MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
November 21, 2016

Members present: Chairman Brian Harris, Secretary Stephan Skoufalos, Jo Rogers, Bill Galvin, Jay Schondorf

Alternates present: Klaus Jander

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


1. Call to Order

Chairman Harris called the meeting to order at 7:04 p.m.

2. Seating of alternates

Klaus Jander was seated.

3. Approval of draft minutes of October 24, 2016

Stephan Skoufalos made a motion to approve the draft minutes of October 24, 2016, second by Jo Rogers. The motion carried 6-0-0.

4. Director’s Report

Patricia Sesto provided an overview of her monthly director’s report. In the course of drafting the next budget, an assessment of current funds and projects revealed sufficient funds are available to pursue updating the wetlands GIS layer with the digitized wetland boundaries submitted with each application.

A 2002 groundwater study showed areas in the north part of town run on a groundwater deficit; meaning they withdraw more water than they put back in the ground. The agency is encouraged to consider this when evaluating applications as groundwater levels impact wetlands and watercourses.

A citizens’ project on Hemlock Drive focused on removing landscaping debris from a vernal pool. This pool was brought to the attention of the agency in connection with the past Post Road Iron Works proposals.
5. **Budget**

Mrs. Sesto stated the budget is relatively static, with the only non-contractual change of note coming from the account for digitizing past applications. The proposed budget is well within the 2% increase limit set by the BET.

Brian Harris made a motion to approved the IWWS budget for FY2018, second by Stephan Skoufalos. The motion carried 6-0-0

6. **Other business**

No other business was discussed.

I. **Public Hearings**

1. #2016-138 – 21 Cedarwood Drive – Rosanne Berman – Tax #11-1191

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

   Commissioners Kerlin, Rogers, and Galvin visited the site.

   Bob Clausi read the reviewed the contents of his supplemental staff report. The structures have been moved further from the wetlands, although there is a retaining wall still only 3-10 feet from the wetland, the wetland flagging was revised, and a planting plan was submitted. The application is still missing the 100 foot regulated upland boundary from wetlands on the Nathaniel Witherall property, a thorough biological evaluation, including a discussion of the impacts of various alternatives and the use of LID concepts. Revisions were made in response to DPW’s initial comments, however DPW has not yet commented on those revisions.

   Mr. Clausi noted the agency would have to close the hearing tonight if the applicant is not inclined to grant an extension. In the absence of an extension and documentation deficiencies, Mr. Clausi recommends the application be denied as incomplete.

   Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency on behalf of the applicant and authorized an extension of the public hearing. He would like the opportunity to address staff comments.

   Mrs. Sesto asked for an explanation regarding the proposed grading and retaining wall to the side of the house. The purpose of recommending the pool be relocated from this area was to reduce buffer loss. The revised plan does not accomplish this. Further, the pool location still intrudes on the buffer and this combined with the filling up to the retaining wall impacts 90 feet of the 100-foot buffer.

   Discussion ensued. The applicant will examine ways to further protect the wetland and a map showing trees to be removed will be provided.

   The public was asked for comments. None were offered.
Mr. Liebman requested an extension of the public hearing.

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

II. Consent Approvals

1. #2016-152 – 42 John Street – CTF Holdings, LLC – Tax #10-1147 – for installation of a deer fence through wetlands.

2. #2016-162 – 18 Calhoun Drive – James and Jennifer Matthews – Tax #07-1445/s – for dredging a pond.

Chairman Harris identified the applications recommended for consent approval. No questions were asked.

A motion to approve the applications with general and special conditions as proposed by staff was made by Brian Harris, seconded by Bill Galvin and carried 6-0-0.

III. New Applications For Review

1. #2016-148 – 16 Winding Lane – Qi Tom Chen – Tax #10-2547 – for construction of a pool, patio, drainage, grading and landscaping 65 feet from a watercourse.

Doreen Carroll-Andrews described the proposal to construct a pool 50 feet from an intermittent watercourse and how the project began prior to applying for a permit. The proposal includes establishing meadows in and adjacent to lawned areas, some of that lawn also being wetlands. A planting plan to enhance the buffer is still needed. DPW comments will require some modifications which are not pertinent to this agency. An approval is recommended.

Chris Olssen of E.L. Wagner Co., Inc. appeared before the Agency on behalf of the applicant and stated he is in agreement with staff recommendations.

