DRAFT MINUTES
NOVEMBER 22, 2021

In attendance: Brian Harris, Chairman, Elliot Benton, Vice-Chairman, Jay Schondorf, Norma Kerlin, Klaus Jander, Peter Linderoth

Also in attendance: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carrol Andrews, Compliance Officer; Heagney, Lennon & Slane, LLP; Environmental Land Solutions; Rocco V. D’Andrea, Inc.; Eckerson Design Associates; Larry Liebman, S.E. Minor & Co.; Sound View Engineers & Land Surveyors, LLC; Conte & Conte, LLC; Environmental Land Solutions.

1. Call to Order
   Brian Harris called the meeting to order at 7:02 pm.

2. Seating of alternates
   Klaus Jander was seated.

3. Review and approval of draft minutes of October 25, 2021 meeting.

   Brian Harris made a motion to approve the minutes as presented, second by Peter Linderoth and carried 6-0-1. Bill Galvin abstained.

4. Director’s Report

   Patricia Sesto reported the department’s RBV program was recently implemented under the direction of Doreen Carrol Andrews. This year, the program’s fifth, was conducted with assistance from Conservation Commission staff.

   Ms. Sesto stated the budget has been submitted. No notable changes exist in proposed expenditures. Revenues are lower due to changes in state statutes that automatically extend the life of certain permits. Revenues for the current fiscal year and next will come in lower than expenditures.

5. Other business

   Ms. Sesto suggested the Agency consider revising the fee schedule to require applicants pay for the agency’s expenses related to hiring outside consultants. Member agreed to discuss this at the December meeting.
Public Hearing

1. #2021-125 – 70 Hunting Ridge Road – Patrick Cummings – Corrective action to remediate dumped debris in wetlands. Tax #11-2074. Norma Kerlin and Jay Schondorf were identified as having visited the site. Doreen Carrol Andrews listed the new documents for the record. The pond spoils were tested and found to be suitable for spreading on residential property. The biological assessment characterized the wetland as being of high value. Restorative plantings have already been planted and more are proposed. The spoils placed in the wetlands will be removed and put back into the pond to adjust for the overly steep side slopes.

Ms. Carroll Andrews recommended the lawn adjacent to the wetland should no longer be mowed to bring it into conformance with a permit issued in 2000. Additionally, the limit of lawn between flag 8 and the pool needs to be permanently marked.

Matthew Popp, Environmental Land Solutions, addressed the agency. He provided further details regarding the spoils and emphasized the need to monitor a stand of nearby Phragmites for its potential to infect the disturbed wetland.

Discussion ensued regarding deadlines for implementation. It was determined the spoils will be removed and placed back in the pond no later than January 15, 2022 and the plantings to be installed no later than June 15, 2022. Also, a boulder demarcation needs to be added between flag 13 and the pool retaining wall.

Brian Harris called for public comment. There was none.

Brian Harris made a motion to close IWWA 2021-125, seconded by Jay Schondorf and carried 7-0-0.

Brian Harris made a motion to approve IWWA 2021-125 with the Agency’s general conditions, the conditions proposed by staff modified to require spoils removal by January 15, 2021, planting by June 15, 2022, and boulder demarcation be installed in accordance with testimony. The motion was seconded by Bill Galvin and carried 7-0-0.


Robert Clausi read the additional information into the record and noted requested documentation that has yet to be submitted. The video of the pipe inspection was submitted and has been referred to DPW for review. He noted the report from DPW advises against construction of the building over the piped section of watercourse. The stormwater management plan has been redesigned to eliminate pervious pavement.
in the driveway. Roof runoff will be directed to subsurface gravel-filled detention areas below the parking lot. A swirl separator will intercept all flows from catch basins before discharging to the stream.

Requested documentation that has not been submitted includes a shade analysis, pollutant renovation analysis, calculations pertaining to what size storm the stream culvert overtops, and water handling protocol for manhole installation.

Thomas Heagney, Heagney, Lennon & Slane, LLP, addressed the agency and authorized an extension of the public hearing to the December 13th meeting. He went on to recap the development, plan changes, and outstanding information.

Anthony D’Andrea, D’Andrea Surveying & Engineering, P.C., addressed the agency. He spoke of his “unique” perspective of the property, being a neighbor to it for several decades. In this time, he has not seen the property flood. The calculations to substantiate these observations will be submitted.

Mr. D’Andrea went on to explain the process of installing the manhole into an existing pipe. He confirmed there is no infiltration available, thus the plan does not meet the LID parameter of the drainage manual. There is no intent to have a greenroof; there will be potted plants.

