MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
October 28, 2019

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Jo Rogers, Jay Schondorf, Norma Kerlin, and Alan Rossi

Alternates present: Alan Rossi, Klaus Jander and Peter Linderoth

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

Others present: Dan Krober and Megan Raymond, Milone & MacBroom, Inc.; Bruce Cohen, Fogarty, Cohen, Russo & Nemiroff, LLC; Tom and John Heagney, Heagney, Lennon, & Slane, LLP; Eric V.P. Brower, AICP; Robert and Mrs. Nolan, Tony D’Andrea of Rocco V. D’Andrea, Inc.; Larry Lieberman, S.E. Minor & Company, Inc.; Bill Kenny, William Kenny Associates, LLC; Bryan Muller, Sound View Engineers & Land Surveyors, LLC; Jim McTigue, Joseph F. Risoli, P.E. LLC; Matt Popp, Environmental Land Solutions, LLC; Tim Helstein, Greenwich Country Day School; Ozair Minty, Yury Sofman, Arnold Stancell, Gary Silberberg, Mariano Lozano, Tim Welling, Mark Strazza, Bill Kleinman, Chris Graves

1. Call to Order

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

2. Seating of Alternates

   Klaus Jander and Peter Linderoth were seated.

3. Approval of draft minutes of September 23, 2019

   Jo Rogers made a motion to approve the minutes of September 23, 2019, seconded by Norma Kerlin, and carried 7-0-0.

4. Director’s Report

   Ms. Sesto reported Doreen Carrol Andrews, in conjunction with Sarah Coccaro, have selected Frank Lofaro as the agency’s next intern. Mr. Lofaro education is in environmental policy and has strong experience with management of invasive species.

5. Other Business

   None
I. **Public Hearing Applications**

1. **#2019-089 – 3 & 7 Hillside Road and 505 East Putnam Avenue – Rocco V. D’Andrea, Inc. for Milbrook Crossing, LLC for redevelopment of 16 dwelling units in three buildings, with driveways, utilities, drainage, and landscaping in and adjacent to wetlands and a watercourse. Tax #07-1266, #07-2136, #07-1388 (additional 65 days 12/4/19)**

   The applicant requested this application be continued to the November IWWA meeting.

   Arnold Stancell, 15 Woodside Drive, appeared before the agency. Mr. Stancell stated he is a professional engineer, with a Ph.D in engineering. He expressed his opposition to the project.

   No further public comment was made.

   The public hearing was continued to the next meeting.

2. **#2019-093 - 47 Fairfield Road – Milone & MacBroom for Greenwich Country Day School for development of synthetic athletic fields, stadium, accessory buildings, parking, bridge replacement 5 feet from wetlands and over a watercourse. Tax #11-4013 (additional 65 days 12/4/19)**

   Patricia Sesto read the new documents into the record and reviewed her staff report. She described the revision to the stadium and southern field, which now allows a 60-70 buffer between the field and stream. The northern field will be allowed to flood with 10+-year storms, and the southern field will flood during storms greater than a 50-year event. The bridge on Cardinal Drive will be replaced dimensionally in-kind, thus there will be no changes to the downstream hydrology. The plan includes a buffer restoration and she asked the applicant to explain why it didn’t include more of the buffer adjacent to the southern field.

   Dan Krober of Milone & MacBroom, Inc., appearing before the agency on behalf of the applicant, stated several issues remain to be addressed over the coming month. Accordingly, he asked that the public hearing be continued at the November meeting. Tim Helstein, GCDS Athletic Director, gave the agency an overview of the school’s athletic program, which requires all students to be involved in team sports. He described rain makes the existing Fairfield Road grass fields unusable for days after the rain event and their overuse makes the playing surface unsafe. If these fields are maintained in the current state, the cancellation and rescheduling of games due to poor field conditions will become more severe once the high school program is in full swing. GCDS supports 19 fall sports teams and 17 spring sports teams between the fields available at the school’s two campuses. Mr. Helstein stated the two artificial turf fields being proposed would alleviate this scheduling issue while providing the students with safer places to play.

   Mr. Krober and his associate Megan Raymond then used printouts of Powerpoint slides to highlight the changes that have been made to the applicant’s plans compared to the
previous drafts. Mr. Kroeber reviewed the alternatives considered, including use of the Stanwich Road campus and the field space on the west side of Fairfield Road. The areas are not big enough to accommodate the fields without interfering with roads, buildings, and high value wetlands. The proposed property is large enough and only a small amount of new disturbance is needed to develop the stadium.

