1. Call to Order

Secretary Skoufalos called the meeting to order at 7:02 p.m.

2. Seating of Alternates

Alan Rossi and Peter Linderoth were seated.

3. Approval of draft minutes of October 28, 2019

Jo Rogers made a motion to approve the minutes of October 28, 2019, seconded by Norma Kerlin, and carried 4-0-3. Stephan Skoufalos, Alan Rossi, and Bill Galvin abstained.

4. Director’s Report

Patricia Sesto reported on her opportunity to work through the pilot program for the new DEEP training modules. She stated they were helpful and looked forward to when they would be available to the members.

Ms. Sesto reported Doreen Carroll-Andrews again is participating in the RBV program and conducted her field work last week with the intern and other colleagues from the department.
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)

   Patricia Sesto read the new documents into the record and reviewed her supplemental staff report. She highlighted inadequacies of the application, mostly focused on the implications of the new development being in the 20% annual chance of reoccurrence floodplain. She also identified missing information such as details associated with the sewer installation and alternatives.

   John Tesei, Gilbride, Tusa, Last & Spellane, LLC appeared before the agency. Mr. Tesei spoke of the Historic Commission’s approval of the properties for a Historic Overlay district. He described the value of the historic homes fronting on East Putnam Avenue in maintaining the colonial character in a corridor where this character is otherwise lost. He urged the agency to consider this factor and other community benefits as they weigh the balance of wetland and watercourse protection with the proposal. He cited the proposal conforms with FEMA, building zone regulations, and the R-20 HO district, noting the HO district designation speaks to the desirability of redeveloping these homes while retaining the historic streetscape.

   Ms. Sesto asked Mr. Tesei to what extent the Historic Commission considered wetland and watercourse protection in their decision. He responded that commission wouldn’t consider wetland and watercourse protection but urged this agency to consider that commission’s goals in its deliberations.

   Project partner, Mark Johnson, addressed the agency. He and his partner, Chris Franco, have worked on many projects to conserve historic structures. The subject homes are at risk for demolition and he expressed Mr. Franco’s and his unique ability to repurpose the homes to retain their cultural value. He suggested the existing septic systems are a source of pollution and the installation of a sewer would be beneficial to the wetland and watercourse. Of additional value is the 40-foot wide buffer to the watercourse that will be planted, eliminating lawn. Further, their environmental consultant has determined there is no impact.

   Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the agency on behalf of the applicant. He stressed the compliance of the project with FEMA and the building zone regulations. Building in a floodplain is not prohibited by either of these regulations and he asserted the project presents no adverse impacts to the environment.
Mr. D’Andrea continued by addressing Ms. Sesto’s staff report. He explained the nature of the floodplain and how it is irrelevant if the stormwater management features are inundated in a two-year storm event.

Joseph Rogers questioned the plans to reconstruct East Putnam Avenue and the ability to abate the flooding on this property coincident with that project. Mr. D’Andrea responded the state needs to size the culvert to maintain current flood elevations. The main purpose of the state project is to keep East Putnam Ave from flooding. With the new culvert and raised road, the same volume of water will pass under the road instead of over it, as happens now.

Answering the concern regarding flash floods raised in the staff report, Mr. D’Andrea conceded flash floods are unpredictable and can be highly localized. The buildings are designed to allow the garages to flood.

The November 10th memo from DPW attests to their satisfaction the storm drainage plan meets the rules of the Storm Drainage Manual, except for one technical aspect. Even though the peak rate of flow comes 9 hours into a storm, no change in peak rate at the site due to added imperviousness needs to be documented prior to the final DPW sign off.

Discussion ensued regarding the ability of future residents to respond to impending and pop-up storms. Property management companies, human nature, inability to enforce safeguards and other factors were addressed, as was the general inability to ensure the flooded garages would not yield pollution.

Discussion pertaining to the frequency the rain gardens would flood followed. The rain gardens will flood over, on average, once every two years. Concerns were expressed regarding the resuspension of previously captured sediment and pollutants and how this undermines the purpose of the rain garden.

Mr. D’Andrea responded the septic systems are inundated at two-year storms, as well. Ms. Sesto asked if the septic systems were failing, to which Mr. D’Andrea responded, “no.”

