

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
October 24, 2016**

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

Alternates present: None

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

Others present: Rob Frangione, Peter Finkbeiner, Larry Liebman, Margaret Honig, Daniel Sherman, Jay Fain, Moya and Tom Duffy, Daphne White, Sonia Hedvat, Chris Francis, Eric Schwartz, William Carbone

1. Call to Order

Chairman Harris called the meeting to order at 7:00 p.m.

2. Seating of alternates

No Alternates were seated.

3. Approval of draft minutes of September 26, 2016

Elliot Benton made clerical changes to the minutes of September 26, 2016. Jo Rogers made a motion to approve the draft minutes as corrected, second by Jay Schondorf. The motion carried 6-0-0.

4. Director's Report

Patricia Sesto provided an overview of her monthly Director's Report. The IWWA Activity Report has been reevaluated and streamlined. Further, pursuant to requests of members, work is underway to show this information graphically and in comparison to previous years. The members agreed this report is only necessary on a quarterly basis.

Ms. Sesto spoke of her involvement with the P&Z grade plan revisions, provided an update on the Post Road Iron Works appeal, and her efforts to connect with local land preservation organizations

5. Compliance Report

Doreen Carroll-Andrews reviewed the contents of the compliance report. Of note, four project deadlines have not been met, however each has indicated the work is underway and will be brought into compliance in short order.

6. Other business

- a. Ms. Sesto sought input with regard to scheduling site walks. Following a discussion, the agency requested the list of site walk be set within a week or so of their receipt and email

plans at the same time. Group walks should be targeted for the Friday before the meeting, the day of the meeting or on the weekend.

I. Public Hearings

1. 2016-093 – 20 Idar Court – 20 Idar Court, LLC – Tax #01-2268/s
Construction of a multi-family residence, driveway, and covered deck 20’ from a watercourse.

Bob Clausi read the additional documents of the application into the record and confirmed the original plan submitted by the applicant remains their preferred alternative. The DPW division of engineering has outstanding issues, however they are not substantive and will be unlikely to affect the project from the IWWA’s perspective. The planting plan provided preserves the canopy cover for Horseneck Brook and indicates invasive shrubs will be removed and then replaced. Mr. Clausi concluded the plan and supporting information are acceptable.

Rob Frangione, of Frangione Engineering, LLC appeared before the agency on behalf of the applicant. He reviewed the various driveway and parking configurations explored and the reasons why they were not feasible. The DPW comments referred to the HEC-RAS report and conflicting information pertaining to station information. The conflict is small and will not result in substantial changes.

The public was invited to speak. No comments were offered.

With no further comments from the agency or public, a motion to close the hearing was made by Elliot Benton, seconded by Jo Rogers and carried 6-0-0.

Discussion ensued regarding conditions of approval and accommodations for the bond.

A motion to issue a permit with general and appropriate special conditions, with the additional special conditions that an \$18,000 bond will be required, one third of which is attributed to the planting plan, and evidence DPW has been satisfied will be submitted was made by Elliot Benton, seconded by Stephan Skoufalos and carried 6-0-0.

2. #2016-138 – 21 Cedarwood Drive – Rosanne Berman – Tax #11-1191

For construction of a single family residence, pool, patio, driveway, drainage, grading and landscaping 10’ from wetlands.

Bob Clausi read the documents into the record and reviewed the contents of his staff report. He described the site as having extensive woods in both the wetlands and uplands and noted Parsonage Brook flows across the rear corner of the property. The project includes major cutting to accommodate patios and an expanded rear yard. A motor court is proposed near the front wetland and will be porous. The wetland flagging associated with Parsonage Brook is incomplete and needs to be revisited. He also requested the development be field staked, the wetland buffer associated with the wetland on the adjacent Nathaniel Wetherill property be added to the plan, development alternatives and the restoration plan for the front wetland be provided, and the number of trees to be cut needs to be submitted.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant. He briefly spoke to the staff recommendations, stating revisions are underway and the other recommendations will be met.

Members provided guidance with regard to the extent of grading and loss of trees, advising the applicant to scale this back.

The public was asked for comments. None were offered.

Chairman Brian Harris continued the hearing to the next regular meeting of the Agency.

II. Pending Applications

1. #2016-114 – 35 Winding Land – James & Loren Ridinger – Tax #10-2472 – for construction of a deck and walking paths.

Bob Clausi reviewed the contents of his supplemental staff report. Appropriate revisions to the site plan have been made. The previously approved 35' buffer will be restored, the lower deck has been moved away from the wetland, and the modifications to the layout of the path are beneficial. The drainage exemption form still has not been submitted, but the detail on the plans is consistent with the storm drainage manual and the exemption from DPW should not be an issue.