Mr. Kroeber and Ms. Raymond detailed how the revised plans reduce the extent of activities proposed in the upland review area, compared to the last draft presented to the agency. Mr. Kroeber described the floodplain impacts of the project and reported the agency’s third-party review by CDM Smith found the applicant’s floodplain modeling to be acceptable. Mr. Kroeber noted additional information will be provided regarding the berm proposed to be installed during construction to the west of the brook and its capacity to resist flood damage.

Ms. Raymond summarized the environmental characteristics of the site and the proposed mitigation measures. She agreed that a row of native woody plantings can be added along the top of the western bank of the brook, north of the footbridge, to augment the invasive species management planned for the balance of the bank.

Alan Rossi asked the applicant to determine if converting only one of the grass fields to artificial turf would be sufficient to relieve the scheduling issues described by Mr. Helstein. Messrs. Kroeber and Helstein conveyed the reasons why this would not be workable.

In response to a question from Peter Linderoth about the thermal impact of artificial turf fields, Mr. Kroeber stated this should not be an issue since the stormwater galleries under the fields will detain all rain events up to the 25-year storm without overflowing. Ms. Sesto asked why the mitigation plantings along the east side of the brook are not shown extending up to the west sides of the fields, to which Mr. Raymond said more plants can be added to the plan.

Hearing no public comment, the public hearing was continued to the next meeting.

3. #2019-098 – 26 Cary Road – Sound View Engineers and Land Surveyors, LLC for Jeannette Ogilvy for redevelopment of a dwelling 35 feet from Mianus Pond. Tax #1-2-1484/s (first 35 days 10/28/19)

Patricia Sesto noted agency members Jay Schondorf, Elliot Benton, and Brian Harris have visited the site. She then read the documents into the record and reviewed her staff report. The project consists of redeveloping the parcel with a new home. The house construction will disturb upwards of 85% of the lot, with some 10% of the lot being 50-70% slopes. The intensity of the development is too much for the site; putting the river at risk for pollution. The applicant has not provided alternatives, pursuant to the regulations.
Tom Heagney, Heagney, Lennon, & Slane, LLP, addressed the agency on behalf of the applicant. Mr. Heagney stated the project design meets all zoning requirements. He noted the plans have been revised from the initial submission to route the sump pump to an infiltration system rather than a piped discharge on the edge of Mianus Pond. Roof runoff will be routed to a stone reservoir under the porous driveway. Mr. Heagney entered the CV for the project’s environmental consultant, Bill Kenny, into the record. He then stated the trees and other vegetation along the pond are to be retained.

Mr. Kenny, William Kenny Associates, LLC, described his role in the application as having been to delineate the wetland, help guide the project design, and develop a revised planting plan, which includes native plants in the pond buffer and elsewhere on the property. In summarizing his project impact assessment, Mr. Kenny stated that routing most of the roof runoff through the driveway drainage system, rather than directly toward the pond, effectively recreates the distance stormwater now flows from the existing house to the pond. Given this lot is small and flat, the proposed limit of lawn is being pulled away from the pond, and erosion controls will be used during construction, he concluded this project will not have an adverse impact on the pond and its fringing wetlands.

A discussion about effective buffer width and potential issues with the driveway infiltration system then ensued. Ms. Sesto challenged Mr. Kenny’s conclusion, stating if one were to accept his logic, vegetated buffers could be fully replaced by engineering. She did not concur. Elliot Benton asked how it is that shifting the building envelope 30 feet closer to the pond will not have an impact. Mr. Kenny stated that while a 100’ undisturbed buffer is a generally recognized standard for effective protection of wetlands and watercourses for a number of reasons, the use of stormwater best management practices, such as the driveway drainage system, allows for effective narrower buffers. Ms. Sesto noted the range of pollutants from residential roofs and questioned whether the runoff from the proposed house will be adequately treated by the driveway system and back yard/buffer. She also raised concerns that subsurface flow from the driveway reservoir will be blocked by the house foundation and shed.

Bryan Muller, representing Sound View Engineers and Land Surveyors, LLC on behalf of the applicant, stated this site contains very well-draining, A-Type soils and he therefore does not expect the driveway system to overtop even in a 100-year storm. The need to develop a construction sequence which protects the soils around the house from being compacted during construction was discussed.