Norma Kerlin and Jay Schondorf were noted as having visited the site. Discussion ensued regarding the flow pattern of the watercourse and the inability to construct the building five feet from the property line and not need to remove trees immediately adjacent to the property line off-site.

Peter Linderoth further questioned the inability to meet the runoff volume reduction and groundwater recharge. Mr. D’Andrea responded while infiltration is not technically attained, in practice the lateral subsurface movement of runoff through the soil is attained.

Matthew Popp, Environmental Land Solutions, responded to questions regarding a greenroof, stating some sort of greenroof would be beneficial to the wetlands. Although a conventional greenroof is not planned, rooftop plantings will be incorporated. A plan of this was requested.

Brian Harris called for public comment. There was none.

The hearing was continued to December 13, 2021.

3. #2021-154 – 94 & 96 Porchuck Road – Rocco V. D’Andrea, Inc. for Ave Zaz Development Corporation and Lucianos Utopia Realty Inc. – Construction of common driveway with wetland crossing. Tax #10-3643 & #10-3642.

Robert Clausi read the list of documents into the record. He explained that two lots, labeled B & C, share a common accessway by virtue of the approved 1998 subdivision. This approval included the use of one 24-inch pipe to convey flows in association will wetland filling for the driveway construction. The homesite development on lot C is shown with no activities within Upland Review Areas. A full landscape plan and depiction of the wetland boundary on the adjacent parcel is needed to confirm there are no regulated
activities beyond the driveway encroachment. Lot B has no development proposed; what is shown is just for feasibility purposes.

The driveway crossing consists of four bottomless box culverts, spanning 45 feet of the 90-foot crossing. The project narrative references a single span crossing as an alternative, but no details or sketch plan were submitted to substantiate any conclusions. Other alternatives should be provided, too.

The 1998 approval required mitigation for wetland filling and tree removal at a ratio of 2:1. No plan to reflect this has been provided. No phasing plan or biological evaluation, as required by regulation, have been submitted. The wetland flagging shown on the map is also inconsistent with field conditions.

Anthony D'Andrea, D'Andrea Surveying & Engineering, P.C. explained zoning regulations require the driveway to be in the accessway, thus alternatives associated with location are minimal. Mr. D'Andrea went on to explain the elements of the wetland crossing that drove the design. The four bottomless box culverts will retain the natural substrate of the wetland. He will reexamine the wetland area to the north questioned by Mr. Clausi. He noted the infiltrator and level spreader on the north side of the crossing will maintain hydrologic patterns to feed the area of concern. A culvert crossing was rejected as it did not mimic the wetland flows.

Mr. D’Andrea acknowledged no biological report was provided.

He continued on by explaining the aspects of using a bridge that he determined would bring unacceptable impacts to the wetland. The portion of the driveway in the wetland on either side of the culverts will be built over gravel, with the gravel maintaining the hydrologic connection within the wetland. Discussion ensued. Mr. D’Andrea was asked to submit documentation to substantiate his conclusions regarding alternatives.

Brian Harris called for public comment. There was none.

The hearing was continued to the December 13, 2021 meeting.

**Consent Approvals**

1. #2021-148 – [857 Lake Avenue](#) – S.E. Minor & Company, Inc. for Blessera LLC & Larisa Property LLC – Demolition of storage building, and construction of tennis court and drainage system 21’ from wetlands. (First 65 days 10/25/21) Tax #11-2428. BC

2. #2021-155 – [36 Sherwood Avenue](#) – Soundview Engineers & Land Surveyors, LLC for Michel Rosenthal – Conversion of portion of garage to covered patio and installation of outdoor shower adjacent to wetlands. (First 65 days 10/25/21) Tax #10-2626. BC

Elliot Benton made a motion to approve the applications listed for consent approval, seconded by Bill Galvin, and carried 7-0-0.

**Pending Applications**
1. #2021-142 – **82 Butternut Hollow Road** – Environmental Land Solutions, LLC for Philip and Brittany Baity – Corrective action to remediate unauthorized clearing and grading, construction of pool and patio, and modification of driveway in and adjacent to wetlands. Tax #11-2746.

Doreen Carrol Andrews described the project to correct the violation, noting a larger buffer to the wetland and a demarcation of the buffer is needed. There are erosion issues associated with the ditch.

