

DRAFT

MINUTES

GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

October 22, 2018

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

Alternates present: Alan Rossi and Klaus Jander

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

Others present: James McManus, Jmm Wetland Consulting Services LLC; Melissa Klanberg, Charles Mills of Mills Engineering, LLC; Thomas Fox, 25 Tomac Avenue, LLC; John Tesei, Gilbride, Tusa, Last & Spellane, LLC; Jim Hoffman; Mark Ochman, Ochman Associates, Inc.; Steve Wickstrom, Burning Tree Country Club; Steve Perry, Envirodredge; Bill Kenny, William Kenny Associates, LLC; Tony D'Andrea, Rocco V. D'Andrea, Inc.; Paul Niebuhr

1. Call to Order

Chairman Brian Harris called the meeting to order at 7:03 p.m.

2. Seating of Alternates

Alan Rossi and Klaus Jander were seated.

3. Approval of draft minutes of September 24, 2018

Stephan Skoufalos made a motion to approve the minutes of September 24, 2018, seconded by Jo Rogers, and carried 7-0-0.

4. Director's Report

a. Monthly Summary

Patricia Sesto reviewed the contents of her report. She highlighted the information pertaining to RILUPA and how this act relates to the Inland Wetlands and Watercourses Act. Conformance with RILUPA would take precedence. The report also covered recent seminars and the status of hiring an intern.

5. Other Business

Robert Clausi announced to the public the applications for 33 Laub Pond Road has been withdrawn and O Hendrie Road has been postponed to the November meeting.

I. Consent Approvals

- 1. #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)**
- 2. #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)**

Stephan Skoufalos made a motion to approve applications #2018-123 and #2018-124 as consent approvals, seconded by Jo Rogers, and carried 7-0-0.

II. Pending Application

- 1. #2018-059 – 33 Laub Pond Road – S.E. Minor & Co., Inc. for Paul Roche for construction of a pool, pool house, garage addition, service access/drive, and drainage 34' from wetlands. Tax #10-2588 (second 65 days 11/2/18)**

IWWA application #2018-059 was withdrawn.

- 2. #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)**

Application was postponed at applicant’s request.

- 3. #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)**

Mr. Clausi reviewed the changes to the proposal and distributed correspondence from Daniel Arbora of Apple Tree Lane and applicant’s engineer, Anthony D’Andrea.

The previously proposed buffer of 25 feet is now 35 feet, except for a pinch point. The wider buffer was accomplished by shifting the house, reducing the pool size, and adjusting the infiltrators. These changes also allow a tree to be retained. The landscape envelope has been revised along the western property line to be more consistent with the conceptual approval. Plants are proposed within all buffer areas.

The plan needs to be revised to include a delineation, which Clausi suggested be located at the 57-foot contour line. DPW has some outstanding issues and project engineer determined

these could be addressed without materially changing the plan. Mr. D’Andrea was made aware of the ramifications should the engineering changes become substantive, mainly, a new permit would be required. Erosion and sedimentation controls have been revised pursuant to staff recommendations.

Clausi provided special conditions of approval for the agency’s consideration should the outstanding issues be addressed.

In the absence of an agent for the applicant, the agency tabled further discussion.

III. New Applications For Review

1. #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)

Doreen Carroll-Andrews described the violation from which this application stems. In July staff was notified that trees were being removed within wetland areas on the subject property. A site inspection found about 11 trees, ranging in size from 8” to 16” in diameter, and approximately 42 larger shrubs, ranging in size from 2” to 7” in diameter, had been removed from the wetland at the rear of the property in an area roughly measuring 4,800 s.f.

The restoration plantings have already been installed and are consistent with the proposal before the agency. Carroll-Andrews cautioned weeding and deer protection will be needed to ensure the plants survive. A demarcation of the restored area is also needed.

Thomas Fox, property owner, appeared before the agency. He requested the agency reduce the fee, which is three times the base fee, totally \$4,500. This fee far exceeds the cost of restoring the area and is excessive when compared to the project.

