MINUTES  
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY  
SEPTEMBER 28, 2015

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Secretary Stephan Skoufalos, Joe Rogers, Jim Carr, Bill Galvin, Norma Kerlin

Alternates present: No Alternates were present

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

Others present: Jim Michel, Louis Fusco, Mr. and Mrs. Andrew Joffee, Harriet Fahimi, Rob Frangione, Bill Kenny, Mary Young, John Conte, Neil Weinberg, Chris Bristol, Toan Nguyen, John Heagney, Tom Heagney, Tony D’Andrea, Peter Finkbeiner, Joseph Risoli, Larry Liebman, Matthew Popp, Cheryl Brown, John Pugliese, Paul Blandori, James and Linda Waterbury, Glamoria Powell

PUBLIC MEETING

Chairman Harris called the meeting to order at 7:03 p.m. in the Town Hall Meeting Room on the first floor of Greenwich Town Hall.

Agency Session

Seating of alternates

No alternates were seated.

Review and approval of draft minutes of August 24, 2015

A motion to approve the draft minutes of August 24, 2015 with corrections was made by Norma Kerlin, second by Elliot Benton. The motion carried 7-0-0.

Director’s Report

Patricia Sesto reviewed the elements of her report. Overall the number of Greensheet reviews was down as compared to last month; however the number of inspections has risen.

Over the past month several forms and procedures have been revised in an effort to bring them up to date, increase user friendliness, and serve the purposes of the office better. Of note, Agent Approvals will now receive proper permit documents just as those that are reviewed by the Agency do. The Greensheet has been updated to capture very small projects within the upland review area. This provides documentation for both the applicant and the office.
Mrs. Sesto spoke of her work with DPW, Building, and Health Departments to update the way the Building Department checklist is utilized. From this point forward, the Agency’s staff will no longer sign off on the checklist until all of the special conditions in the permit which are required before work begins are completed. This will make it more clear for permittees, avoid violations, and will be more efficient for staff.

The routine special conditions and standard conditions were evaluated and revised to reflect the current operations of the Agency. These were previously circulated to Agency members. With no comments or objections, these will be the conditions used as the template for permits and will be customized as needed for each project.

Mrs. Sesto reported Daniel Berheide is nearly finished sending informational letters to recent homebuyers who have wetlands on their property. The assessor suspends data entry of home sales from October through December to prepare the Grand List. Mr. Berheide will resume sending letters in early January.

**Agent Approvals**

The Agency was provided three legal notices for projects approved by Authorized Agents since the last regularly scheduled meeting. The projects are as follows.

1. Application #2015-105 – Oktay and Olga Kurbanov for construction of a covered porch, pergola, patio, and drainage system at 8 Taconic Road.
3. Application #2015-113 – ELEL, LLC for the repair of a failing septic system 65 feet from a wetland at 723 Lake Avenue.
4. Application #2015-116 – Takaki and Junko Sakai for realignment of the driveway entrance and construction of two stone entrance pillars 15 feet from a wetland at 179 Stanwich Road.
5. Application #2015-117 – Glenn Anderson for additions and porch reconstruction 30 feet from Brothers Brook at 8 Glendale Street.
6. Application #2015-135 – INCT LLC for the realignment of a private road, installation of fencing, and construction of entry gates 10 feet from a wetland at 0 Indian Spring Road.

No Agency questions were presented regarding the merits of the Agent Approvals, and no questions or public comments were received. No action by the Agency was required.

**Compliance Report**

Doreen Carroll Andrews referred to the Compliance Summary sheet that was distributed in the meeting packet. The summary included a breakdown of bond releases (10 requested, 5 initiated by staff, 12 released) and deadlines set by the Agency that are upcoming or have passed. Stop Work Orders were issued to 12 Burning Tree Road, 160 Bedford Road, 6 Dunwoodie Place, and 34 Khakum Wood Road, and 723 Lake Avenue was issued a Violation, all of which are scheduled for
discussion later on in the meeting, except 34 Khakum Wood Road which is currently being addressed at the staff level.

Site inspections were up with 124 having been made and of those, 86 were for compliance.

**Public Discussion Session**

**Town of Greenwich Projects**

#2015-127 – Francine Drive – Town of Greenwich Department of Public Works – Tax N/A

Bob Clausi described the drainage issues at the cul-de-sac on Francine Drive. The road was constructed back in the 1950s and was constructed in wetlands. Drainage ditches have been utilized to keep water off the road and now the ditches are clogged with sediment and debris. This problem is exacerbated by a dense stand of Phragmites and their dense rhizomes and roots.