Ms. Sesto stated there is no room to work around the house and keep from compacting the soils. She then asked whether the applicant had considered if the mature oak trees along the pond will problematic, as their canopy intersects with the proposed house. She conveyed her experience that future residents will view these trees as hazardous and want to remove them.

Brian Harris noted no alternatives were provided with this application and suggested building part of the residential floor area as a second story above the carport might allow the rest of the house to be shifted farther from the pond.
Tom Heagney handed out a packet of photos taken of houses on Mianus Pond in order to demonstrate the applicant's proposal is consistent with surrounding properties. He then summarized the issues raised which require further attention from the applicant, and requested the public hearing be continued to the November meeting and granted an extension of the time period to hold a public hearing.

There was no public comment. Consideration of this application was continued to November.

4. #2019-109 – 249 Valley Road – Rocco V. D’Andrea, Inc. for Timothy Saunders, Jr. for two-lot subdivision and construction of a single family residence 11 feet from wetlands. Tax #08-2018/s (first 35 days 12/2/19) PS

Patricia Sesto noted agency members Alan Rossi, Jay Schondorf, and Elliot Benton have visited the site. She then reviewed the application and read the documents into the record. The property exists along the Mianus Pond section of the Mianus River and is currently developed with one house. The proposal is to subdivide the lot and build a second house on the 40% slopes, with the house being 13 feet from the wetland and pond. The application documents include four examples of development along Valley Road with similar footprints, separating distances, etc. Ms. Sesto articulated the reasons these are not appropriate comparisons. Namely, some are too old, and the newer ones are for redevelopment of lots, not new development. The new development will disturb 90% of the proposed lot and permanently consume 50% of it. She identified several pieces of documentation that was not provided with the submission, including alternatives. The site includes a violation of wrongful removal of 15 trees, which are inadequately accounted for in the planting plan. The planting plan also include renovation of exceedingly steep slopes, with parameters that will not lead to a successful restoration.

Tom Heagney of Heagney, Lennon, & Slane, LLP appeared before the agency on behalf of the applicant. He reported this project has been granted preliminary approval by the Planning & Zoning Commission and the required front- and rear-yard variances from the Zoning Board of Appeals. The flood elevation shown by Federal Emergency Management Agency is inconsistent with the mapping done in connection with the dam. The FEMA boundary is too high, and the agency should consider the boundary provided by the applicant. Finally, a structural engineer has analyzed the retaining walls on the property and finds them to be structurally sound. Mr. Heagney concluded by introducing the applicant’s environmental consultant, Bill Kenny, of William Kenny Associates, LLC, and submitting Mr. Kenny’s CV for the record.

Mr. Kenny, William Kenny Associates, LLC, stated the applicant proposes no activities in the wetland or pond, and the proposed structures maintain a minimum 25-foot separating distance from the wetlands. Indirect impacts to the wetland and pond will be avoided through installation of robust erosion and sedimentation controls around the eastern perimeter of the disturbance envelope and by phasing construction from east to west. By
building the eastern foundation wall first, it can serve as a solid barrier at the edge of construction.

Elliot Benton advised that a dedicated means of access from the existing house to the pond and dock be shown on the plans so this can be considered by the agency as part of its review.

Tony D’Andrea of Rocco V. D’Andrea, Inc. described how the slope from Valley Road to the pond varies between 10–40% across this lot and that the applicant plans to stage work from two relatively flat terraces along the slope. Stormwater from the new impervious surfaces will be routed to stone beds under the driveway and house, and this system has been designed to reduce peak runoff rates and volumes through the 100-year storm. Retaining walls will create two relatively level lawn areas to the north of the house. In order to reduce activities closest to the wetland, Brian Harris asked if the deck can be cantilevered from the house rather than supported by piers. Similarly, Elliot Benton asked the applicant to consider alternative designs with a smaller house footprint.

Tom Heagney returned to review four recent permits the agency has issued for houses along Mianus Pond which he categorized as being similar to the subject application. Ms. Sesto responded that each application is considered individually, and prior approvals do not constitute a precedent that can be directly applied to subsequent applications. Mr. Heagney then summarized the issues raised which require further attention from the applicant, including (in addition to those described above) a study of daylight that will reach under the proposed deck, invasive species control protocol, and how worker parking and material stockpiling will be handled on such a tight lot. Mr. Heagney concluded by requesting the public hearing be continued to the November meeting.

