source of pollution, has not been justified. This wetland is not an isolated pocket, rather it is the headwaters for a stream and wetland system on the other side of Locust Road. Discussion ensued.

Mr. Muller agreed to submit a revised planting plan that includes the buffer up to the garage and driveway and then the 100-foot upland review area north of the garage and driveway. Mrs. Sesto described the density of the plan as a planting station, defined as a 2-2.4” tree or a cluster of 3-5 shrubs, spaced 15 feet on center. She advised the plan should weigh much more heavily towards trees given the abundance of deer sign observed on site.

Elliot Benton made a motion to approve action of IWWA 2018-099 with the General Conditions and Special Conditions proposed in the written staff and orally, seconded by Jo Rogers, and carried, 7-0-0.

3. **#2018-111 – 16 Lakeview Drive – Edison Carabali for Mariano Carlos Lozano to maintain a stone path and floating dock within wetlands. Tax #12-2054 (first 65 days 10/31/18)**

Discussion of the application was postponed.

4. **#2018-112 – 0 Hendrie Avenue – Redniss & Mead, Inc. for construction of a single family residence and associated site work 2' from wetlands. Tax #05-2916 (first 65 days 10/31/18)**

Norma Kerlin recused herself.

Jo Rogers and Jay Schondorf were identified as having visited this site and 32 Wesskum Wood Road.

Bob Clausi described the site as being the undeveloped back yard of 32 Wesskum Wood Road. The parcels appear as one lot, but they are legally two distinct properties. The proposed house is 37 feet from the wetland and watercourse and the outlet for the stormwater management plan is two feet away. Overall, the stormwater management plan is robust, with the potential to be scaled back. The nature of the regulated activities on site is in flux due to concerns associated with the sight lines of the driveway.

The wetland is maintained lawn and Mr. Clausi requested a plan to restore this, which was provided by Environmental Land Solutions. The plan is generally appropriate; however, its width could be expanded beyond the wetland boundary by a few feet.

Brian McMahon describes the components of the stormwater management system, stating the rain garden may be more than what is needed. He asserted the driveway location cannot move east, if anything, it should shift west, closer to the wetland to increase sight lines. He added the town has a drainage easement over the stream and they have cleaned the stream in the past.

Staff recommends that the Agency delay taking action on this application to give the applicant the opportunity to respond to the points raised in the staff report.

Chairman Harris made a motion to delay action of IWWA 2018-111, seconded by Elliot Benton, and carried, 6-0-0.

5. **#2018-113 – 32 Wesskum Wood Road – Redniss & Mead, Inc. for demolition of a dwelling and construction of a single family residence and associated site work 5' from wetlands. Tax #05-1457/s (first 65 days 10/31/18)**

Bob Clausi stated this site is quite similar to the Hendrie parcel. The site is residentially developed and the proposed house would be located in the same place as the existing house, coming no closer to the stream and wetland than the current structure. As a conditional residential teardown, no stormwater management plan is required by the town's drainage manual. A restoration plan for the lawned wetland has been submitted by Environmental Land Solutions.

Brian McMahon of Redniss & Mead, Inc. appeared before the agency. He stated, post construction, the area of imperviousness would be reduced by 440 s.f., largely due to the elimination of driveway to the rear of the home. The only activity closer to the wetland than what currently exists is the stormwater outflow. Sump pumps are likely to be needed, but this will be determined once the basement is excavated.

Patricia Sesto expressed concern over the nearly direct discharge of roof and driveway runoff to the stream. Thermal pollution will be introduced. Mr. McMahon agreed to add opportunities for infiltration to ameliorate this risk.

Elliot Benton made a motion to approve action of IWWA 2018-113 with the General Conditions and Special Conditions proposed by staff and amended to include a requirement to modify the stormwater management plan to incorporate infiltration to avoid thermal pollution impacts, seconded by Jo Rogers, and carried, 6-0-0.