Matthew Popp, Environmental Land Solutions, described the clearing in upland review areas to the rear of the house, far from a wetland in the front yard. He expressed a general agreement with staff comments. He relayed his clients are not supportive of the recommended buffer plantings and will submit an alternative.

Discussion of the application was continued to the next meeting of the agency.

2. #2021-144 – **14 Fox Run Lane** – Rocco V. D’Andrea, Inc. for Andrew Philipp – Construction of single-family residence, driveway, pool, pool house, retaining walls, septic system, and drainage system 10’ from wetlands. Tax #10-1320.

Patricia Sesto introduced the application, noting the agency recently saw this property in association with the redevelopment of 8 Fox Run Road. Norma Kerlin and Jay Schondorf visited the site in response to the current application.

The proposal is to develop the parcel with a home, pool, pool-house and driveway. The driveway passes through the area of the recently removed pool and pool house, then turns to pass in front of the house, between the house and wetland. Sesto went on to read through the staff report. The report identified application requirements that are missing, a lack of balance between wetland protection and development, an absence of alternatives, and staff disagreement with the biological report that states the proposed development will have no wetland impacts. The planting plan introduces trees into a wooded area, thus its purpose is not readily recognized.

Anthony D'Andrea, D'Andrea Surveying & Engineering, P.C., described the role of the architect and engineer to work to meet the wants of their client in laying out the design. The lot line was adjusted to provide additional room to access the property south of the central wetland. The location of the septic system then drove the rest of the site layout.

In addressing the staff report, Mr. D’Andrea stated the yard basin along the northern property line is necessary to move pre-existing overland flow through the post development property per the drainage manual. He will look at the grading between the pool house and offsite wetland. The driveway is elevated west of the wetland in order to comply with design requirements of the drainage manual, specifically
Creating a separating distance from the bottom of the structure to high groundwater. The driveway catch basins at the retaining wall act as junction boxes.

Brian Harris made a motion to direct staff to contract with a consulting biologist to represent the agency, seconded by Bill Galvin, and carried unanimously. Mr. Harris observed the project may result in significant impacts to the wetland and would like to see the application review moved to a public hearing. Ms. Sesto was directed to initiate this process.

Mr. D’Andrea resumed his testimony to further describe the proposal. The house will be 8,600 s.f. overall, with a footprint of 5,700 s.f. The driveway consumes 6,300 s.f.

Elliot Benton stated he recently viewed the site from the road in preparation for this review.

**New Applications for Review**

1. #2021-146 – [4 Chasmar Road](#) - Rocco V. D’Andrea, Inc. for 4 Chasmar Road LLC – Two-lot subdivision, demolition of single-family residence, construction of two single-family residences, driveways, and retaining walls 7' from wetlands. Tax #06-1074.

   Robert Clausi described the proposal to demolish the existing home and subdivide the lot into two parcels. The existing house is 14 feet from the brook and the closest proposed house is 28 feet. The existing retaining wall will be replaced with a wall five feet further from the brook. This is an improvement, but issues remain. No alternatives were submitted.

   The redevelopment includes extensive disturbance and lacks a site specific construction sequence. DPW has raised issues, among them being inadequate sight lines for one new driveway.

   Anthony D'Andrea, D'Andrea Surveying & Engineering, P.C., addressed the agency. He conveyed the construction sequence. He acknowledged the DPW comment regarding sight lines but dismissed the potential for a common driveway to resolve it, stating there is too little room to configure the driveway. Mr. Harris asked to have a sketch be submitted to demonstrate the conclusion.

   Mr. D’Andrea explained the layout for each lot. Ms. Sesto asserted all aspects of the redevelopment bring the site up to contemporary standards, except watercourse protection. An alternative is to redevelop one house farther from the wetland. This alternative should be submitted.

   Mr. Harris presented a street view of the lot via Google Maps.

   The application review was continued to the next meeting of the agency.
2. #2021-149 – 4 Highgate Road – S.E. Minor & Company, Inc. for Kristin and Henry Rowland –
Construction of pool, patio, shed, retaining walls, driveway modifications, and drainage system 7’
from wetlands. Tax #05-2563.

Robert Clausi began by stating he recommends the agency delay taking action as there is a
discrepancy with wetland mapping. The older wetland boundary passes through the proposed pool.
The pool is also in the floodplain. DPW has suggested structures and filling not be allowed in the AE
flood zone. Mr. Clausi described the inadequacies for the planting plan which does not reflect
appropriate restoration of the wetland.