In response to the chairman’s call for public comment, Chris Graves, 241 Valley Road, appeared before the agency to offer his support of the applicant’s proposal. Mr. Graves also said he is willing to provide 3 parking spots on his property for the workers to use.

This public hearing was continued to the next meeting.

II. **Consent Approval**

1. #2019-121 – 15 Stonebrook Lane – Joseph F. Risoli, P.E. LLC for Dario Erceg for installation of deer fence within wetlands. Tax #08A-1311 (first 65 days 11/27/19)

2. #2019-123 – 78 Zaccheus Mead Lane – Conte & Conte, LLC for Walter Raquet for construction of a boulder retaining wall 43 feet from wetlands. Tax #10-1957 (first 65 days 11/27/19)

Acknowledging public interest in applications 2019-125 and 2019-126, Brian Harris moved these applications to the regular review portion of the agenda for consideration by the agency.
Jo Rogers made a motion to approve applications #2019-121 and #2019-123 listed on the consent agenda, seconded by Peter Linderoth, and carried, 7-0-0.

III. **Pending Applications**

1. #2019-125 – 600 North Street, Lot 2 – Eric V.P. Brower for JZ Investments, LLC for construction of a single family residence, driveway, septic, and drainage 20 feet from wetlands. Tax #11-1090 (first 65 days 11/27/19)

   Robert Clausi provided a brief history and overview of the two North Street applications. These projects were previously approved; however, the applicant allowed the permits to expire. Work is well underway, with the outer retaining walls, roadway and its stormwater management system largely complete. Sediment basins are in a functioning, as it the silt fence.

   Robert Nolan of 602 North street appeared before the agency. Mr. Nolan stated the history of on and off construction activity, failure to comply with the permit, the creation of basins that hold water, and the large, fallow stock pile of dirt are all reasons not to re-issue the permit. The developer has not been responsible in terms of upholding the permit.

   Jeanne Barton, 21 Read Coat Lane reinforced Mr. Nolan’s statements, noting she is representing her neighbors and herself from the opposite side of the site. She expressed concern and want to ensure the wetlands are being properly protected.

   Eric Brower, agent for the applicant appeared before the agency. He described the permitted work, work completed, and confirmed the work is in conformance with the permit. The project has not progressed in a timely fashion; however, this does not equate to non-compliance. With one exception, the sediment basins are routinely pumped out to avoid mosquito problems.

   Discussion ensued regarding the origin of the stockpiled soil.

   Brian Harris made a motion to approved IWWA#2019-125 and 126 with conditions as proposed by staff and the additional special condition the origin of the stockpiled soil be confirmed and if from off-site, it shall be tested for contamination, seconded by Joseph Rogers, and carried, 7-0-0.

2. #2019-126 – 600 North Street, Lot 3 – Eric V.P. Brower for JZ Investments, LLC for construction of a single family residence, driveway, septic, and drainage 45 feet from wetlands. Tax #11-3244 (first 65 days 11/27/19)

   See #2019-125 above.
3. #2019-086 – 16 Lakeview Drive – S.E. Minor & Co., Inc. for Mariano Lozano for maintaining existing walkway and stairs to a dock located in the Mianus Pond. Tax #12-2054/s (first 65 days 11/29/19)

Doreen Carroll-Andrews reviewed the history of the violation. The violation stems from the construction of stone and mortar stairs, a dock, and retaining wall. The structures stairs should be removed and replaced with stepping stones and woodchip/timber pathways. The retaining wall should not be replaced with boulders, as proposed, rather a less stone and more vegetation should be utilized.

She stated her recommendations are in accord with those made by the Planning and Zoning Commission. The open space association has been formed and the paperwork filed on the land records. The only thing missing at this point is authorization from each association member to conduct this work in their jointly-owned open space. The dock was constructed in conformance with the agency’s guidelines and the first selectman signed off on the permit.

Tom Heagney of Heagney, Lennon, & Slane, LLP appeared before the agency. He reiterated several points and concluded by acknowledging the staff recommendations are acceptable.

Brian Harris made a motion to issue an order to correct IWWA application #2019-086 with the conditions proposed by staff, and the additional condition that authorization from all association members be provided, seconded by Norma Kerlin, and carried 7-0-0.