Paul Szymanski of Arthur H. Howland & Associates, P.C. also appeared before the Agency on behalf of the applicant.

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 Bill Galvin by and carried 6-0-0.

#2016-150 – 30 Husted Lane – 30 Husted Lane, LLC – Tax #11-1537 – for construction of a pool, pool house, terraces, retaining walls, driveway modifications, drainage, grading and landscaping 10 feet from wetlands.

Bob Clausi provided a history of the past applications and the current proposal. The applicant should modify the plans for the rain garden and pool house leaching field to avoid tree loss in the buffer. DPW conveyed a series of questions which could result in substantive changes. The plan
to renovate the lawn adjacent the pond is insufficient and a more aggressive plan is needed. With these items outstanding, Mr. Clausi recommended the agency delay action on the application.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant and provided details regarding the ice rink proposed on the tennis court. Equipment to service the rink will be housed in the lower level of the pool house. Site investigations are underway to relocate the pool house leaching field and the planting plan will be revised to boost its composition.

Norma Kerlin, Bill Galvin, and Jo Rogers visited the site.

There were no comments from the public.

A motion to delay the application was made by Stephan Skoufalos, seconded by Bill Galvin and carried 6-0-0.

Mr. Liebman took the opportunity to update the agency on restoration plans for 84 Hunting Ridge Road. The full submission should be ready for December.

#2016-153 – 0 and 500 Lake Avenue – 500 Lake Avenue LLC and Foster Lake LLC – Tax #10-1228, 10-3093 – for a three lot subdivision.

Bob Clausi reviewed the contents of his staff report. The project consists of two existing lots being combined and re-divided into three lots. The majority of the new structures are more than 100 feet from the wetland and the driveway out to Round Hill is 65+ feet from an off-site wetland in the Greenwich Land Trust’s Allen Preserve.

Mitigation consists of revegetating 16,000 s.f of lawned wetlands. There are still sections of lawned wetlands which are not being proposed for restoration. The majority of stormwater will be directed to porous pavement court yards and porous sections in the common driveway. Mr. Clausi questioned the efficacy of the porous driveway segments and the potential for degradation due to winter sanding.

Given the outstanding items, Mr. Clausi recommended the agency delay their decision.

Norma Kerlin, Bill Galvin, and Jo Rogers visited the site.

Rob Frangione of Frangione Engineering, LLC appeared before the Agency on behalf of the applicant and explained the origins of the two parcels which make up the property, and the plans to create three lots. The houses and driveways are outside of the 100-foot upland review area. DPW has requested more soil testing to address the potential for stormwater to run on to the court yards in excess of the model. To ensure the entrance to the driveway on Round Hill retains stormwater, a rain garden is being considered on the north side of the driveway as a supplemental feature.

Mr. Frangione described two driveway configuration alternatives. Both would access the site from Lake Avenue and both include wetland crossings. Brian Harris asked about the alternative
of having the Round Hill driveway serve all three houses and then restore the wetland where the existing crossing occurs. A fourth alternative would use the existing driveway as a common driveway. Bringing the driveway across the east side of the houses brings it closer to the wetlands and handling stormwater is problematic.

Jo Rogers questioned the long term efficacy of the patches of porous pavement within the overall impervious driveway. Neighbor concerns regarding flooding were also expressed. Rob Frangione explained Round Hill Road is crowned, which would prevent stormwater from the driveway from flowing across the road to the west.

Mr. Rogers stated his position that the lawned wetlands need to be fully restored.

Matt Popp of Environmental Land Solutions, LLC appeared before the Agency on behalf of the applicant. He stated his client is not willing to restore the full extent of lawned wetlands. The owner likes the openness of the property. Some 22,000 s.f. are proposed for restoration and that will be beneficial. When asked, Mr. Popp agreed more restoration of lawn would bring more wetland benefits. Mrs. Sesto stated a pollution renovation analysis is needed to assess the impacts associated with the turf from the residential development.

Brian Harris inquired of staff their thoughts of the benefits of having two lots as opposed to three. The houses are beyond 100 feet from the wetland and with or without a third house, the lawn management is unlikely to change.

Sue Baker addressed the agency and expressed concerns for the wetland in the neighboring Greenwich Land Trust preserve. The loss of trees on the western facing slope will undermine soil stability and she questions the efficacy of the porous pavement in the common drive. She is a proponent of accessing the lots from Lake Ave. in order to protect this slope and suggested a conservation subdivision be investigated as an alternative.

