DRAFT MINUTES
SEPTEMBER 27, 2021

In attendance: Brian Harris, Chairman, Elliot Benton, Vice-Chairman, Norma Kerlin, Bill Galvin, Klaus Jander

Also in attendance: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carrol Andrews, Compliance Officer; Larry Liebman, S.E. Minor & Co.; William Kenny, William Kenny Associates LLC;

1. Call to Order

Brian Harris called the meeting to order at 7:02pm.

Mr. Harris acknowledged the passing of long time IWWA member Jo Rogers with words of appreciation for his dedication, intellect, and extraordinary good nature. Other members offered their remembrances as well.

2. Seating of alternates

No alternates were present to be seated.

3. Review and approval of draft minutes of August 23, 2021 meeting.

Brian Harris made a motion to approve the minutes of August 23, 2021 meeting. The motion was seconded by Norma Kerlin and carried 4-0-1, with Bill Galvin abstaining.

4. Director’s Report

No report

5. Quarterly Report

Doreen Carrol Andrews presented her quarterly compliance report.

6. Other business

Ms. Carroll-Andrews asked to have 15 Surrey Road added to the agenda for discussion under violations. Brian Harris made a motion to do so, seconded by Bill Galvin, and carried 5-0-0.
Applications may be heard out of order if necessary
Click this link to view application documents https://www.greenwichct.gov/DocumentCenter/Index/2181

Public Hearing

Alternated Klaus Jander joined the meeting at 7:12 pm and was seated.

1. #2021-084 – 883 Lake Avenue – William Kenny Associates, LLC for 883 Lake Avenue, LLC c/o Adam Ullrich – Construction of single-family residence, driveway with wetland crossing, detached garage, in-ground pool, patio, retaining walls, septic system, and stormwater management system within and adjacent to wetlands. Tax #11-1323. (65-day ext. 10/6/21) BC

Robert Clausi read the additional documents into the record. He reviewed the staff report and described the changes in the revised site plan. Trees sized 4-8 inches dbh have been added to the plan and marked for removal as appropriate. The previously proposed bridge has been replaced by a steel grate bridge. The bridge will be installed using a crane, thus no intrusion into the wetland is necessary. The newly submitted narrative submitted by William Kenny Associates LLC, states there will be no impacts. Based on this position, Mr. Kenny concludes no alternatives need to be provided.

Mr. Clausi referenced the alternative requested by the agency showing development on the west side of the wetlands, noting it has not been submitted. The staff report identified the indirect acknowledgement of the reasonable expectation of impacts by Mr. Kenny as his report calls for a heightened level of monitoring during construction to avoid impacts.

William Kenny, William Kenny Associates LLC, addressed the agency. He described his client as being responsive to the concerns of the agency and willing to pursue this alternate bridge design. With the new alterations, Mr. Kenny, stating his credentials as a Professional Wetland Scientist, determined there will be no impacts. He reiterated the imposition of the easement that prohibits development on the west side of the wetland. He continued on to describe the details of the bridge and an example of a similar installation in Massachusetts. The bridge is galvanized, allows light penetration similar to that of a woodland. He stated the property owner has committed to having the crane return to the site when maintenance of the decking is needed. The crane would pull up the decking and move it away from the wetland to perform the maintenance.

A discussion of the logistics involved with the installation proposal ensued. The site plans do not appear to provide for reasonable staging area west of the wetland. Mr. Kenny’s assertion that the crane would ferry people and equipment over the wetland to access the east side was challenged with expressions of doubt that this would or could be carried out. When questioned how the trees, more than 100 feet from the westside embankment would be accessed without setting foot in the wetland as proposed, Robert Zmarzlak stated a “cherry picker” could be brought on-site. Members posed
several questions contesting the credibility of the proposal, with Mr. Benton opining answers are being made up as the questions are presented and this is not a properly vetted proposal.

Ms. Sesto stated her credentials as a Professional Wetland Scientist and directly countered Mr. Kenny’s assertion that there are no wetland impacts. She referenced the body of scientific evidence that assigns values to wetland and watercourse buffers in protecting those resources. She called attention to Mr. Kenny’s own assessment that identifies non-native invasive species only in the area of the site where there has been past disturbance. She indicated invasive species would compromise the native forest with the proposed development. Ms. Sesto then restated the directive of town counsel that the private easement limiting development is not relevant to this board.