Daniel Sherman of Daniel Sherman Landscape Architect appeared before the Agency on behalf of the applicant. He reaffirmed the drainage exemption letter is forthcoming and expressed agreement to the recommended planting in the area of the lower deck.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Stephan Skoufalos and carried 6-0-0.

2. #2016-127 – 210 Sheephill Road – DDZI Greenwich, LCC – Tax #12-2043/s – for construction of a single-family residence, retaining walls, and drainage 20' from wetlands.

Bob Clausi read the contents of his staff supplemental report, reviewing the changes to the plan. As requested, the woodlands west of the house will be preserved, the regrading is less severe, and riparian plantings are proposed. DPW has not yet submitted their comments, however substantive changes are unlikely. Mr. Clausi further recommended an additional line of silt fence be added to better contain site disturbance as the project progresses.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant and stated he is in agreement with staff recommendations.

Daphne White of 212 Sheephill Road, also appeared before the Agency and expressed concern the riparian plantings will block her view, as well as the view of the neighbors across the street.

There were no other comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Elliot Benton and carried 6-0-0.

3. #2016-129 – Lot 16 Knollwood Drive East – James Lee – Tax #11-2989/s – for construction of a single-family residence, driveway, patios, and retaining walls 45’ from wetlands.

Bob Clausi read the contents of his staff supplemental report, reviewing the history of the application and the changes made since the last meeting. DPW has not yet approved the drainage plan, however providing the Agency with this approval prior to starting work can be incorporated into the special conditions of the permit.

Mr. Clausi stated the biological analysis provided by Jay Fain was comprehensive. It included the rationale explaining why his wetland delineation differed from the delineation in 1978. Mr. Clausi found the explanation credible and encouraged the Agency to accept Mr. Fain’s wetland boundary.

Jay Fain of Jay Fain & Associates appeared before the Agency on behalf of the applicant and conveyed his agreement with Mr. Clausi recap and recommendations.

There were no comments from the public.

A motion to approve the application with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Stephan Skoufalos and carried 6-0-0.

III. New Applications For Review

1. #2016-109 – 293 Lake Avenue – Estate of Herbert Lord – Tax #07-1470/s – for a two-lot subdivision and roadway improvements.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant and requested the application be continued to the next meeting.

There were no comments from the public.

2. #2016-131 – 1 Reynwood Manor – Steve and Roxanne Wall – Tax #11-2941 – for restoration plantings.

Doreen Carroll-Andrews read the contents of her staff report. A previous permit required trash in the wetland to be removed. This exercise evolved to include the removal of scrub and some trees. Based on the survey, there had been 12 trees in this wetland and now there are six. The applicant has submitted testimony explaining the changes and attributes only two lost trees to his work.

Ms. Carroll-Andrews is recommending an order be issued with shrubs and a limit of lawn demarcation be added and the river birch and arborvitae be substituted with native shade trees.

A letter drafted by Steve Wall was addressed by the Agency. Members expressed the limitations they face in not being able to discuss the issues raised by Mr. Wall and Mr. Wall’s refusal to

attend the meeting. Consideration was given to the existing extensive lawn and Mr. Wall's words to persuade the Agency not to view the survey's limit of lawn notation as being accurate.

There were no comments from the public.

A motion to issue an order to correct with general and special conditions as proposed by staff was made by Brian Harris, seconded by Stephan Skoufalos and carried 6-0-0.

3. #2016-136 – 1 Grove Lane – Juliet Kilo Holdings 2 LLC – Tax #07-1398 – for construction of a pool, spa, reconstruction of an existing retaining wall, drainage, grading and landscaping 60' from a watercourse.

Jo Rogers recused himself.

Bob Clausi read the contents of his staff report. This property received a permit in 2015. The original application included a pool below the existing retaining wall, however this was dropped from the plan. The current application again is seeking a permit for a pool and this time the pool is located atop the retaining wall and an infiltrator will be installed below it. As recommended in the biological evaluation, this lower area will be managed for invasive plant removal. Mr. Clausi cautioned more silt fence will be needed until this area is stabilized.

Chris Francis of Ahneman Kirby, LLC appeared before the Agency on behalf of the applicant. He further described the proposed project and was in agreement with staff recommendations.

There were no comments from the public.

A motion to issue a permit with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Jay Schondorf and carried 5-0-0.

4. #2016-141 – 47 Valley Drive – Matthew C. Reale – Tax #07-2135 – driveway modifications and planting of a meadow 5' from wetlands.

Mr. Rogers was reseated.