Klaus Jander made a motion to reduce the fee to \$2,500, citing Mr. Fox did not intentionally violate the regulations. Seconded by Jay Schondorf. Discussion ensued. Elliot Benton, while supporting a reduction, he was not in favor of setting an arbitrary figure. He suggested twice the base fee. Brian Harris stated the fee should reflect the staff time needed to administer the application. This violator has been cooperative, which means less staff time was needed. Jander amended his motion to require a fee of \$3,000, seconded by Schondorf. Stephan Skoufolous reinforced the fee is a judgment based on proportionality, not hardship. With no further discussion, the motion carried 7-0-0.

Chairman Harris made a motion to issue an Order to Correct for IWWA 2018-119 with the Special Conditions proposed by staff, seconded by Elliot Benton, and carried, 7-0-0.

2. #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)

Clausi introduced the application, stating this is the same project the agency approved in 2016. The only change is a ten-foot shift of the leaching field, closer to the wetland. Ledge

was discovered and the relocation was warranted. Two mature oak trees were inexplicably removed and three pin oaks are proposed to compensate.

Chairman Harris made a motion to approve action of IWWA 2018-125 with the General Conditions and Special Conditions proposed by staff, seconded by Jay Schondorf, and carried, 7-0-0.

2. #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)

Anthony D'Andrea was now present to represent the applicant and reviewed the changes from the last meeting and the assertions referenced in the submitted correspondence regarding flooding. Jo Rogers sought confirmation on the design criteria, further asking about runoff during the construction phase and why the detention capacity is oversized. D'Andrea responded the system accounts for water quality and peak flows. The subdivision design was not required to additionally compensate for off-site water per DPW. The CDM study cited by Mr. Arbora is out dated and has yet to assimilate the stormwater features of the subdivision. This is of consequence as the subdivision stormwater management system is designed to the 50-year storm as opposed to the normal 25-year event to compensate for the undersized culvert.

Jo Rogers made a motion to approve action of IWWA 2018-116 with the General Conditions and Special Conditions proposed by staff, seconded by Klaus Jander, and carried, 7-0-0.

3. #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)

Clausi described the two-lot subdivision on two acres. This is an application for a conceptual approval. The septic systems are located in the best soils on-site. Grading for development is shown 30-38 feet from the wetland and pond. While this is a concept plan, the approved concept tends to carry forward when the individual lots return for final approvals. The existing woodline is proposed as the limit of lawn. Clausi cite the report by reviewing consultant, Jim McManus, who described this buffer as not being robust. The agency was encouraged to contemplate what a reasonable buffer would be.

Charlie Mills, of Mills Engineering, LLC, introduced James McManus, of Jmm Wetland Consulting Services LLC. McManus described the condition on neighboring lots as being up to the watercourse. The proposal for this site is not to reduce the buffer, rather enhance what is there with herbaceous growth and provide a demarcation. The resulting buffer would be 30-40 feet, with pinch points of as little as five feet near the paths. Harris clarified the southern lot shows buffers far less than what is being described.

Mills described the various zoning requirements that drive the lot layouts. Members expressed the need for greater protection of the watercourse, especially given the intensification of use. Sesto questioned why wetland and watercourse protection is not being brought up to modern standards just as the lot configuration, septic system, house and amenities, and stormwater management are. If the newer zoning requirements are a factor in

reduced watercourse protection, then perhaps a variance should be pursued. Discussion of various alternatives followed. McManus reiterated the intention to enhance the existing buffer to allow the future residents an area of lawn to play.

Mills conceded a larger buffer is feasible. Benton suggested the constraints indicate the subdivision proposal is too much for the lot to support. A site plan with more realistic land use should be brought forth.

Chairman Harris made a motion to delay action on IWWA 2018-126, seconded by Jay Schondorf, and carried, 7-0-0.

4. #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)

Clausi began by stating the project description is misleading in that the separating distance to the actual construction activities is greater than identified. The five-foot listed is a minor aspect of the disturbance. The patio is 35 feet from the wetland and the planted buffer will be 15 feet deep. Clausi continued on to described the existing conditions. Aspects of the stormwater management plan are in flux; a rain garden maybe added to the front yard. This would not be a regulated activity, however, other changes could jeopardize the validity of a permit if they were substantially different within regulated areas.