Steve Conaway of the Greenwich Land Trust reiterated the concerns conveyed regarding the Allen Preserve. Runoff is already a problem with their access road and this development has the potential to make it worse. Should this happen, access to maintain the wet meadow and stewardship activities will be impacted.

Francine Alvarez stated the property falls within an area identified in the Natural Diversity Data Base. Mr. Clausi confirmed he has requested additional information from CT DEEP. Even if the parcel has habitat for a targeted species, it wouldn’t stop the development; only guide it. Ms. Alvarez asked to have a tree-save plan submitted.

John Nelson lives at 30 Round Hill Road and suffers from flooding damage. Contrary to Mr. Frangione’s statements, when enough rain is falling the flow does cross Round Hill from east to west. For this reason and those of safety, he supports access from Lake Ave.

A motion to delay the application was made by Bill Galvin, seconded by Stephan Skoufalos and carried 6-0-0.
Bob Clausi reviewed the contents of his staff report. The site has many constraining factors, including ledge and a watercourse. The proposed house does not come any closer to the watercourse than the current one, if you consider the patio. A variance was received to allow the house to be pushed further from the stream. A planting plan was provided, covering the rain garden and supplemental plantings along the stream and pond. There is lawn on the west side of the stream that is mowed by unidentified persons. The applicant should pursue permission from Parks and Rec to add plantings to this town-owned parcel.

Approval of the application is recommended.

Norma Kerlin, Jo Rogers, and Bill Galvin were identified as having visited the site.

Rob Frangione of Frangione Engineering, LLC appeared before the Agency on behalf of the applicant and provided additional details regarding the drainage plan.

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 Klaus Jander, seconded by Jo Rogers and carried 6-0-0.

Doreen Carroll described the docks proposed on Mianus Pond. There material and dimensions are consistent with the dock guidelines. An executed license agreement and confirmation the deck is authorized in the open space still need to be submitted. The project scope includes invasive species management and replanting with eight shade trees and 250 units of groundcover. The shrubs in the open space are compressed into one area and should be distributed more widely.

Bill Kenny of William Kenny Associates appeared before the Agency on behalf of the applicant. He stated the approval of the deck in open space by Planning and Zoning is not necessary for this agency to act.

Brian Harris opened a line of questions regarding the disturbance to the slope to construct the deck and bring it into compliance with the drainage manual. William Kenny will also verify the setback for the deck.

There were no comments from the public.

A motion to delay the application was made by Brian Harris, seconded Jay Schondorf and carried 6-0-0.
Doreen Carroll Andrew described the proposed project as also being a dock on Mianus Pond, serviced by a 39 foot ramp. The details regarding the materials and anchoring plan need to be submitted. Additionally, aerial photos indicate town land leading to the pond has been cleared and is now mown. A restoration plan is warranted and subject to approval by Parks and Rec, well as this agency. Ms. Carroll-Andrews recommended the agency delay its decision.

Bill Kenny of William Kenny Associates appeared before the Agency on behalf of the applicant and conveyed his client is the grandson of the former owner and the intent was to restore the area to the way he remembered it.

There were no comments from the public.

A motion to delay the application was made by Stephan Skoufalos, seconded by Jo Rogers and carried 6-0-0.

Patricia Sesto described the project and the onsite portion of the wetland. The house will be 18 feet from the wetland, which constitutes ¾ of the backyard. This is a small portion of a three-acre wetland that is contained within some 30 parcels. Given the pervasive degradation and large number of owners, it is unlikely this wetland would undergo restoration. Consequently, the redevelopment of the site will not further impact the wetland or diminish the potential for future restoration and an approval of the permit is recommended.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency on behalf of the applicant. He concurred with Mrs. Sesto’s account and added footing drains will discharge to dry wells to the front of the house and the driveway will be porous.

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 Bill Galvin and carried 6-0-0.

Patricia Sesto reviewed the plans for this two-lot subdivision. The new lot is wooded and steep, which is likely why the parent lot was left as oversized. There is a wetland on the adjacent property, which presents as a shallow, lawned swale. This swale runs alongside the neighbor’s side yard before opening up into a healthier, wooded wetland.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency on behalf of the applicant. He showed an area of retaining wall closest to the wetland moved further back as
compared to the original submission to facilitate sediment fencing. The proposed new lot will need a variance and a conceptual approval from this agency is sought.