Mr. Kenny responded by describing the impact of faunal invasive species already impacting the beech trees. He referenced the zones of wetland buffers and the protection they provide and how the proposed development avoids intrusion into the first 50 feet of the buffer and engineered stormwater management replicates the functions a buffer provides for water quality protection. Lastly, even with some loss of buffer, the remaining area is still above the critical threshold for habitat support.

Norma Kerlin questioned Mr. Kenny regarding the applicant’s refusal to submit an alternative for the west side of the property. She asked if any attempt was made to renegotiate the private agreement restricting development. Mr. Kenny responded no and his position that alternatives are not needed given there is no impact.

Brian Harris called for public comment. There was none.

Brian Harris made a motion to close the hearing. The motion was seconded and carried 6-0-0.

2. **#2021-105 – 18 Stonehedge Drive South** – S.E. Minor & Company, Inc. for Phoebe and Gregory Slater – Construction of residential additions, driveway, pool, patio, septic system, and drainage system, designation of septic reserve area, and installation of culvert in watercourse. Tax #10-2250. (65-day ext. 11/3/22) PS/JU

Ms. Sesto read the list of documents into the record and described the proposal to redevelop the site. The new home will consume the area of the existing dwelling. A pool originally proposed on the northeast portion of the site was relocated to be closer to the house, allowing the woodlands to remain intact. A small watercourse and wetland traverse the site, entering along the northern property boundary on the west and dropping south to exit the property midway through the property to the east. The proposal includes plantings to enhance the wetland and piping a section of the watercourse to provide access to the north part of the lot. Ms. Sesto questioned the justification for the impact to the watercourse when a foot bridge would achieve the applicant’s goal. Conditions of approval were provided by Ms. Sesto with a condition that eliminates the piped watercourse.
Larry Liebman, S.E. Minor & Co., address the agency on behalf of the applicant. He further described the nature of the watercourse and wetland, noting the substantial influence of road drainage and the fact that the watercourse is partially piped offsite to the east.

Discussion ensued regarding the proposal to pipe a portion of the watercourse. Issues, including access, safety, and erosion potential, were debated.

Mr. Harris called for public comment. There was none.

Brian Harris made a motion to close the hearing, second by Jay Schondorf, and carried, 6-0-0.

Brian Harris made a motion to approve the application with the special conditions as proposed by staff and the agency’s general conditions, seconded by Elliot Benton, and carried 6-0-0.


Patricia Sesto spoke to the conditions of approval drafted for the agency’s consideration. Larry Liebman of S.E. Minor & Co., identified himself a

Mr. Harris proposed a modification to condition #5, to add “as well as aquatic life” to the end of the first sentence. Also, add a condition prohibiting the introduction of screening or other barriers to fish movement into the watercourse.

There was no public comment.

Brian Harris made a motion close the hearing, seconded by Bill Galvin, and carried 6-0-0.

Brian Harris made a motion to approve with the agency’s general conditions and special conditions as proposed by staff and amended in testimony. The motion was seconded by Bill Galvin and carried, 6-0-0.

4. #2021-125 – 70 Hunting Ridge Road – Patrick Cummings – Corrective action to legitimize unauthorized removal of construction debris and creation of a pond in wetlands. Tax #11-2074. (First 35 days 10/27/21) DCA

Doreen Carrol Andrews read the documents into the record and described the violation. Debris has been deposited in the wetlands and three small ponds were subject to excavation to create on larger pond. Plantings required as part of a previous permit between the pool and wetland no longer comply. The homeowner is working to bring the property into compliance. The corrective action application is
incomplete, missing elements such as a biological assessment.

Applicant Patrick Cummings addressed the agency. He described storm damage that led to some of the debris accumulation in addition to past practices. He is looking to supplement the application.

There was no public comment.

The hearing was continued to the October meeting of the agency.

Ms. Sesto left the meeting.