Mr. D’Andrea reiterated this is a 5.8 sq. mi. watershed. Consequently, the pollution this site might contribute during a storm event is indeterminable when compared to the overall pollutant load of stormwater due to poor practices upstream.

The trench drains questioned in the staff report are located at the eastern property line and serve the purpose to intercept overland flow from the neighboring property. Ms. Sesto identified this as a threat to the watercourse as the captured overland flow will introduce pollutants directly to the watercourse. Mr. D’Andrea suggested the discharge point could be moved further from the watercourse.

Mr. D’Andrea addressed Ms. Sesto’s staff report, item 9, which stated more information is needed to understand the logistics of the sewer crossing the watercourse. Mr. D’Andrea stated this would be a routine endeavor. He agreed additional details were needed and those could be provided prior to commencing work.
With regards to providing alternatives as suggested in the staff report, Mr. D’Andrea said none were warranted as the proposal abides by FEMA and Planning and Zoning requirements. Mr. Galvin challenged the lack of alternatives.

Mr. D’Andrea, in response to the staff report, described the plan for parking. Namely, workers will park along the proposed driveways and once built, in the garages. Ms. Sesto conveyed staff experiences with compliance inspections and the large number of vehicles commonly found at construction sites. She questioned the efficacy of Mr. D’Andrea’s plan and cited soil compaction and damage to tree roots as the reason this is important to the agency.

Peter Linderoth asked if the materials captured in the rain gardens associated with smaller storms would be released when they are inundated with larger storms. Mr. D’Andrea stated, yes, sediment and pollutants will be flushed out.

William Kenny addressed the agency. He stated the runoff volume of concern is the first flush. This is the portion that washes pollutants from the landscape and stormwater features are designed to capture these pollutants. For this site, the first inch of runoff is treated and discharged before rising flood waters peak nine hours later. With regards to damage to the rain gardens from periodic inundation, Mr. Kenny noted the 5-year inspection protocol would identify failures and they would be corrected at that time. Lastly, the plan includes increasing the healthy vegetated buffer from the existing 10-15 feet to 40 feet, on average.

Stephan Skoufalos questioned William Kenny on his assertion there will be no impacts given the intended flooding of the garages and stormwater features. Mr. Kenny answered by stating the project would have a management company to move vehicles, if necessary. Further, by laws and informal neighbor to neighbor monitoring would safeguard against having hazardous materials stored in the garage. If this approach failed, the pollutant load would be negligible as compared to the volume of water in a flood and is temporary. Ms. Sesto challenged this position, noting the EPA considers non-point source pollution as the leading cause of water pollution, adding the “solution to pollution is dilution” is an antiquated and ineffective approach.

Chairman Harris called for public comment.

Burt Dempsey, 21 Hillside Road, reviewed historic flooding. He conveyed his own experiences with repeated flooding on this watercourse.

Jenny Larkin, owner of 3 Hillside Road appeared before the agency. She referred to her 40-page submission and recounted some of the big storms she’s seen. In the 2007 storm, there was three feet of water in her basement and her car was flooded. Since then, there has been a greater awareness of flood potential and monitoring of storm events, including the installation of a “Nest” camera allowing her to watch for rising water.
Mark Pruner, real estate agent, voiced support for the developer. He stated he has listed this property and the market for the house is weak. The proposed development is a good approach to save the streetscape and in keeping with the Plan of Conservation and Development. The caliber of the cars associated with the future development will dictate the need for a management company to move cars when their owners cannot. He favors garages under the buildings to preserve the streetscape.

No further public comment was made.

John Tesei again addressed the agency to summarize four main points of the application. First, there are three septic systems in the floodplain now. The new development would eliminate these. Second, the proposal includes a planting plan beneficial to the wetland and watercourse. Third, existing parking for the three homes is in the floodplain. The new plan would continue along with this. Fourth, the existing structures are in the floodplain. When redeveloped, the living spaces will be raised. Mr. Tesei acknowledged there is a possibility of pollution, but the use of a management company will address this.

Bill Galvin made a motion to close the public hearing, seconded by Jay Schondorf, and carried. 7-0-0.

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.