Mrs. Sesto informed the agency of concerns expressed by neighbors and their desire to have a professional examine the plans. They requested the application review be held over to the December meeting to accommodate this. Discussion ensued regarding the nature of their concerns and the opportunities to express those during subsequent application reviews.

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 Bill Galvin and carried 6-0-0.

#2016-159 – 404 Round Hill Road – Edward and Melissa Schiff – Tax #10-1250 – for construction a residential additions and pool deck 40 feet from wetlands.

Patricia Sesto reviewed the site conditions and proposed project. The property slopes from east to west, where there is a wetland and watercourse at the base of the slope. The existing residential features are proposed for additions and enlargement. To compensate, a section of driveway servicing a detached garage will be removed. The existing drainage system collects overland flows from the front yard and impervious surfaces and discharges it directly to the on-site stream. Mrs. Sesto urged the applicant to improve this drainage system as they are improving other aspects of the site.

Accordingly, surface drainage from the realigned driveway and house will discharge to infiltration galleries and overflow will outlet to a level spreader 15+ feet from the wetland. To the north, flows from the front yard and a portion of the house and driveway will be collected and discharge directly to a second level spreader before flowing to the stream. A 15 foot buffer is proposed from the wetland boundary and sections of the stream where the bank is failing will be restored.

Jo Rogers, Bill Galvin, and Norma Kerlin were identified as having visited the site.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency on behalf of the applicant and stated the new stormwater management system is an improvement over the current situation. Boulders will be placed at 50 foot intervals along the new buffer. Brian Harris requested the interval be 25 feet, not 50.

In the absence of a plan, Matt Popp of Environmental Land Solutions described the intent of the planting plan. The buffer along the stream will be dominated by lower growing herbaceous plants to keep the vista from the house clear to the west. South of the stream, the buffer will be dominated with woody vegetation, including shade trees to counter the phragmites stand.

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 Brian Harris, seconded by Jo Rogers and carried 6-0-0.
#2016-161 – 49 Dandy Drive – Amy Aidinis Hirsch – Tax #08A-1008/s – for construction of a single-family residence and associated improvements 7 feet from a wetland.

Bob Clausi reviewed the redevelopment proposal and property. As part of the reconstruction of a house, the driveway will be narrowed and the northern portion shifted away from the wetland. A planting plan has been provided for the northern wetland and a demarcation feature will be installed at the southern wetland. Mr. Clausi recommended the agency approved the permit application.

Bryan Muller of Sound View Engineers & Land Surveyors, LLC appeared before the Agency on behalf of the applicant and had nothing further to add to Mr. Clausi’s description.

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 Bill Galvin and carried 6-0-0.

#2016-164 – 7 Dublin Hill Drive – William and Anne Kneisel – Tax #08-2694 – for dredging a pond.

Bob Clausi reviewed the contents of his staff report, noting the last time this pond was dredged was in 1992. With this dredging, a sediment forebay will be constructed to facilitate frequent and focused sediment removal. The applicant originally proposed to dispose of spoils on the adjacent parcel under their ownership. Mr. Clausi identified wetlands in close proximity, rendering this area unsuitable. The spoils will now be used to fill an old pool on 7 Dublin Hill Road. Incomplete testing was conducted on the spoils and a full spectrum test needs to be submitted.

The 1992 permit included a planted buffer, which is now lawn. The applicant needs to restore a 15-foot buffer.

Chris Francis of Ahneman Kirby, LLC appeared before the Agency on behalf of the applicant and had nothing to add to Mr. Clausi’s comments.

There were no comments from the public.

Mr. Clausi suggested additional special conditions to require a corrective action planting plan for a 15-foot buffer, comprehensive soil test results, and a revised spoils disposal plan be submitted.

A motion to approve the application with general and special conditions as proposed by staff was made by Brian Harris, seconded by Bill Galvin and carried 6-0-0.

#2016-165 – Babcock Pond at Wyckham Hill Road – Solitude Lake Management for Wyckham Road Association – Tax #11-1008 – for hydoraking Babcock Pond.