Patricia Sesto reviewed the contents of her staff report. This property was before the Agency most recently for a 5-story apartment building, which was denied. Since then, the adjoining condominium association and various neighbors have entered into a contract to purchase the property. Their stewardship goals include a developing a meadow in an area overgrown with invasive species. This is a multi-year plan developed by professional verse in meadow creation. The property line in the southwest corner will be modified to facilitate the relocation of Mr. Schwartz's driveway and a stone wall will run the length of the property line along the street, stopping at the headwall.

Eric Schwartz, applicant appeared before the Agency. In addition to the activities described by Ms. Sesto, the improvements to the drainage features serving Valley Drive and curbing will be installed.

There were no comments from the public

A motion to issue a permit with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Jay Schondorf and carried 6-0-0.

5. #2016-142 – Calhoun Drive, Upland Drive, and Angus Lane – Calhoun Drive Association – Tax #N/A – construction of road underdrains and repaving of roads adjacent to wetlands.

Doreen Carroll-Andrews provided an overview of the contents of her staff report. This project began as a violation and now the applicant is looking to legitimize the work done and finish the project. DPW has approved the modifications to the roads' storm water system. Ms. Carroll-Andrews supported the issuance of a permit provided sedimentation controls be utilized when the pipe is flushed.

William Carbone of Spath-Bjorklund Associates, Inc. appeared before the Agency on behalf of the applicant and explained the underdrains are needed to divert groundwater around the road to protect its integrity. The water will be discharge to the stream it would have go to naturally.

There were no comments from the public.

A motion to issue an order to correct with general and special conditions as proposed by staff was made by Jo Rogers, seconded by Elliot Benton and carried 6-0-0.

6. #2016-143 – 548 North Street – Patrick & Lindsay Barth – Tax #11-1756 – construction of a single family residence, pool, patio, driveway, septic, drainage, grading and landscaping 20' from wetlands.

Bob Clausi referenced the contents of his staff report. While the limit of disturbance is 20 feet from the off-site wetland, the buildings and hardscape are much further, and the regrading is over existing lawn. The peak rates and volume of stormwater are improved over current conditions up to a 100 year storm and the plans have been approved by DPW. Mr. Clausi discussed his concern that areas currently natural will likely be converted to lawn. He recommended a planting plan be required as a condition of approval.

Peter Finkbeiner of Sound View Engineers & Land Surveyors, LLC appeared before the Agency on behalf of the applicant. He was in agreement with Mr. Clausi's descriptions and recommendations.

There were no comments from the public

A motion to issue a permit with general and special conditions as proposed by staff was made by Stephan Skoufalos, seconded by Jo Rogers and carried 6-0-0.

7. #2016-145 – 84 Cognewaugh Road – David & Carolyn Hahn – Tax #08-3068/s – construction of a residential addition, patio, drainage, and driveway modification 35' from wetlands.

Bob Clausi reviewed the contents of his staff report. This project is a combination of proposed improvements and restoration of a violation. The proposed work on the house is straight forward with minimal to no threat to the wetland. The violation was discovered in the course of reviewing the application. The area behind the house has a wetland corridor which is bisected by a short section of culverts. Clearing and grading took place within the upland buffer up to the

wetland edge. The homeowner has been responsive to correct the violation. Mr. Clausi is recommending a 15-foot planted buffer along the northern wetland and a 10-foot buffer around the southern wetland.

Peter Finkbeiner of Sound View Engineers & Land Surveyors, LLC appeared before the Agency on behalf of the applicant and expressed his concurrence with Mr. Clausi's report.

There were no comments from the public

A motion to issue a permit with general and special conditions as proposed by staff was made by Brian Harris, seconded by Elliot Benton and carried 6-0-0.

A motion to uphold the order, with general and special conditions as proposed by staff was made by Brian Harris, seconded by Stephan Skoufalos and carried 6-0-0.

IV. Agent Approvals

The Agency was provided one legal notice for a project approved by Authorized Agents. The project is as follows.

1. #2016-140 – 15 Meyer Place – Robert and Carole Waite for construction of a residential addition, covered entry, and pergola-covered patio 6' from wetlands. Tax #05-2883/s
2. #2016-134 – 201 Pemberwick Road – Mary Rovello for construction of a fence and removal of invasive vegetation 30 feet from wetlands. Tax #09-3445 (first 65 days 11/29/16) PS/LT

No questions were presented and no public comments were received. No action by the Agency was required.

V. Applications To Be Received

Elliot Benton made a motion to receive the nineteen applications listed on the agenda and schedule them for discussion or public hearings as appropriate, at the next meeting of the Agency, second by Brian Harris and carried 6-0-0.