DPW proposes to excavate the sediment and roots and armor the channel with grouted rip rap. The grout is proposed to keep the Phragmites from re-growing in the ditch and to make clean out easier.

Each of the affected property owners has provided right of entry to the town. One affected property, 61 Hillside has submitted an application to install utilities under the ditch DPW will be armoring. The timing is off as the 61 Hillside Road application is only being received at this meeting. DPW anticipates construction taking place before this permit can be issued. Mr. Clausi inquired if a temporary permit could be issued to allow the projects to coincide and reduce disturbance in the wetland. It was the consensus of the Agency to allow this.

Mr. Clausi concluded by recommending the issuance of a Permit, with conditions, for drainage improvements.

James Michel, DPW Chief Engineer appeared before the Agency on behalf of his department. He restated elements of the project and offered no objection to the staff comments.

No public comment was received.

A motion to approve application # 2015-127 with the conditions proposed by staff was made by Jim Carr, second by Bill Galvin. The motion carried 7-0-0.

**Consent Approvals**

#2015-114 – 73 Cat Rock Road – Christopher Loveless – Tax #08-1930

The staff report prepared by Doreen Carroll Andrews recommended the issuance of a permit, with conditions, for installation of a new septic system.

No one appeared before the Agency on behalf of the applicant and no public comment was received.
#2015-115 – 141 Bedford Road – Barbara Rogers – Tax #10-2104

The staff report prepared by Bob Clausi recommended the issuance of a permit, with conditions, for repair of a dam.

No one appeared before the Agency on behalf of the applicant and no public comment was received.

#2015-118 – 209 River Road Extension – Half Way Tree Holdings, LLC – Tax #08-3950/s

The staff report prepared by Bob Clausi recommended the issuance of a permit, with conditions, for renovation of a commercial building, parking lot, and landscaping.

No one appeared before the Agency on behalf of the applicant and no public comment was received.

#2015-122 – 330 Railroad Avenue – 330 Railroad, LLC – Tax # 01-2254/s

The staff report prepared by Bob Clausi recommended the issuance of a Conceptual Agreement and a permit, with conditions, for a two-lot subdivision, renovation of a commercial building and parking lot.

No one appeared before the Agency on behalf of the applicant and no public comment was received.

#2015-124 – 22 Lia Fail Way – David Clarke – Tax #08-3475

The staff report prepared by Bob Clausi recommended the issuance of a permit, with conditions, for construction of residential additions and driveway.

No one appeared before the Agency on behalf of the applicant and no public comment was received.

A motion to approve the applications recommended for consent approval, with the conditions proposed by staff was made by Bill Galvin, second by Jim Carr. The motion carried 7-0-0.

Pending Applications

#2015-072 – 2 Cotswood Road – Yost Design LLC for Dmitry Mironov – Tax #07-2346/s

Doreen Carroll Andrews reviewed the history of the project. It began in June 2015 as a violation of clearing invasive species within a wetland. The intent of the applicant was to replant with native species of shrubs and grasses. The plan also includes a three year monitoring program.

Action on the application has been delayed while waiting for the applicant to provide additional information regarding landscaping on the north side of the house. The applicant explained to Ms. Carroll Andrews existing shrubs were repositioned and the driveway and stairs were upgraded and refined. Overall Ms. Carroll Andrews found the work to be minimal.

Also contributing to the delay was the presence of a sewer line. The applicant has now successfully worked to meet DPW’s needs by excluding plantings over the sewer line. Additionally, the bridge originally proposed will now be only temporary to facilitate the restoration. The bridge is in the floodway, so leaving it as a permanent structure is prohibited by zoning regulation.
Ms. Carroll Andrews recommended the issuance of an Order to Correct, with conditions, for installation of restoration plantings.

No one appeared before the Agency on behalf of the applicant. No public comment was received.

A motion to approve an Order to Correct with the conditions proposed by staff with the modification of special condition 7 to clearly state the bridge is temporary and the additional condition that the plan be revised to state this was made by Joe Rogers, second by Brian Harris. The motion carried 7-0-0.