IV. New Applications for Review

1. #2019-087 – 105 Dingletown Road – Grumman Engineering, LLC for Warren and Dalia Raum for construction of a driveway and associated site improvements 55 feet from wetlands. Tax #11-1131 (second 65 days 11/29/19)

Bob Clausi reviewed his staff report and articulated the ways in which the project has been scaled back. The reconfiguration of the common driveway is no longer being proposed. The proposed driveway spur to serve the new garage would require authorization from the owners of 107 Dingletown Road as it crosses over their accessway. The Engineering Division of DPW has not approved the drainage plan due to nonconformities with the drainage manual. Lastly, plantings are proposed to compensate for losses to accommodate the grade plane regulations.

Matt Popp of Environmental Land Solutions, LLC appeared before the agency, stating he is here to answer any questions.

Gary Silberberg, property owner of 99 Dingletown Road, appeared before the agency. He identified himself as one of the neighbors who is party to the reciprocal easement that covers the common driveway. He has not and will not provide the needed consent, citing his position that there is no need for a second driveway.
Elliot Benton made a motion to delay action on the application, seconded by Joseph Rogers, and carried, 7-0-0.

2. #2019-113 – 12 Knollwood Drive – Ozair Minty for corrective action for unpermitted removal of trees 30 feet from wetlands. Tax #11-1289 (first 65 days 11/27/19)

Doreen Carroll-Andrews reviewed her staff report. Seven to ten trees were removed in the area of the driveway, adjacent to the wetland, as well as further west. Based on the direction provided at the show cause hearing, the planting plan is short one canopy tree, eight shrubs, and two understory trees. Further, since the time of the show cause hearing, additional work took place along the southwestern property boundary, 80-85 feet from the wetland, and smaller trees and shrubs were removed between the road and wetland. Ms. Carroll-Andrews recommendations include boulders to delineate the limit of lawn.

Ozair Minty, property owner, appeared before the agency and revisited the issues presented in July. A survey shown at that time did not include trees that staff are reporting as missing. Mr. Minty agreed four trees would be planted but disputed the other claims of staff. Discussion ensued and included a work order from the Parks and Recreation Department attributing the roadside work to them. The discussion was inconclusive, and staff agreed to meet with Mr. Minty to gain consensus.

Brain Harris made a motion to delay taking action on IWWA application #2019-113, seconded by Norma Kerlin, and carried 7-0-0.

3. #2019-116 – 80 Glenville Road – Jude and Mary Kate Donato for corrective action for unauthorized removal of vegetation and extension of lawn within wetlands. Tax #07-1323 (first 65 days 11/27/19)

Staff indicated the applicant has requested a delay of action, pending the submission of additional information.

Brain Harris made a motion to delay taking action on IWWA application #2019-116, seconded by Elliot Benton, and carried 7-0-0.

4. #2019-118 – 120 Perkins Road – Rocco V. D’Andrea, Inc. for Burning Tree Country Club for dredging pond near the 18th fairway. Tax #11-2504 (first 65 days 11/27/19)

Bob Clausi reviewed the application and his staff report. The project is for hydrodredging the pond by the 18th hole, in a manner similar to the irrigation pond immediately upstream. Mr. Clausi made several suggestions to support of a recommendation of approval.
Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency and had nothing to add to Mr. Clausi’s report.

Jo Rogers made a motion to approve IWWA application #2019-118, seconded by Elliot Benton, and carried 7-0-0.

James Drakos approached the agency to ask about 2019-117, 41 Rock Ridge Road. He is a neighbor to the property and described flooding problems associated with the previously approved permit. Discussion ensued regarding his complaints, the nature of issues associated with an active construction site, and the need for an engineer to certify the drainage system was built according to plan. Mr. Drakos expressed skepticism regarding enforcement and recourse for long-term problems.

5. #2019-119 – 30 Rustic View Road – Sound View Engineers & Land Surveyors, LLC for Jeff and Wendy Lederer for designation of a septic reserve area 50’ from wetlands. Tax #08A-1193 (first 65 days 11/27/19)

Bob Clausi reviewed this application and his staff report. The project itself is simple enough; a B100a system in association with an addition. The complicating factor with the project is the stonewall built after a former permit for the work expired. The approval for that work included a planting plan. Mr. Clausi recommended the scope of this permit be expanded to include the stonewall and the required plantings as once approved.