Larry Liebman, S.E. Minor & Co., addressed the agency. He stated the same soil scientist, William
Kenny, William Kenny Associates LLC, flagged the wetland both times. Mr. Kenny will respond to
explain the change. Mr. Liebman stated he will be meeting with DPW to review their concerns.

William Baker, 2 Highgate Road, spoke to the proposal. He stated he has lived next to this subject
property for 40 years and can attest to the fact that the parcel floods. He is interested to see that any
development approvals do not increase flood elevations.

Paul Levine, 17 Cherry Tree Lane, expressed concern that the pool water would discharge and
negatively impact the downgradient pond. Mr. Liebman responded by explaining the process of
dewatering a pool.

Elliot Benton suggested the pool be relocated to the north side of the house. This was then
dismissed as an option as the leaching fields are in this area.

The agency deferred consideration of action to their meeting in December.

3. #2021-150 – 44 Cutler Road – S.E. Minor & Company, Inc. for MCJB LLC – Construction of residential
addition, detached garage, retaining walls, and drainage system 33’ from wetlands. Tax #10-1860.

Robert Clausi stated action on this application should be delayed allowing the applicant to provide an
explanation of discrepancies between current wetland mapping and past mapping. The old plans
show wetland effectively up to the rear of the house, while current plans show the wetland as a
fringe around the pond. There is no test hole associated with the proposed infiltrator. This data
could explain the change in wetland boundary.

Larry Liebman, S.E. Minor & Co., responded by agreeing a delay in action is warranted. He suggested
the difference in the wetland boundary could be attributed to pond spoils that were permitted to be
spread in the wetland years ago.

The agency deferred consideration of action to their meeting in December.
4. #2021-151 – 37 Birchwood Drive – S.E. Minor & Company, Inc. for 37 Birchwood, LLC – Construction of pool, patio, retaining walls, and drainage system, and designation of septic reserve area 15’ from wetlands. Tax #10-3005.

Robert Clausi described the project, stating the plan view conveys a project that is more intense than site conditions do. The bulk of the work is removed from the wetland. DPW comments were favorable and included a recommendation to move the level back from the wetland. Mr. Clausi recommended the application be approved with the proposed special conditions.

Larry Liebman, S.E. Minor & Co., represented the applicant. He expressed agreement with Mr. Clausi’s report and recommendation.

Bill Galvin made a motion to approve the application with the agency’s general conditions and special conditions proposed by staff, seconded by Jay Schondorf and carried 7-0-0.


Robert Clausi described the project to redevelop the site. The work is largely proposed in the same location as the existing home, except the detached garage and a driveway to serve it appear to be farther removed from the house than necessary and results in loss of the wooded buffer to the wetland. He suggested the applicant explore alternatives. The review from DPW likewise is seeking modifications.

The report from CT DEEP NDDB identifies the site as having two vascular plants and a bird species of special concern or threatened. As DEEP does not get a site plan with these requests for information, the proposal may or may not be an issue.

Larry Liebman, S.E. Minor & Co., agreed to respond to these comments and a request to utilize the southernmost leaching trench, currently designated as for the reserve system, as a primary leaching trench to limit grading.

Norma Kerlin and Jay Schondorf were identified as having visited the site.


Robert Clausi described the project to build a pool. The property previously secured a permit for a pool, but this plan is somewhat different. The pool will be in mostly the same location. The main
difference is the request to rebuild the retaining wall, situating it a few feet closer to the wetland, but not into the 35-foot wetland buffer required with the prior permit.

The drainage plan is not yet approved. DPW is still reviewing it to see if what was previously built can still accommodate the new proposal.

John Conte, Conte & Conte . LLC, addressed the agency. He affirmed the intent to keep the proposed pool within the footprint of the residentially developed envelope. The realignment of the retaining wall is proposed so it relates to the pool’s geometry.

Robert Frangione, Frangione Engineering, expressed confidence the storm drainage evaluation will be fine.

Review of the application was continued to the next meeting of the agency.

6. #2021-156 – 596 North Street – Environmental Land Solutions, LLC for JZ Investments, Inc. – Removal of dead and declining trees, installation of new trees and shrubs in and adjacent to wetlands. Tax #11-1090.

See 2021-158 below.

7. #2021-157 – 598 North Street – Environmental Land Solutions, LLC for JZ Investments, Inc. – Removal of dead and declining trees, installation of new trees and shrubs in and adjacent to wetlands. Tax #11-3244.

See 2021-158 below.