VI. Violations

1. Cease & Correct Order #2016-13 – 84 Hunting Ridge Road – Sonia Hedvat – Tax #11-2248

Bob Clausi reviewed the Violation Summary for the failure to correct unauthorized clearing within a wetland and buffer area. This is a reissuance of a 14-year old order that was issued in response to clearing a wetland. The current order required a new restoration plan to be based on a modified version of the plan from 2002. This directive has not been followed and Mr. Clausi recommends the matter be referred to town counsel.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the property owner. Mr. Liebman stated they have done a preliminary assessment, but no plan has been submitted.

Sonia Hedvat, property owner appeared before the Agency. She explained her financial circumstances do not allow her to move forward with designing a restoration plan, let alone implementing one. Her house is on the market and the realtors know of the outstanding violation.

Discussion ensued regarding the potential for releasing the old \$5,000 bond to pay for a restoration plan. Consensus of the Agency was to work to facilitate this outcome after checking with town counsel.

A motion to uphold the Order was made by Brian Harris, second by Elliot Benton. The motion carried 6-0-0.

2. Cease & Correct Order #2016-18 – 84 Cognewaugh Road – David and Carolyn Hahn – Tax #08-3068/s

This matter was addressed in conjunction with a permit application.

3. Cease & Correct Order #2016-19 – 12 Byfield Lane – Gerald and Edwina Musano – Tax #11-1750

Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary for unauthorized construction of a patio and stone wall adjacent to wetland and watercourse areas. During a standard site inspection, staff found stairs and a patio were extended along the eastern side of the house adjacent to wetland areas. These activities were not authorized under the existing permit. In addition, the little bump out of land adjacent to the pond has been stripped of the plantings installed under Order #2014-08 and it appears that a stone retaining wall is being constructed there. No erosion controls were in place.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the property owner and indicated his client's intent to submit a corrective action application.

Staff recommends the Agency maintain Cease & Correct Order #2016-19. And further recommends a Certificate of Violation be filed on the Land Records if an application to correct the violation is not received by a deadline of November 18, 2016.

A motion to uphold the Order with staff recommendations was made by Elliot Benton, second by Jo Rogers. The motion carried 6-0-0.

VII. Bond Releases

1. Application #2007-055 – Permit #2007-057 for Greg and Amy Stone – 21 Wyckham Hill Lane. The \$6,000 bond is to be returned to Drs. Greg and Amy Stone.
2. Application #2012-048 – Permit #2012-037 for Harry and Christine Schwefel – 749 Lake Avenue. The \$10,000 bond is to be returned to Blue Lake 749 LLC.

3. Application #2013-076 – Permit #2013-075 – East Lyon Farm Residence Association - 1 East Lyon Farm Drive. The \$5,000 bond is to be returned to Lyon Farm Condo East Tax Dist.
4. Application #2013-157 – Order #2014-004 for Georgetowne North Owners, Inc. & Georgetowne North Tax – East side of Valley Drive/Georgetowne North Condominiums. The \$3,000 bond is to be returned to Georgetowne North Tax District.
5. Application #2014-029 – Permit #2014-025 for Dawn Guerriero – 9 Chateau Ridge Drive. The \$4,000 bond is to be returned to Dawn Guerriero.
6. Application #2014-071 – Permit #2014-068 for William and Rebecca Lowry – 3 Ledge Road. The \$5,000 bond is to be returned to William and Rebecca Lowry.
7. Application #2014-091 – Permit #2014-078 for Robin and Kenneth Kencel – 42 (44) Khakum Wood Road. The \$2,000 bond is to be returned to Kenneth Kencel.
8. Application #2014-103 – Permit #2014-088 for Greenwich Land Trust – 0 Quail Road. The \$500 bond is to be returned to The Greenwich Land Trust, INC.
9. Application #2015-065 – Permit #2015-057 for Michael and Virginia Genereux – 55 Fox Run Lane. The \$4,000 bond is to be returned to Michael and Virginia Genereux.
10. Application #2015-086 – Permit #2015-087 – Brian and Terry Smith – 25 Morgan Avenue. The \$3,000 bond is to be returned to Brian Smith.
11. Application #2015-074 – Agent Approval #2015-011 for David Bradley and Jean Roberts – 64 Sound Beach Avenue. The \$3,000 bond is to be returned to David Bradley and Jean Roberts.
12. Application #2015-094 – Permit #2015-084 for Mark and Meredith Laoun – 145 Riverside Avenue. The \$3,000 bond is to be returned to Mark and Meredith Laoun.
13. Application #2016-031 – Permit #2016-043 for John and Brenda Felletter – 20 River Road. The \$4,000 bond is to be returned to John Felletter.

A motion to release the bonds was made by Jo Rogers, second by Norma Kerlin and carried 6-0-0.

VIII. Other Business

- a. General Procedural Discussion - None

IX. Adjourn

With no further business, the meeting adjourned at 9:17 p.m.

Patricia Sesto
Director