6. #2018-115 – 43 Doubling Road – Rocco V. D'Andrea, Inc. for William & Melissa Nook for construction of an in-ground pool, retaining walls, and related landscaping improvements 30' from wetlands. Tax #11-3127 (first 65 days 10/31/18)

Norma Kerlin was reelected.

Bob Clausi reviewed his staff report, highlighting the majority of structural work is beyond the 100-foot upland review area. A retaining wall and backfill is proposed over existing lawn, 35 feet from the pond. The septic system needs to be protected; a heightened concern given the access constraints. The large oak below the retaining wall will need to be protected, as well. Mr. Clausi recommends a planted buffer be required along the pond perimeter, with an average width of 15 feet.

Tony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the agency. He concurred with the observations pertaining to access constraints and stated work will take place starting with the retaining wall and working back towards the house. He agreed to the planting plan, as recommended.

Stephan Skoufalos made a motion to approve action of IWWA 2018-115 with the General Conditions and Special Conditions proposed by staff, seconded by Bill Galvin, and carried, 7-0-0.

7. #2018-116 – 269 Palmer Hill Road – Rocco V. D'Andrea, Inc. for 269 Palmer Hill, LLC for construction of a single family residence, driveway, pool, retaining walls, associated site drainage, and utilities 24' from wetlands. Tax #12-1360/s (first 65 days 10/31/18)

Bob Clausi reviewed the 2015 conceptual approval for the subdivision. Specifically, lot one had a 35-foot buffer as part of that approval. The current proposal has a 25-foot buffer due to the addition of a pool, patio, infiltrators, and grading. The conceptual approval showed the vegetation of the western side yard was to remain. The intent of this applicant is unclear.

DPW has not submitted their site plan review, pending a direction from this agency as to whether or not further loss of the buffer would be acceptable.

Mr. Clausi identified several aspects of the erosion and sedimentation control plan that needed revision, such as adding a diversion channel around the eastern periphery of the development envelope.

Tony D'Andrea of Rocco V. D'Andrea, Inc. appeared before the agency. He stated the revised drainage plan is an improvement over the conceptual one. The driveway has been located to the east, further from the wetland. The reduction in wetland buffer is a result of a newly proposed pool and patio, resulting in 2,000 s.f. more of impervious coverage. The advantage to the retaining wall and outdoor living amenities is it limits the temptation to intrude on the buffer closer to the wetland.

Mr. D'Andrea concurred with the erosion and sedimentation control recommendations from Mr. Clausi.

Elliot Benton asked if the pool could move westward to respect the previously approved 35-foot buffer. Mr. D'Andrea responded the infiltrators limit that option. Discussion ensued regarding various modifications to the site plan, such as pursuing a variance to move the house to the south, a smaller house footprint, and no pool.

Mrs. Sesto cautioned against tree removal in advance of receiving a permit. A crew appeared to be working on the subject parcel and he was told to stop cutting until the lot line was identified. Mr. D'Andrea agreed to follow up.

Dan Abaroa, neighbor at 4 Apple Tree Lane, addressed the agency. He identified himself as an engineer. The culvert under Palmer Hill Road at Apple Tree Lane is not capable of passing storm flows and Mr. Abaroa asserted the new development has only made things worse. Mr. Abaroa stated there are seven major elements of the town drainage manual that were not met when the subdivision was approved. He has attempted to get an answer from DPW as to why downstream components of the stormwater system were not evaluated and the response has been the analysis was not warranted. With this current application, Mr. Abaroa indicated DPW will require the analysis. This analysis, conducted piecemeal is unlikely to demonstrate the problems the development as a whole has/will cause. Mr. Abaroa also stated the town's engineering consultant, CDM Smith has reported the culvert will now overtop in a 2-year storm, down from the previously predicted 14-year storm.