Jo Rogers made a motion to approve action of IWWA 2018-127 with the General Conditions and Special Conditions proposed by staff, seconded by Klaus Jander. Clausi stated the suggested Special Condition #1 needs to be modified to require a revised plan. With this modification, the motion carried, 7-0-0.

5. #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)

Clausi described the 19-acre, five-lot subdivision. A deed restriction requires the lots be a minimum of three acres. The open space parcel is approximately 15% of the site. The regulated activities consist of the driveway for lot one and the limit of manicured lawn associated with it. The lawn is troublesome so close to the wetland and a better buffer is needed. Grading for the accessway and cul-de-sac causes 15 trees, 12+ inches dbh or greater, to be cut. The justification for this is not apparent, nor is the extent of manicured lawn in this area.

DPW has requested a full set of plans, which could result in some changes. The submitted application fee did not account for additional disturbance and this needs to be rectified. Anthony D'Andrea, of Rocco V. D'Andrea, Inc., appeared before the agency on behalf of the applicant. He reviewed various elements of the subdivision design, including the 3:1 slope that creates the disturbance in the open space. This could be reduced to 2:1. The area labeled to be maintained lawn will be meadow. The cul-de-sac will be utilized as a rain garden. The wetland was described as a boulder field that extends off-site. The flow path to the wetland will not be altered, to neither overtax it or starve it.

The galleries at the beginning of the road by lot one are needed to take road runoff, although the drainage manual dictates a rain garden should be used. D’Andrea prefers the galleries. William Kenny of William Kenny Associates, LLC, addressed the agency, noting the wetland did not have any wetland species observed this past spring. The on-site and off-site conditions are consistent.

Stephan Skoufalos made a motion to delay action of IWWA 2018-128, seconded by Elliot Benton, and carried, 7-0-0.

6. #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)

Clausi gave a brief overview of past dredging of the irrigation pond. Like then, hydrodredging is being proposed now. The channels have become clogged with emergent vegetation, which will be removed and streambank stabilization installed. The project description does not provide information on the intended dimensions of the channels. Sediment forebays may be useful and should be considered. No information was given regarding dewatering work areas to be mechanically dredged, dewatering the spoils, spoils deposition and testing for contamination, or the buffers to be enhanced. Overall, the application materials lack detail.

The golf course was created in what was once called the “Great Swamp,” and this project should work to enhance protection of the remnant resources.

Steve Perry of Envirodredge discussed various considerations and goals for the ponds, spoils disposal, and a sediment pond. The dimensions of the channels will be determined as the project is underway by identifying areas of erosion. The “Shore Sox” become part of the living shoreline. Perry continued to describe the conditions needed for hydrodredging in the channels and the equipment he would use. A hand-held device would be used for narrow sections of the watercourse.

Steve Wickstrom, course superintendent, confirmed soil testing is underway.

Chairman Harris made a motion to delay action on IWWA 2018-130, seconded by Stephan Skoufalos, and carried, 7-0-0.

V. Applications To Be Received

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

1. #2018-132 – 14 Carissa Lane – Rocco V. D’Andrea, Inc. for Kenneth J. and Jennifer L. Turano for construction of retaining walls and re-grading with associated site improvements 40' from wetlands. Tax #11-2925 (first 65 days 12/26/18)