Bryan Muller of Sound View Engineers & Land Surveyors appeared before the agency and offered no further comments.

Jo Rogers made a motion to approve IWWA application #2019-119 with the conditions proposed by staff, seconded by Norma Kerlin, and carried 7-0-0.

6. #2019-120 – 340 Cognewaugh Road – Sound View Engineers and Land Surveyors, LLC for Yury Sofman for construction of a single family residence, driveway, and septic system 20 feet from wetlands. Tax # 08-2341 (first 65 days 11/27/19)

Bob Clausi reviewed this application and his staff report. He described the site as constrained and noted the proposed construction work will hold the same limit of development as currently exists. The Health Department has yet to sign off on the proposed septic design and the applicant’s claim to a teardown exemption in not appropriate. Lastly, there is an encroachment into the wetland that needs a remediation plan.

Bryan Muller of Sound View Engineers & Land Surveyors appeared before the agency. He stated he will modify the design to ensure the project qualifies for a drainage exemption. The septic design has been modified to serve only four bedrooms, rather than five.

Elliot Benton made a motion to delay action on IWWA application #2019-120 seconded by Jay Schondorf, and carried 7-0-0.

Bob Clausi reviewed his staff report. The project is a multi-zone vegetation management proposal across the 21-acre property. There are easements in place to protect archeological resources and Mr. Clausi was not confident what is being proposed complies with the terms of the easement. He also expressed concern regarding the methodology for bamboo removal, asserting it is insufficient. Area B was identified as being outside of this agency’s upland review area and is not subject to regulation.

Jim McTigue of Joseph F. Risoli, P.E., LLC appeared before the agency. He understands approval from P&Z is needed with regards to the archeological easement. A good deal of the need to remove trees, mostly ash, relates to an infestation of the emerald ash borer. The work on the white pines is being proposed to open up the views of Converse Lake. The understory proposed for removal is comprised of invasive species.

Tim Wellington appeared before the agency to further describe the protocol for removing the bamboo. This is a multi-year endeavor that will include cutting the bamboo and applying an herbicide.

A planting plan to replace the invasive species in the shrub layer was requested.

Brian Harris made a motion to delay action on IWWA application #2019-122 seconded by Elliot Benton, 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 Jay Schondorf, and carried 7-0-0.

1. #2019-127 – 82 Buckfield Lane – Frangione Engineering, LLC for Michael Grunberg for replacement of septic leaching area 1’ from wetlands. Tax #10-1741 (first 65 days 1/1/20)

2. #2019-131 – 11 Midwood Road – S.E. Minor & Co., Inc. for Andrew L. and Lyn Cushman to address violation for drain installation in a wetland. Tax #07-1226 (first 65 days 1/1/20)

3. #2019-132 – 21 Knollwood Drive – Rocco V. D’Andrea, Inc. for David and Michele Slifka for construction of residential addition, pool, patio, and site improvements 47’ from wetlands. Tax #11-2992 (first 65 days 1/1/20)
4. #2019-133 – 255 Field Point Road – S.E. Minor & Co., Inc. for Crush Table Tennis for removal of concrete pad, asphalt curbing, and propane tanks 68 feet from wetlands. Tax #01-2539 (first 65 days 1/1/20)

5. #2019-134 – 51 North Stanwich Road – Muller Engineering, LLC for Lavin, LLC for construction of residential addition, demolition of a barn, and B100 septic area 55 feet from wetlands. Tax #11-1471 (first 65 days 1/1/20)

6. #2019-135 – 34 Concord Street – William Kenny Associates, LLC for Debbie Palmer and Sergio Biagioni for maintenance of stone wall 5 feet from a wetland. Tax #09-2843 (first 65 days 1/1/20)

7. #2019-136 – 714 North Street – Sound View Engineers & Land Surveyors, LLC for Fred and Michele Weinberg for construction of deck, patio, screened porch, and drainage system 75 feet from a watercourse. Tax #11-1063 (first 65 days 1/1/20)

8. #2019-137 – 56 Londonderry Drive – Sound View Engineers & Land Surveyors, LLC for Darren Long and Caitlin Kraus for reconstruction of deck and screened porch 15 feet from wetlands. Tax #11-2536 (first 65 days 1/1/20)