Mrs. Sesto recapped the elements of the application and the modifications made to the site plan since the last meeting. The driveway has been reduced by eliminating one entry point, the outdoor fireplace has been eliminated, and the deck has been scaled back. She listed additional information previously requested by the Agency and noted the information has not been submitted for the most part. The alternative submitted does not meet the intent of the request nor does it meet the expressed request for specific alternatives.

The five feet of meadow buffer proposed is inadequate and this is substantiated by an abundance of studies. The report submitted by Bill Kenny states the functions of buffers but does not correlate the science to what has been proposed.

Mrs. Sesto concluded the applicant has not met their burden for reasons articulated in the supplemental staff report and in the absence of further information, recommends denial of the application for demolition and construction of a new single-family residence.

Tom Heagney of Heagney, Lennon & Slane, LLP appeared before the Agency on behalf of the applicant. Mr. Heagney reiterated the changes to the plan, citing the reduction of the driveway by 370 s.f., the house by 13 s.f. and the deck by 373 s.f. The development plan exceeds the zoning requirement for green space for the R-12 zone and the proposal is consistent with the neighborhood.

Other attributes of the plan as described by Mr. Heagney include a five-year plan to remove invasive species from the wetland and restore it with native shrubs and trees. This includes reclaiming a section of wetland that is presently lawn. A five-foot buffer adjacent to the wetland is included, pushing the lawn away from the wetland boundary. Lastly, the stormwater management plan will receive runoff from 78% of the home’s roof area, with the remaining 22% draining over the lawn.

Mr. Heagney reminded the Agency the land to the east is the Town of Greenwich’s pumping station and will remain open, lessening the potential for additional development pressure on the wetland. He also referenced 5 Lighthouse Lane, a nearby property that received a wetland permit in 2002 allowing the house to be 10 feet from the wetland. The subject proposal positions the house 22 feet from the wetland.

Mr. Heagney expressed his opinion that this application is an average redevelopment proposal and the neighborhood was originally developed under much different standards. Accordingly, the property can’t be expected to comply with today’s standards of review. Further, he sees no significant impacts associated with the proposal so there is no need to submit feasible and prudent alternatives.

Elliot Benton questioned Mr. Heagney’s unwillingness to submit additional information regarding alternatives as has been requested. Mr. Heagney replied there should be no request given the absence of
significant impacts. He assessed this application as being consistent with others who have successfully been before the Agency. He wants this application to be treated consistently with others or have the Agency tell him what specific standard he should use. The Agency responded by stating it is not their role to tell applicants what to propose, rather they are to ask questions and seek the information they need to make a decision. It is the applicant’s burden to prove the merits of their own proposal.

The topic of alternatives was discussed. The Agency restated the alternatives they would want to see and Mr. Heagney restated his position that none are needed in the absence of significant impacts.

Mr. Benton expressed dissatisfaction with the sun-shade analysis provided in Mr. Kenny’s report. He described it as just a conclusion without providing the data to validate it. The backup data should be submitted.

Mr. Heagney asked the Agency to review application# 02-119 for 5 Lighthouse Lane and the handling of their roof runoff, which Mr. Heagney described as clean.

Bill Kenny spoke to the contents of his report. The wetland and watercourse will not be directly impacted, only stormwater will be discharged to the system. Currently, a much greater expanse of lawn discharges overland to the wetland without the benefit of any buffer at all. This proposal will provide a better situation given most of the roof runoff will be infiltrated and the driveway is pervious. Mrs. Sesto disagreed with Mr. Kenny stating impervious surfaces such as roofs and pavement cannot be better for the wetlands than vegetation, regardless of the stormwater management plan. If this were the case, there would be justification of paving right up to wetland boundaries if the engineering were present to deal with runoff. She added Mr. Kenny has not yet established how the generation of stormwater has been avoided in accordance with the regulations. The infiltrators are the mitigation.

Mary Young of 11 Ledge Road spoke to the meeting between her engineer and the applicant’s. The meeting produced modifications to the drainage plan and she is now satisfied with the outcome. Notwithstanding this, Ms. Young pressed the Agency to require the applicant to comply with the Agency’s own regulations. She read a portion of section 7 which lists alternatives as an application requirement.

Neil Weinberg of 10 Ledge Road described the drainage problems in the neighborhood. He went on to state the 2002 wetland application referenced by Mr. Heagney is irrelevant. Conditions change in 13 years.

Mr. Heagney once again addressed the Agency. He was under the assumption that no impacts to wetlands equated to no need to submit alternatives. He would like the Agency to delay action on the application so he may submit additional information.