2. **#2018-134 – 18 Grahampton Lane – Frangione Engineering, LLC for Greenhill Associates, LLC to remedy clearing, grading, and construction of a stonewall in and adjacent to wetlands. Tax #11-1535 (first 65 days 12/26/18)**
3. **#2018-135 – 41 Ettl Lane – Karl Friberg and Evelyn Peterson for after-the-fact application for a footbridge, and restoration of a wetland Tax #09-2562 (first 65 days 12/26/18)**
4. **#2018-136 – 307 Shore Road – Aquarion Water Company for replacement of water main along Shore Road 2' from wetlands. Tax #N/A (first 65 days 12/26/18)**
5. **#2018-137 – 26 Normandy Lane – Redniss & Mead, Inc. for Paul and Erin Teske for regrading and soil improvement within wetlands. Tax #05-2757/s (first 65 days 12/26/18)**
6. **#2018-138 – 9 Sabine Farms Road – S.E. Minor & Co., Inc. for Jill Dyal for residential additions, porch, garage, and driveway 51' from wetlands. Tax #10-2894 (first 65 days 12/26/18)**
7. **#2018-139 – 94 Pecksland Road – S.E. Minor & Co., Inc. for 94 Pecksland Road, LLC for a subdivision of the property and construction of a residence on the empty lot 84' from wetlands. Tax #10-1660 (first 65 days 12/26/18)**
8. **#2018-140 – 6 Oak Drive – Rocco V. D'Andrea, Inc. for 6 Oak Drive for demolition and construction of a single family residence 11' from wetlands. Tax #05-1614/s (first 65 days 12/26/18)**
9. **#2018-141 – 20 Walsh Lane – Rocco V. D'Andrea, Inc. for James C. Cook for installation of a drain and limited dredging within pond/wetlands. Tax #02-1691/s (first 65 days 12/26/18)**
10. **#2018-142 – 46 Meadow Road – Rocco V. D'Andrea, Inc. for Frederick L. Baker III for exterior alterations of a dwelling 7' from wetlands. Tax #05-1511/s (first 65 days 12/26/18)**
11. **#2018-143 – Taconic and South Stanwich Roads – Tata & Howard, Inc. for Aquarion Water Company of Connecticut for as-of-right determination to replace a water-transfer pipeline, with clearing and grading within wetlands. Tax #N/A (first 65 days 12/26/18)**
12. **#2018-144 – 469 & 471 North Street – Gilbride, Tusa, Last & Spellane LLC for The Saint Michael's Roman Catholic Corp. for re-surfacing and reconfiguring drives, parking lots, and walkways, drainage, landscaping, and additions to the church and rectory 40' from wetlands. Tax #11-4037/s & #11-4012/s (first 65 days 12/26/18)**

VI. Agent Approvals

The Agency was provided four legal notices and one declaratory ruling for projects approved by Authorized Agents. The projects are as follows:

1. **#2018-118 – 39 Midbrook Lane – To Matthew Leeds for construction of a deck. Tax #06-3647**
2. **#2018-121 – 12 Burning Tree Road – To Mo and Harriet Fahimi for construction of a small cabana. Tax #11-2426**
3. **#2018-131 – 15 Sheffield Way – To Michael and Abby Pillari for replacement of pool, patios, and pool equipment 50’ from wetlands. Tax #10-2952**
4. **#2018-133 – 610 Round Hill Road – To Bradford & Alison Nordholm for septic system for reserve 80’ from wetlands. Tax #10-1708**

Also, ISSUED a Declaratory Ruling **Application #2018-129 – 409 Stanwich Road – To Greenwich Fire Department for installation of dry hydrant. Tax #08-2583**

There were no questions or comments.

VII. Violations

1. **Cease and Correct Order #2018-13 – for Paul and Kathryn Niebuhr – 145 Weaver Street. Unauthorized stonewall within and adjacent to wetlands. Tax # 07-2237/s**

Brian Harris recused himself.

Doreen Carroll-Andrews read the list of documents into the record and reviewed the Violation Summary. Carroll-Andrews was notified that activity was occurring on site that was resulting in impacts to offsite wetlands. On site, work was underway to the rear of the property and the entire rear yard was disturbed and recently seeded and spread with hay. Construction of a stone wall had been completed along the eastern property line and was in progress along the northern property line and through the wetland (there were no workers on site at the time of the inspection).

The home owner, Mr. Paul Niebuhr, came into the office during counter hours to discuss the violation. The mason involved is Bruce Stolenhoff. The official business name is unknown at this time.

Carroll-Andrews recommends that the Agency maintain Cease & Correct Order #2018-13. 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 November 20, 2018.

Property owner, Paul Niebuhr, addressed the agency. He stated the wetland is being flagged.

Stephan Skoufalos made a motion to uphold the cease and correct order, seconded by Jo Rogers, and carried 6-0-0.

VIII. Other Business

None.

IX. Adjourn

With no further business, the meeting adjourned at 9:10 p.m.

Patricia Sesto
Director