Dan Kroebel of Milone & MacBroom, Inc., appearing before the agency on behalf of the applicant. He noted DPW determined the plan meets their satisfaction for the purposes of the IWWA review, with the expectation minor outstanding issues will be attended to under the P&Z review.

The erosion and sedimentation control plan was revised to eliminate the diversion berm in favor of two elongated sediment traps on the west end of the fields. Overland flow from the disturbed fields will be captured in the basins for sediment to settle out. This addresses concerns raised by staff regarding erosion of the berm.

Megan Raymond expanded upon the changes to the mitigation plan. A total of 0.75 acres of buffer will be enhanced by the stadium field. Efforts to eradicate the invasive species upstream have been bolstered. Lastly, the overall planting palette has been modified to focus more heavily on using native species.

Discussion ensued regarding the implications of various sized storms. At the 5-year event, flood waters will impact the lower field to a limited extent. By design, the 10-year storm will
cover this field. The stadium field is going to be built at a higher elevation, so it won’t be overtopped until the larger storms.

Secretary Skoufalos called for public comment.

Jennifer Larkin, 3 Hillside Road, reminded the agency this is the same watercourse as the previous project is on. She urged the agency to take the same into consideration the incremental effects of each development on the downstream properties.

Norma Kerlin made a motion to close the hearing, seconded by Bill Galvin, and carried 7-0-0.

Peter Linderoth stated he was satisfied the applicant addressed the agency’s concerns. Mr. Schondorf concurred.

Alan Rossi conveyed concern. He was not in favor of two artificial fields. The school has been using natural turf fields for 60 years and there is no long-term experience with the artificial fields. He suggested only one artificial field be built. Once this is in place, it can be monitored and the decision to build a second field can be based on this experience.

Ms. Sesto was directed to draft a resolution of approval for consideration at 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 #12-1484/s (additional 65 days 1/1/20)

Patricia Sesto read the documents into the record and reviewed her staff report.

Tom Heagney, Heagney, Lennon, & Slane, LLP, addressed the agency and submitted new reports and revised maps. He reviewed the proposal and directed the agency’s attention to the two reports by certified arborists, one being the Town tree warden. Both reports conclude the mature oak trees could survive the development.

Bryan Muller, P.E., representing Sound View Engineers and Land Surveyors, LLC on behalf of the applicant, responded to the report submitted by Land-Tech Consultants on behalf of the agency. Land-Tech questioned the profile depicted for the porous driveway, to which Mr. Muller explained it was correct. The lack of soil permeability information to substantiate the porous driveway was cited as a deficiency. The testing was done and at approximately 2 inches an hour, the rate is favorable. The suggestion to have the sump pump discharge to the porous driveway rather than the Cultec unit is not feasible per the Greenwich Storm Drainage Manual. Although not preferred, the shed can be placed on cinder blocks to ensure water moves passed it without concentrating. Their preferred solution would be to install the shed on a gravel base.
William Kenny, PWS, PLA, of William Kenny Associates LLC, addressed the report submitted by his associate, Carolyn Matthews, certified arborist. Her report states the mature oak trees atop the bank of Mianus Pond will not be adversely affected by the development.

Ms. Sesto questioned Ms. Matthews directly asking if it would be beneficial to have the development moved farther from the trees, as suggested by Certified Arborist Nick Lee. Mr. Heagney interrupted to say this house plan could not shift eastward due to property line setbacks. Ms. Sesto clarified she was not considering this particular footprint, rather speaking to movement of the development in a generic sense. If a different footprint could benefit the trees, it should be explored. Ms. Matthews said the trees should be fine but could not attest to this for more than one or two years out. Ms. Sesto also posed the question if Ms. Matthews would support keeping the trees even if the new property owner expressed safety concerns, considering how the trees would overhang the new house.

Thomas Ryder, certified ecologist, Land-Tech Consultants, presented the report prepared by Robert Pryor, P.E. and himself. There is concern with the longevity of the trees on the east side of the buffer. Mianus Pond is a class AA surface water pond and it requires protection. Given the nature of IWWA regulations, this protection has to come one parcel at a time. He referenced the proposed standard for management of non-native invasive species as being inadequate, stating near total eradication should be the goal.