9. #2019-138 – 4 Woodside Road – Sound View Engineers & Land Surveyors, LLC for Francie and Aalok Jain, benefit of the Fourwood Nominee for demolition of portion of detached garage, construction of a residential addition and driveway modification 1 foot from wetlands. Tax #07-1280/s (first 65 days 1/1/20)

10. #2019-139 – 75 Dandy Drive – Joseph F. Risoli, PE, LLC for Merrill and Carlo DePietro for construction of residential addition, deck, and porch 11.9 feet from wetlands. Tax #08A-1153/s (first 65 days 1/1/20)

11. #2019-140 – 75 Oneida Drive – Sound View Engineers & Land Surveyors for James and Andrea Detterick for residential addition, deck, and porch, and modification of driveway 20 feet from wetlands. Tax #02-1034/s (first 65 days 1/1/20)

12. #2019-141 – 175 Cat Rock Road – Thomas and Pauline LaPointe for maintenance of culvert and fill 1 foot from wetlands. Tax #08-2744 (first 65 days 1/1/20)

VI. Agent Approvals

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

1. #2019-111 – 31 Baldwin Farms North – Rocco V. D’Andrea, Inc. for Bobby and Tamar Ben-Simon for installation of pool fencing 12 feet from wetlands. Tax #10-2627
2. #2019-114 – 1 Smith Road – To Stephen Freidheim for building demolition, construction of an accessory structure and carport, and reconfiguration of a driveway 37 feet from wetlands. Tax #02-1404/s

3. #2019-117 – 41 Rock Ridge Avenue – To Brandon and Blair Hall for construction of a retaining wall 78 feet from a wetland. Tax #10-1279/s

4. #2019-124 – 600 North Street, Lot 1 – To JZ Investments, LLC for construction of a single family residence, driveway, pool, septic system, and landscaping 70 feet from wetlands. Tax #11-3245

5. #2018-128 – 83 Winthrop Drive – To Kenneth G. Binick and Leslie Tanca for construction of residential additions, pool, patio, drainage, and grading 25 feet from wetlands. Tax #05-2214/s

6. #2019-129 – 49 Dandy Drive – To Amy Aidinis Hirsch for construction of a pool, patio, pool house, and drainage system 60 feet from wetlands. Tax #08A-1008/s

7. #2019-130 – 33 Hillcrest Park Road – To Henry Lim for demolishing a swimming pool 52 feet from wetlands. Tax #12-3160/s

There were no questions or comments.

VII. Violations

1. Cease and Correct Order #2019-017 – 32 Dairy Road – Christopher and Carina Crain for failure to meet the conditions of IWWA Permit #2013-073. Tax # 11-2103

Doreen Carroll-Andrews listed the documents of this violation for the agency.

As part of the approval for Permit #2013-073, the owners are required to submit for review and approval, a planting plan utilizing trees and shrubs native to the State of Connecticut to protect and enhance the adjacent wetland located to the rear of the newly developed detached garage, prior to implementing on site. The permittee has not complied with these conditions and others.

The owners were notified by mail, e-mail and finally in person. Progress appeared to be underway with the submission of the plan and installation of the plantings in the fall of 2018, which ended up being delayed to the following spring. When the plantings were still not implemented in the spring, a final deadline was given for the work to be completed by October 1, 2019. No plans have been received and no plantings have been installed at the time of the last site inspection in early October.

The owners, Christopher and Carina Crain, were notified by e-mail on October 11, 2019 regarding failure to comply with Permit #2013-073 and that the issue would be addressed at the October 28th Agency meeting.
Cease & Correct Order #2019-017 was issued via regular and Certified Mail on October 21, 2019 with a deadline for the submission of an approved planting plan by November 11, 2019, and a deadline for the installation of the plantings by November 18, 2019.

Staff recommends that the Agency maintain Cease & Correct Orders #2019-017, place a Certificate of Violation on the Land Records and refer the matter to the Law Department if an approved planting plan is not received by November 11, 2019, and the plantings not installed by November 18, 2019.

Brian Harris made a motion to uphold the cease and correct order as proposed by staff, with the additional directive to issue a fine if the November deadlines are not met, seconded by Norma Kerlin, and carried 7-0-0.

**VIII. Other Business**

**IX. Adjourn**

With no further business, the meeting adjourned at 12:34 p.m.

   Patricia Sesto
   Director