Mr. Abaroa showed pictures of sediment laden water in the brook and asserted the sediment is settling in the stream, further exacerbating the flooding problems. He referenced a petition

attesting to the flooding concern associated with a critical transportation route – Palmer Hill. He is asking the agency to hold off on rendering a decision until he can have his engineers evaluate the plan. He would like the application amended to include replacing the culvert and dredging the stream.

Mr. D’Andrea responded to Mr. Abaroa, questioning his ability to make comparative statements regarding how the stream was prior to the subdivision, given he did not live in the area until recently. The subdivision drainage plan was designed to handle a 50-year storm, in lieu of the 25-year minimum town requirement. DPW is requiring a civil engineer provide an end-of-development review of the subdivision to ensure the system is functioning as proposed. The culvert under Palmer Hill has long-standing capacity issues, but replacing it with a larger culvert could have significant ramifications to downstream properties. A broader study would have to be conducted to assess the impacts of any change.

Chairman Harris made a motion to delay action on IWWA 2018-116, seconded by Stephan Skoufalos, and carried, 7-0-0.

V. Applications To Be Received

Chairman Harris made a motion to receive the eleven applications listed on the agenda, seconded by Elliot Benton, and carried 7-0-0.

- 1. #2018-118 – 39 Midbrook Lane – Sound View Engineers & Land Surveyors, LLC for Matthew Leeds for construction of a deck. Tax #06-3647 (first 65 days 11/28/18)**
- 2. #2018-119 – 25 Tomac Avenue – Thomas Fox for 25 Tomac Avenue, LLC for correction of violations within wetlands. Tax #06-2375/s (first 65 days 11/28/18)**
- 3. #2018-121 – 12 Burning Tree Road – Mo and Harriet Fahimi for construction of a small cabana. Tax #11-2426 (first 65 days 11/28/18)**
- 4. #2018-123 – 3 Knollwood Drive East – Heagney, Lennon & Slane, LLC for 3 Knollwood, LLC for construction of single family residence, garage, porch, pool, patio and associated site work. Tax #11-2990 (first 65 days 11/28/18)**
- 5. #2018-124 – 29 Butternut Hollow Road – Rocco V. D’Andrea, Inc. for Kirsten and Tyler Webb for installation of a deer fence with driveway gate within wetlands. Tax #11-1651 (first 65 days 11/28/18)**
- 6. #2018-125 – 34 Beechcroft Road – Sound View Engineers & Land Surveyors for Francois Barthelemy for construction of a single family residence, septic system, and associated site improvements 31’ from wetlands. Tax #11-1793 (first 65 days 11/28/18)**
- 7. #2018-126 – 260 Stanwich Road – Mills Engineering, LLC for Stanwich Road Holding, LLC for a two lot subdivision. Tax #11-1811 (first 65 days 11/28/18)**

8. **#2018-127 – 7 Welwyn Road – Martin Piekarski for 7 Welwyn Rd LLC for construction of a single family residence, pool, and associated site improvements 5’ from wetlands. Tax #05-2452 (first 65 days 11/28/18)**
9. **#2018-128 – 42 Dublin Hill Drive – Rocco V. D’Andrea, Inc. for SBP Dublin Hill LLC for a five-lot subdivision. Tax #08-2590 (first 65 days 11/28/18)**
10. **#2018-129 – 409 Stanwich Road – Greenwich Fire Department to install dry hydrant. Tax #08-2583 (first 65 days 11/28/18)**
11. **#2018-130 – 120 Perkins Road – Rocco V. D’Andrea, Inc. for Burning Tree Country Club, Inc. to dredge ponds and stabilize stream banks. Tax #11-2504 (first 65 days 11/28/18)**