A motion to delay was made by Elliot Benton, second by Jim Carr. The motion carried 7-0-0.

New Applications

#2015-103 – 656 River Road – Paul Blandori – Tax #12-1561/s – DELAY

Doreen Carroll Andrews reviewed the nature of the violation that led to this application. The property backs up to the Mianus River and trees were cut within 100 feet of the river and its wetland fringe. In
1993, the soils report showed wetlands south of the house, however, when Jim McManus recently investigated the site, this area of wetlands was not identified. As has been the case in the past, Ms. Carroll Andrews recommends the two soil scientists meet onsite to discuss their findings.

The parcel to the south is owned by the town and there is a seasonally ponded wetland and outflow channel. This pond sustained berming at its north end, causing high water to overflow to the south in a created channel. It is unknown who is responsible for the work or when it took place. Greenwich’s Parks and Rec Department will be filling the channel and removing the berm in the next few weeks.

Joseph Risoli of Risoli Planning and Engineering, LLC appeared before the Agency on behalf of the applicant. He redefined the scope of the violation based on the absence of wetlands south of the house. This limits wrongful tree removal to the back of the house and he would like this area to be re-evaluated because these trees were more than 50 feet from the watercourse.

Mr. Risoli concurred with the recommendation to have the soil scientists meet. Mr. Clausi added the soil scientists need to dig deep enough to encounter original soil. He believes the area may have been filled since the first investigation. Staff should be included in the inspection.

Paul Blandori, property owner, appeared before the Agency. He has no knowledge of any wetland filling or what may have happened on the town property.

Doreen Carroll-Andrews recommended the Agency delay rendering a decision on this application for wetland restoration.

No public comment was received.

A motion to delay was made by Stephan Skoufalos, second by Jim Carr. The motion carried 7-0-0.

Doreen Carroll-Andrews described how she came upon this violation in the process of conducting an inspection pursuant to a request to transfer a bond for an open pool permit. The violation consisted of a small area of clearing on a slope above the wetland. The restoration plan includes five trees and nine shrubs.

Ms. Carroll-Andrews recommended the issuance of an Order to Correct for installation of restoration plantings and the plantings should be installed by November 1, 2015.

Louis Fusco, appeared before the Agency on behalf of the applicant and offered no objection to the staff comments.

No public comment was received.

A motion to approve an Order to Correct with the conditions proposed by staff was made by Stephan Skoufalos, second by Jim Carr. The motion carried 7-0-0.
Bob Clausi reviewed the history of the site and its various permits to redevelop the site. One permit for a pool has expired and the property owner is looking to do essentially the same project as previously approved.

In the course of researching the property it was discovered the on-site wetland had been cleared sometime between 2003 and 2008. The wetland is now lawn and rough lawn and flanks a small intermittent stream.

In an effort to streamline the process and keep the pool application moving forward, the application was expanded to include restoration of the cleared wetland. Mr. Clausi endorsed the plan and indicated it needs a deadline for completion.

Mr. Clausi recommended the issuance of a permit, with conditions, for construction of garage, pool and pool house.

Discussion ensued regarding how to handle the permitted activities vs. the corrective action activities. Should the application receive an Order to Correct and a permit? It was resolved the permit can be conditioned to state the planting plan must be implemented regardless of the disposition of the other activities.

John Conte of Conte & Conte, LLC appeared before the Agency on behalf of the applicant and offered no objection to the staff comments.

No public comment was received.

A motion to approve with the conditions proposed by staff and the additional language to clarify the requirement the planting plan must be implemented by October 15, 2016 whether the other regulated activities are pursued or not was made by Stephan Skoufalos, second by Brian Harris. The motion carried 7-0-0.

Bob Clausi reviewed the various elements of the proposal. There are several small projects within 100 feet of the wetland and other projects beyond the regulated upland review area. One of these more distant projects has the potential to affect the wetland via storm drains in the vicinity of the proposed pool. The pool received a permit previously; however this latest plan modifies the original proposal. To protect the wetland, Mr. Clausi recommends the yard drains be blocked.

In the course of inspecting the site Mr. Clausi discovered an area below the previously permitted limit of lawn has been cleared. The current application incorporates an appropriate restoration plan.

The issuance of a permit, with conditions, was recommended by Mr. Clausi for construction of pool, pool pavilion, and patio.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency on behalf of the applicant and offered no objection to the staff comments.
Concerns raised in an email sent to the Agency by neighbor Constance Markey were discussed and determined to be minor in nature or beyond the Agency’s jurisdiction to consider. No other public comment was received.