Discussion was tabled to the next meeting.
IV. **Agent Approvals**

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

1. #2016-139 – 26 Mayfair, LLC for driveway modifications and installing a stormwater management system 25’ from a pond at 26 Mayfair Lane is approved with conditions. Tax #10-1052

2. #2016-144 – Greg Stacey for construction of a porch and drainage system, modification of a driveway and fence within 100’ of wetlands at 27 Angus Drive is approved with conditions. Tax #07-2267/s

3. #2016-146 – Sophie Labrecque and Justin August for construction of an addition, patio, and drainage 60’ from a wetland at 202 Weaver Street is approved with conditions. Tax #09-1591

4. #2016-147 – Courtenay Washkowski for construction of an addition and deck, and driveway expansion 20’ from a watercourse at 72 Sound Beach Avenue is approved with conditions. Tax #06-2616

5. #2016-149 – Christopher and Melissa Baxendale for construction of additions and deck 59’ from a wetland at 23 Nearwater Lane is approved with conditions. Tax #12-2263/s

6. #2016-151 – John and Ashley McGrail for construction of additions and septic repair 55’ from a wetland at 80 Bedford Road is approved with conditions. Tax #10-1845

7. #2016-160 – Jorge Beristain for construction of a single family-residence, driveway, deck, and retaining walls 40’ from a wetland at 34 Wescott Street is approved with conditions. Tax #12-1868/s

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

V. **Applications To Be Received**

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

VI. **Violations**

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

   Awaiting corrective action application. No action required.
VII. Bond Releases

1. Application #2000-047 – Agent Approval #2000-021 for Everett and Elizabeth Smith – 71 Hunting Ridge Road. The $1,000 bond is to be returned to Everett and Elizabeth Smith.

2. Application #2004-031 – Permit #2004-050 for Rhonda Beninati – 42 Mooreland Road. The $4,000 bond is to be returned to Rhonda Beninati.

3. Application #2007-104 – Permit #2007-100 for Mary Alice Carmichael and Lawrence Quinn, Trustee – 17 Doverton Drive. The $9,000 bond is to be returned to Judith Larson Associates.

4. Application #2010-008 – Permit #2010-050 for Bozena Gorski – 28 Old Camp Lane. The $8,000 bond is to be returned to Bozena or Jozef Gorski.

5. Application #2012-058 – Permit #2012-068 for On Mianus Pond LLC – 265 Valley Road. The $12,000 bond is to be returned to On Mianus Pond LLC.

6. Application #2012-104 – Permit #2012-086 for Eric Schwartz and Debra Fram – 45 Valley Drive. The $4,000 bond is to be returned to Eric Schwartz and Debra Fram.


8. Application #2014-064 – Permit #2014-054 for SPC, LLC – 27 Vineyard Lane. The $10,000 bond is to be returned to James and Deborah Walker.


10. Application #2014-105 – Agent Approval #2014-012 for Thomas and Katharine Ewald – 640 Lake Avenue. $3,000 bond to be returned to Thomas and Katharine Ewald.

11. Application #2014-156 – Permit #2015-06 for Ridgebrook LLC – 12 Ridge Brook Road. The $8,000 bond is to be returned to 12 Ridgebrook LLC.

12. Application #2015-110 – Order #2015-009 for Glenn Tobias – 315 Stanwich Road. The $4,000 bond is to be returned to Laura Robertson Tobias.

13. Application #2015-118 – Permit #2015-096 for Half Way Tree Holdings, LLC – 209 River Road Extension. The $2,000 bond is to be returned to Greenwich Construction, LLC.

14. Application #2015-137 – Permit #2015-118 for Lars Nielsen – 480 Congnewaugh Road. The $4,000 of the original $12,000 bond is to be returned to Lars Nielsen.

15. Application #2016-035 – Agent Approval #2016-036 for The Greenwich Skating Club – 15 Cardinal Road. The $2,000 bond is to be returned to The Greenwich Skating Club.

16. Application #2016-073 – Permit #2016-076 for Richard and Patricia Masi – 3 Armonk Street. The $1,000 bond is to be returned to Richard V Masi TTE.
A motion to release the bonds was made by Stephan Skoufalos, second by Jay Schondorf and carried 6-0-0.

VIII. Other Business

a. General Procedural Discussion – None

IX. Adjourn

With no further business, the meeting adjourned at 9:44 p.m.

Patricia Sesto
Director