**New Applications for Review**

1. **#2021-120 – 70 Lower Cross Road** – Redniss & Mead, Inc. for SBP Lower Cross LLC – Construction of tennis court with grading 20’ from wetlands. Tax #11-1842. (First 65 days 10/27/21) BC

   Robert Clausi described the project and contents of his staff report. This property was before the agency as recently as last year. The builders would now like to convert the yard behind the guest house to a tennis court. The previously approved buffer will remain intact and will have new 16 shrubs and 400 herbaceous plants. This should compensate for the loss of two trees.

   Bret Holzwarth, Redniss and Meade addressed the agency. He reiterated the limit of changes and the development underway to the rear. The tennis court meets the needs of the prospective buyer.

   There was no public comment.

   Klaus Jander made a motion to approve with the general condition and special conditions provided by staff, seconded by Jay Schondorf, and carried, 6-0-0.

2. **#2021-126 – 337 Valley Road** – Rocco V. D’Andrea, Inc. for Erik & Christine Lee – Demolition and construction of single-family residence, driveway, guest house, garage, deck, and stormwater management system 37’ from wetlands. Tax #08-1293/s. (First 65 days 10/27/21) BC

   Robert Clausi described the proposed project. The property was proposed for redevelopment in 2007. The current proposal is notably different in terms of the extent of site work, which is far less due to the inclusion of piers rather than the excavation approved in 2007. The E&S control plan is tailored to the site and its extensive exposed rock. No trees will be removed from the hillside. CT DEEP was asked to divulge the species of concern associated with the property. No response has been received.

   Brian Smith, D’Andrea Surveying & Engineering, P.C., addressed the agency. He stated his agreement with the staff report and its recommendations. He referenced the DPW comments stating they were minor and easily addressed.

   There was no public comment.
Norma Kerlin suggested the conditions include the requirement to incorporate CT DEEP recommendations. Mr. Clausi countered, the DEEP response is only recommendations and not binding.

Elliot Benton made a motion to approve with the general condition and special conditions provided by staff, seconded by Jay Schondorf, and carried, 6-0-0.

3. #2021-129 – 78 Zaccheus Mead Lane – S.E. Minor & Company, Inc. for Michael Behringer - Construction of pool, spa, pool pavilion, patios, retaining walls, and stormwater management system 75’ from wetlands. Tax #10-1957. (First 65 days 10/27/21) BC

Robert Clausi introduced the application and reviewed his staff report, noting the project is straightforward. Nearly all of the work is within the existing residentially developed envelope. The only exception is a slight bump of a retaining wall. The previously required buffer plantings are in excellent condition. A path and footbridges were found that had not been approved. The paths should be recorded on a survey, whether or not the pool project proceeds.

Haley DeMarchis, S.E. Minor & Co., addressed the agency stating there are no objections to staff recommendations.

Elliot Benton made a motion to approve with the general condition and special conditions provided by staff, seconded by Bill Galvin, and carried, 6-0-0.

4. #2021-130 – 279 Lake Avenue – Joseph F. Risoli PE, LLC for William & Colleen Schneider – Construction of pool and stormwater management system 26’ from wetlands. Tax #07-3068/s. (First 65 days 10/27/21) BC

Robert Clausi speaks to the application, stating it should be eligible for an agent approval. Two prior permits were issued for pools, but they were not built. The latest pool is in the residentially developed envelope and includes stormwater management.

South and southeast of the retaining wall is being maintained as lawn instead of the plantings previously approved. Restoration of the buffer is recommended to be consistent with the 2004 permit. The plantings should go in by May 15, 2022, regardless of the disposition of the pool.

Brian Harris expressed a desire to see the planting plan before the agency takes action. The planting plan should reflect plant sizing and density to account for the time that has passed.

Brian Harris made a motion to delay action, seconded by Bill Galvin, and carried, 6-0-0.

No public comment.

Applications to Be Received
1. #2021-132 – **1143 East Putnam Avenue** – Heagney, Lennon & Slane, LLP for Frank Currivan, Jr. – Construction of multi-family residence, driveway, and stormwater management system 3’ from wetlands. Tax #12-2690/s.