A motion to approve with the conditions proposed by staff was made by Elliot Benton, second by Bill Galvin. The motion carried 7-0-0.

#2015-121 – 12 Burning Tree Road – Mohammed and Harriet Fahimi – Tax #11-2426

Mr. Clausi recounted the permit issued for this property in 2000. The delineated wetland appears to be unchanged, although clearing on the hillside adjacent to the wetland was evident in the field and verified via aerial photographs. In addition, a deer fence has been installed through the southern edge of the wetland without a permit.

The proposed construction includes an addition to the rear of the house and the construction of a pool on a small plateau on the hillside. To address stormwater, a rain garden is proposed adjacent to the wetland, alongside the driveway.

A hillside restoration plan has been submitted and was considered reasonable by Mr. Clausi, provided it was expanded to cover the 70 feet adjacent to the wetland. Mr. Clausi also recommends the size of the plants be increased, the planting plan be installed by November 15, 2015, the deer fence be modified to leave a 6 inch gap above the ground, and an additional filing fee be submitted to account for the violation.

Mr. Clausi recommended the issuance of a permit, with conditions, for construction of a residential addition, pool, and pool cabana.

Tony D’Andrea of Rocco V. D’Andrea Inc. appeared before the Agency on behalf of the applicant and offered no objection to the staff comments.

No public comment was received.

A motion to approve with the conditions proposed by staff was made by Brian Harris, second by Joe Rogers. The motion carried 7-0-0.

#2015-123 – 160 Bedford Road – 160 Bedford Road, LLC – Tax #10-1115 – DELAY

Bob Clausi introduced the Agency to the elements of the application. The parcel is eight acres in size and is presently residentially developed with a house, detached garage, pool, and pool house. Additionally, there are two ponds onsite with associated wetlands and stream outlets.

The buffers around the ponds have been substantially compromised. The wetland that surrounds the pond in the southeast corner is being maintained as lawn.

There are no previous wetland permits on file for this property.

The proposed work consists of demolishing all of the existing structures, reconstruction of a larger residence and associated structures. The pool will be reconstructed behind the new dwelling and a guest house will be built in the location of the pool house. The garage will be replaced with a pervious sport
court, with its grading stopping 35 feet from the southeast wetland. Infiltrators will be installed below
the sport court. The driveway will also be reconstructed and reconfigured.

Given the expanse of land that will be subject to regrading, a phasing plan is needed. This phasing plan
should include phase-specific erosion and sedimentation controls, parking for construction vehicles, and
material storage areas.

A planting plan, including the limit of lawn also needs to be submitted. A check of the town’s aerial
photographs shows the wetland areas in the west and southeast areas of the site and their buffers were
cleared of woodland vegetation sometime between 2003 and 2008. These cleared areas are maintained
as lawn. Brush-hogging is apparent in the northwest corner of the site, adjacent to the larger pond. The
violations were memorialized with a Notice of Violation.

Bob Clausi recommended that the Agency delay rendering a decision on this application for construction
of a single-family residence.

Peter Finkbeiner of Sound View Engineers and Land Surveyors, LLC appeared before the Agency on
behalf of the applicant and concurred with Mr. Clausi that additional information is warranted.

No public comment was received.

A motion to delay was made by Jim Carr, second by Stephan Skoufalos. The motion carried 7-0-0.

#2015-125 – 23 Normandy Lane – Normandy Holdings, LLC – Tax #05-2750/s

Patricia Sesto explained the current and proposed conditions. The site was previously developed with a
single family home. The home has a pool and pool house that directly abuts a wetland. The wetland is
small and has been degraded over the years from the surrounding residential development resulting in a
drier wetland. A ditched watercourse abuts the wetland and may contribute to drawdown of the
wetland’s groundwater. The wetland is vegetated by mature trees, including pin oak and the understory
is dominated by winged euonymus.

The proposed development includes demolition of the house, pool, and pool house. The new house will
be larger and will be set some 35-40 feet from the wetland. The area where the old pool and pool house
are will be planted extensively and will include a level spreader. The level spreader has the potential to
introduce surface water back to the wetland. The new pool will be west of the house.

Ms. Sesto recommended the issuance of a permit, with conditions, for construction of a new single-
family residence.