VI. Agent Approvals

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

1. **#2018-100 – 36 Meadow Road – To John Melvin for constructing a detached garage and drainage system 50’ from wetlands. Tax #05-1382/s**
2. **#2018-101 – 8 Wyckham Hill Lane – To Chenquang Zhu for septic system replacement area 68’ from wetlands. Tax #11-3120**
3. **#2018-104 – 50 Cutler Road – To Town of Greenwich, DPW for installation of underground 10,000 gal. precast concrete fire protection cistern and hydrant piping 43’ from wetlands. Tax # 10-2109**
4. **#2018-108 – 241 Valley Road – To Christopher Graves for constructing a residential addition and deck 70’ from wetlands. Tax #08-1091/s**
5. **#2018-109 – 35 Hidden Brook Road – To Thomas & Mary Stein for demolition of pool and patio and construction of residential additions 55’ from wetlands. Tax #05-1630**
6. **#2018-114 – 24 Desiree Drive – To Francisco Gonzalez & Jeannette Baez for construction of a retaining wall and regrading of steep slopes 100’ from wetlands. Tax #08-1183**
7. **#2018-117 – 56 Clapboard Ridge Road – To Meadowlark Manor, LLC for maintaining a retaining wall and fill 65’ from wetlands. Tax #11-1257**
8. **#2018-120 – 21 Lia Fail Way – To Coastal Construction Group for construction of septic systems, detached garage, and pool house with associated grading 60’ from wetlands. Tax #08-2422**

9. #2018-122 – 57 Mayfair Lane – To Langley & Douglas Partridge for designation of a septic system replacement area 85' from wetlands. Tax #10-1807

There were no questions or comments.

VII. Violations

1. Cease and Correct Order #2018-11 – for Greenhill Associates LLC; Leo Pescatore – 18 Grahampton Lane. Unauthorized installation of a wall within wetland and watercourse buffer areas. Tax #11-1535

Doreen Carroll-Andrews read the list of documents into the record and reviewed the Violation Summary prepared by Lindsay Tomaszewski for unauthorized installation of a wall, clearing, and filling within wetlands and watercourse buffer areas.

IWWA staff received a complaint of tree removal due to wall construction at 18 Grahampton Lane. Upon inspection, staff found that the existing wall had been removed and the new wall installation was almost completed and disturbance included tree cutting and filling. Work was done up to and possibly within the wetland. Up to 5 trees within the upland review area, approximately 12 inches in diameter or larger that had been along the previous wall, have been removed.

Construction work and erosion controls specific to the house have remained in compliance with the permit and are not included in the stop work order.

Staff recommends that the Agency maintain Cease & Correct Order #2018-011. 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 October 10, 2018.

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

2. Cease and Correct Order #2018-12 – for Karl and Evelyn Peterson – 41 Ettl Lane. Unauthorized clearing of vegetation and installation of a rock dam and foot bridge within wetland and watercourse areas. Tax # 09-2561/s

Doreen Carroll-Andrews read the list of documents into the record and reviewed her Violation Summary of unauthorized clearing of vegetation and installation of a small rock dam and foot bridge within wetland and watercourse areas.

Staff was notified by a concerned neighbor that activities were occurring within wetlands and the watercourse on site. A site inspection found that vegetation had been cleared out along the banks of the stream. Rocks were piled within the stream to create a dam and a footbridge was installed. At this time, it is unknown who did the work.

A Stop Work Order was sent to the property owners on September 7, 2018. Cease and Correct #2018-12 was sent to the property owners via certified and regular mail on September 17, 2018.

Ms. Carroll-Andrews recommends that the Agency maintain Cease & Correct Order #2018-12. Staff further recommends 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 19, 2018.

Karl and Evelyn Peterson, property owners, appeared before the agency. Ms. Peterson stated she was unaware the regulations encompassed her activities. The stone dams were built with her granddaughter as a simple wildlife project. Clearing of vegetation occurred in the process of cleaning the area of garbage and overgrowth. She showed several pictures of her neighboring properties with footbridges and lawn up to the stream. She did not know replicating what they had was not allowed.

Brian Harris made a motion to uphold the cease and correct order, seconded by Bill Galvin, and carried 7-0-0.

VIII. Other Business

None.

IX. Adjourn

With no further business, the meeting adjourned at 9:12 p.m.

Patricia Sesto
Director