3. #2021-134 – **55 Zaccheus Mead Lane** – Tracy Chalifoux LLC for Mark and Felicia Manus – Dredge pond and install native plantings. Tax #10-2026.


5. #2021-136 – **1362 King Street** – Murphy Bros. Landscaping, LLC for Harvest Time Assembly of God, Inc. – Replacement of septic system 93’ from wetlands. Tax #10-4158.


8. #2021-139 – **514 Valley Road** – Rocco V. D’Andrea, Inc. for Valley Road 514, LLC – Construction of single-family residence, driveway, septic system, and stormwater management system 50’ from wetlands. Tax #08-2058/s.

9. #2021-140 – **16 Normandy Lane** – Louis Fusco Landscape Architects for Jason Abbruzzese – Construction of pool, pool pavilion, patio, retaining walls, stormwater management system, and landscaping 38’ from wetlands. Tax #05-2755/s.

10. #2021-141 – **25 Lindsay Drive** – Environmental Land Solutions, LLC for Ian and Christine MacTaggart – Replacement of pool 40’ from wetlands. Tax #11-2710.

11. #2021-142 – **82 Butternut Hollow Road** – Environmental Land Solutions, LLC for Philip and Brittany Baity – Corrective action to remediate unauthorized clearing and grading, construction of pool and patio, and modification of driveway in and adjacent to wetlands. Tax #11-2746.

12. #2021-143 – **81 Round Hill Road** – Sound View Engineers & Land Surveyors, LLC for Susan and Cliff Yonce – Construction of pool, pergola, patio, terrace, and stormwater management system, and designation of septic replacement area 60’ from wetlands. Tax #10-2025.
Brian Harris made a motion to receive the applications presented on the agenda, seconded by Bill Galvin and carried, 6-0-0.

**Agent Approval Permits**

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


3. **#2021-122 – 81 Sawmill Lane** – Rocco V. D’Andrea, Inc. for Daniel and Jennifer Servedio – Construction of pool, patio, deck, retaining wall, and drainage 75’ from wetlands. Tax #11-3131.


7. **#2021-128 – 606 Indian Field Road** – Rocco V. D’Andrea, Inc. for 606 Indian Field LLC – Reconstruction of pool 57’ from wetlands. Tax #02-1580.


**Violations**

15 Surrey Drive

Doreen Carroll Andrews read the list of documents for the record. The report, written by Jennifer Urena, was presented by Ms. Carroll Andrews. Trees were topped to the point that they are only trunks, some fill for a garden was imported, and a new stonewall appears to have been constructed. The daughter of the owner has asked to address the agency.

Erin Kim addressed the agency. She stated the trees were pruned due to neighbor complaints. Pictures of the property were viewed and discussed.
Elliot Benton suggest staff meet with the Kim’s on-site to better define the issues. Consensus supported this action.

Brian Harris made a motion to maintain the cease and correct order, to be reconsidered at the next meeting.

Applications for Review

#2021-084 – [883 Lake Avenue](#) – William Kenny Associates, LLC for 883 Lake Avenue, LLC c/o Adam Ullrich – Construction of single-family residence, driveway with wetland crossing, detached garage, in-ground pool, patio, retaining walls, septic system, and stormwater management system within and adjacent to wetlands. Tax #11-1323. (65-day ext. 10/6/21) BC

Brian Harris noted an alternative was requested and not provided. This in and of itself is grounds for denial. He suggested staff draft reasons for denial. These should include 1) Feasibility of installing the bridge was poorly formed and lacked credibility 2) Reference to the wetland as part of a drinking water supply and 3) Substantiate from the record the impact to the wetland.

Other Business

Discussion followed regarding the need to elect a new secretary. Elliot Benton put forth Norma Kerlin as secretary. Discussion ensued. Elliot Benton made a motion to elect Jay Schondorf at secretary to the agency, seconded by Brian Harris and carried unanimously.

Adjourn

With no further business the meeting adjourned at 9:55 pm.

Patricia Sesto
Director

The Town complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for persons with disabilities. If you require an accommodation to participate, please contact the Commissioner of Human Services at 203-622-3800 or demetria.nelson@greenwichct.org as soon as possible in advance of the event.