Peter Finkbeiner of Sound View Engineers and Land Surveyors LLC appeared before the Agency on
behalf of the applicant. He restated the elements of the application and offered no objection to the staff
comments.

No public comment was received.

A motion to approve with the conditions proposed by staff was made by Stephan Skoufalos, second by
Bill Galvin. The motion carried 7-0-0.
Bob Clausi began his description of the project by recounting the origins of the application. The owners of 51 Pine Ridge Road contracted to have trees removed. The clearing removed 11 trees, 10”-24” in diameter, and the understory in a wetland and its buffer and adjacent to an intermittent stream. Additionally, most of the trees were on the neighbor’s property, 29 Pine Ridge Road and were taken down without the permission of James and Linda Waterbury, the owners of that property. Cease and Correct Orders were issued to the owners of both properties.

A restoration plan prepared by Environmental Land Solutions was submitted and adequately accounts for what was removed. Mr. Clausi expressed the need to swiftly implement the plan and use deer protection. Deer fencing was recommended as opposed to the deer repellent included on the plan.

Mr. Clausi recommended the issuance of an Order to Correct, with conditions, for installation of restoration plantings.

Matthew Popp of Environmental Land Solutions LLC, agent for the applicant agreed with the suggestions made by Mr. Clausi, although he couldn’t consent to the deer fence as it would need to go on the neighbor’s property. Regardless, he will pursue permission to do so.

Cheryl Brown, agent for the Waterburys, spoke to the submitted plan. She is concerned the area will be taken over by non-native invasive plants and these will undermine the restoration plan. The Waterburys found the plan to be minimally acceptable, but were more interested in keeping the project moving forward than continuing the debate on what more is wanted. Lastly, the Waterburys want the work done by a licensed contractor.

No other public comment was received.

A motion to approve an Order to Correct with the conditions proposed by staff was made by Joe Rogers, second by Elliot Benton. The motion carried 7-0-0.

**Applications To Be Received**

A motion to receive the 16 applications enumerated on the Agenda was made by Elliot Benton, second by Stephan Skoufalos. The motion carried 7-0-0.

Mrs. Sesto brought application #2015-141, 66 Cat Rock Road, to the attention of the Agency. This is a corrective action application requiring fill to be removed from a wetland buffer and restorative plantings be installed. Mrs. Sesto asked the Agency to consider the need to stabilize the site before the end of the growing season and what leeway could be offered to accommodate implementation of the plan. She expressed her confidence that the plan would meet the standards expected by the Agency.

Discussion of potential accommodations ensued.

It was the consensus of the Agency to allow application 2015-141 to be reviewed and acted on by staff.
Violations

Cease & Correct Order #2015-21 – 723 Lake Avenue – ELEL, LLC – Tax #11-2630

Bob Clausi read the evidentiary documents into the record and reviewed the Violation Summary, which describes the unauthorized replacement of native vegetation with turf grass, deposition of organic material, and installation of a fence within and adjacent to wetland and watercourse areas. The violation was discovered in connection with Application # 2015-113 for the same property. Former rough scrub areas are now maintained as lawn, logs have been deposited in the wetland, and a fence has been installed.

Mr. Clausi recommended the Agency maintain Cease & Correct Order #2015-21 and that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by October 23, 2015.

A motion to uphold the Order with staff recommendations, including an application deadline of October 23, 2015 was made by Elliot Benton, second by Bill Galvin. The motion carried 7-0-0.

Cease & Correct Order #2015-22 – 6 Dunwoodie Place – Glamoria Powell and Michael Galli – Tax #11-2672

Doreen Carroll-Andrews read the evidentiary documents into the record describing the site conditions and the Cease and Correct Order prepared by Daniel Berheide. The Violation Summary describes the unauthorized removal of vegetation in a wetland and watercourse and upland review areas and unauthorized deposition of stone and woodchips in wetland and watercourse areas. Mr. Berheide noticed a front loader when he was driving by the site. Upon further investigation he discovered the clearing encompassed an area roughly one acre in size and no less than 12 stumps immediately adjacent to the wetlands and watercourse. Additionally, it appears a drainage pipe has been damaged.

Ms. Carroll-Andrews recommended the Agency maintain Cease & Correct Order #2015-22 and that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by October 23, 2015.

Glamoria Powell, property owner, appeared before the Agency. Ms. Powell stated the home was recently purchased as a foreclosure. Due to the period of time the house was unoccupied, the site became quite overgrown and she was seeking to clean up the property. Ms. Powell did not contest the findings cited by Ms. Carroll-Andrews.