8. #2021-158 – 600 North Street – Environmental Land Solutions, LLC for JZ Investments, Inc. – Removal of dead and declining trees, installation of new trees and shrubs in and adjacent to wetlands. (First 65 days 10/25/21). Tax #11-3245.

Ms. Sesto suggested IWWA #2021-156, 157, and 158 be reviewed simultaneously. The agency concurred.

Robert Clausi reviewed the need to remove trees from each of the tree parcels. The trees to be removed are either dead or severely stressed as a result of construction activities. He noted any trees to be removed within the conservation easement also require written approval from P&Z.

Mr. Clausi recommended topping the trees and leaving the tree trunks at the edge of the wetland on 598 and 600 North Street.

Matthew Popp, Environmental Land Solutions, addressed at the agency. He was in agreement with the staff report recommendations.
Brian Harris made a motion to approve IWWA#2021-156, 157, and 158 with the agency’s standard conditions and the special conditions presented by staff, seconded by Bill Galvin and carried 7-0-0.

Applications to Be Received

1. #2021-160 – 23 Copper Beech Road – S.E. Minor & Company, Inc. for Asaoka Hatsue & Sanjeeve Karkhanis for corrective action for unpermitted clearing adjacent to wetlands. Tax #11-2548.

2. #2021-161 – 1141 King Street - Heagney, Lennon and Slane, LLP for Plaza 200 LLC for designation of 5-lot conservation cluster subdivision, construction of five single-family residences, driveways, pools, septic systems, drainage systems, greenhouse, tennis court, shed, and geothermal wells 45’ from wetlands. Tax #10-2740.

3. #2021-162 – 84 Cognewaugh Road – Sunia Ho for David & Carolyn Hahn for replacing a drainage pipe adjacent to wetlands. Tax #08-3068/s.

4. #2021-163 – 39 Lockwood Lane – Sound View Engineers and Land Surveyors, LLC for Agustin Sicouly for construction of roofed deck, pool, retaining walls, and drainage 25’ from wetlands. Tax #05-2669/s.

5. #2021-164 – 103 Husted Lane – Rocco V. D’Andrea Inc. for Lucas & Christine Downey for renovation of single-family residence and designation of septic reserve area 26’ from wetlands. Tax #11-1598.


7. #2021-166 – 40 Pecksland Road – S.E. Minor & Company, Inc. for Geoffrey and Sarah Cross for construction perimeter fencing, removal of debris, installation of enhancement plantings and a wood chip path in and adjacent to wetlands. Tax #10-2214.

8. #2021-167 – 14 Perkins Road – S.E. Minor & Company, Inc. for Deborah and Peter Weinberg for construction of residential additions, patio, and drainage system, and designation of septic reserve area 33’ from wetlands. Tax #11-1131.

9. #2021-168 – 28 Montgomery Lane - S.E. Minor & Company, Inc. for Randy Maultsby for demolition and construction of single-family residence, driveway, patios, pool, pool fence, retaining walls, septic system, drainage, and boardwalk, and designation of septic reserve area in and adjacent to wetlands. Tax #08-3805.
10. #2021-169 – 11 Carrington Drive - Glengate Company for Lori Soloman for installation of spa and deck 50’ from wetlands. Tax #11-2473.

11. #2021-170 – 29 Richmond Hill Road – Environmental Land Solutions, LLC for Fernando Lourenco – Construction of in-ground pool, installation of mitigation plantings, and streambank stabilization in and adjacent to wetlands. Tax #10-2556.


13. #2021-172 – 21 Sawmill Lane – Sound View Engineers and Land Surveyors, LLC for Justin Shaw – Demolition and construction of single-family residence, driveway, pool, septic system, and drainage 50’ from wetlands. Tax #11-1846.


Brian Harris made a motion to receive the above listed applications, seconded by Bill Galvin, and carried 7-0-0.

**Agent Approval Permits**

1. #2021-145 – 27 Midwood Road – Eckerson Design Associates, LLC for Bob Warden – Filling and grading 20’ from wetlands. (First 65 days 10/25/21) Tax #07-2782/s. SC

2. #2021-147 – 99 Indian Head Road – Rocco V. D’Andrea, Inc. for 99 IHR LLC - Construction of covered patio 32’ from wetlands. (First 65 days 10/25/21) Tax #05-2509.

3. #2021-159 – 34 Nearwater Lane – Stephen & Angela Repenning for expansion of deck 45’ from wetlands. Tax #12-2034/s.

**Adjourn**

With no further business, the meeting adjourned at 10:42 p.m.

Patricia Sesto
Director

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