A motion to uphold the Order with staff recommendations, including an application deadline of October 23, 2015 was made by Elliot Benton, second by Jim Carr. The motion carried 7-0-0.

Cease & Correct Order #2015-23 – 11 Langhorne Lane – Langhorne Partners, LP – Tax #10-3192

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary, which describes the unauthorized excavation within and adjacent to wetland areas. The violation was identified during a routine inspection of the property in response to a Greensheet Questionnaire for the activity. The work underway was for the patio described on the Greensheet.
Ms. Carroll-Andrews recommended the Agency maintain Cease & Correct Order #2015-23 and that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by October 19, 2015.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency. He concurred that the work for the patio started without a permit and clearing activities have taken place, including in a wetland. It is the desire of his client to have remediation work done within three weeks and Mr. Liebman asked if there was a way the Agency could accommodate this. As some of the work is in a wetland, at least that portion of the project would not be eligible for staff approval. In light of the fading growing season, the Agency directed staff to work with Mr. Liebman to expedite the restoration work.

A motion to uphold the Order with staff recommendations, including an application deadline of October 19, 2015 was made Stephan Skoufalos, second by Elliot Benton. The motion carried 7-0-0.

Cease & Correct Order #2015-24 – 31 Harkim Road – Andrew Joffe – Tax #10-2832

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary, which describes the unauthorized removal of trees and woody vegetation from wetlands and Upland Review Areas. Like the previous violation, this violation was also discovered in response to a Greensheet Questionnaire. The Joffes were seeking a permit determination for an addition and Ms. Carroll-Andrews conducted a site inspection. During the inspection, she found several trees and all of the understory leading down to the Byram River were cleared. In total, she counted 25 stumps sized 4”-12” in diameter. The canopy was largely intact.

The slope needs to be promptly stabilized with seed and mulch.

Andrew Joffe appeared before the Agency and described the debris and brush he was seeking to clean up. He also noted only about 50% of the affected area is within 100 feet of the river.

Staff recommended the Agency maintain Cease & Correct Order #2015-23 and that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by October 19, 2015.

A motion to uphold the Order with staff recommendations, including an application deadline October 19, 2015 was made by Elliot Benton, second by Bill Galvin. The motion carried 7-0-0.

Bond Releases

1. Application #1996-061 – Permit #1996-142 for Peter Drut – 25 Close Road. The $11,000 bond is to be returned to Peter Drut.

2. Application #2005-133 – Permit #2006-016 for 38 Khakum LLC – 38 Khakum Wood Road. The $8,000 bond is to be returned to 38 Khakum LLC.

3. Application #2007-069 – Agent Approvals #2007-018 & 2007-034 for Peter Drut – 25 Close Road. The $2,000 bond is to be returned to Peter Drut.
4. Application #2009-034 – Permit #2009-042 for 7 Oakwood Lane LLC – 7 Oakwood Lane. The $10,000 bond is to be returned to 7 Oakwood Lane, LLC.

5. Application #2009-129 – Permit #2009-114 for John and Mary Hock – 42 Dawn Harbor Lane. The $7,000 bond is to be returned to John and Mary Hock.

6. Application #2011-002 – Permit #2012-016 and Agent Approval #2011-001 for Wayne and Janet Effron – 116 Birch Lane. The $2,000 and $3,000 bonds are to be returned to Janet Effron.


8. Application #2013-127 – Order #2014-001 for Cynthia McCallister and Patrick Rooney – 17 Summit Road. The $1,000 bond is to be returned to Cynthia McCallister and Patrick Rooney.


10. Application #2014-068 – Permit #2014-058 and Order #2014-017 for Anthony Neri – 12 Sherwood Avenue. The $3,000 bond is to be returned to Anthony Neri.

11. Application #2014-126 – Permit #2014-100 for Andrew and Melissa Fisher – 1 Hobart Drive. The $2,000 bond is to be returned to Andrew and Melissa Fisher.

12. Application #2015-104 – Agent Approval #2015-019 for Wiley Maddox – 100 Perkins Road. The $500 bond is to be returned to Maddox Associates, Inc.

A motion to release the bonds was made by Stephan Skoufalos, second by Elliot Benton. The motion carried 7-0-0.

The meeting adjourned at 10:09 p.m.

Patricia Sesto
Wetlands Director