Robert Pryor, P.E., Land-Tech Consultants, spoke to the engineering factors of concern. He concurs with Mr. Muller’s explanation regarding the cross-section of the porous driveway. He acknowledged the given permeability rate was suitable and would welcome the opportunity to review the permeability testing data. Mr. Pryor wanted to correct an earlier statement made regarding the function of the gravel associated with the porous driveway: the gravel does not filter or adsorb pollutants. This is the function of the soil below.

Ms. Sesto asked if the alternative building layout requested by Mr. Harris at the last meeting was going to be submitted. Mr. Heagney stated no, it would not be. He relayed development of the house over the existing foundation was not feasible due the poor structural integrity of that foundation. Ms. Sesto stated this would not render Mr. Harris’ request as being infeasible.

Stephan Skoufalos called for public comment. There was none.

Alan Rossi made a motion to continue application #2019-098 to the next meeting, seconded by Jay Schondorf, and carried 7-0-0.

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 referred to the applicant’s consent to an extension to allow DPW and the agency’s third-party review to be submitted.
There was no public comment.

Norma Kerlin made a motion to continue application #2019-109, seconded by Bill Galvin, and carried 7-0-0.

II. **Consent Approval**

1. #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 feet from wetlands. Tax #11-2992 (first 65 days 1/1/20)

2. #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)

Jay Schondorf made a motion to approve applications listed on the consent agenda, seconded by Peter Linderoth, and carried, 7-0-0.

III. **Pending Applications**

1. #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 the basis for the violation and the proposed correction. The proposal calls for four shrubs south of the driveway and recommends the total be six. The remainder of the plan is appropriate.

Ozair Minty, property owner, appeared before the agency and expressed agreement with Doreen Carroll Andrews’s report.

Jay Schondorf made a motion to issue an order to correct on IWWA application #2019-113, seconded by Peter Linderoth, and carried 7-0-0.

2. #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)

Doreen Carroll-Andrews reviewed her staff report. Last month staff indicated the applicant had requested a delay of action, pending the submission of additional information. The plan has since been submitted and it is a fitting repair of the violation. Fill will be removed to restore the previous grades and a planting plan will be implemented to further repair the area. She added proposed condition #3 is no longer applicable.
Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency and offered his agreement with the staff recommendations.

Ms. Carroll-Andrews recommended an order to correct be issued for this application.

Bill Galvin and Jo Rogers made a motion to issue an order to correct for IWWA application #2019-116 as proposed by staff and with the elimination of special condition #3, seconded by Norma Kerlin, and carried 7-0-0.

3. #2019-120 – 340 Cognewaugh Road – Sound View Engineers and Land Surveyors for Yury Sofman for redevelopment of a residence and installation of a septic system 9.2 feet from wetlands. Tax # 08-2341 (first 65 days 11/27/19)

Stephan Skoufalos, Jay Schondorf, Norma Kerlin, and Joseph Rogers were identified as having been to the site.

Bob Clausi reviewed his staff report. The proposal to redevelop the parcel will result in the new dwelling being slightly farther from the wetland than the existing house. A new septic system will be installed, as will up to date stormwater management. A planting plan has been submitted and it is suitable.

Additionally, the stonewall along Cognewaugh has been identified as a sight line hazard for the neighborhood and work to correct this may come forward. Mr. Clausi expressed his view improvements can be made that do not rise to the level of a regulated activity. No firm plan to alter the wall is in place.

Bryan Muller of Sound View Engineers and Land Surveyors appeared before the agency. He has no issue with the staff report and recommendations.

Laura Kosten, adjacent property owner, appeared before the agency to corroborate the sight line issues.

Jo Rogers made a motion to approve IWWA application #2019-120 with the general conditions and special conditions proposed by staff, seconded by Bill Galvin, and carried 7-0-0.

IV. New Applications for Review

3. #2019-127 – 82 Buckfield Lane – Frangione Engineering, LLC for Michael Grunberg for replacement of septic leaching area 1 foot from wetlands. Tax #10-1741 (first 65 days 1/1/20)
Bob Clausi reviewed the application and his staff report. The septic system, built for a three-bedroom house, needs to be repaired. At some point in the past, the interior of the house was reconfigured to add two bedrooms. Consequently, the new system is sized for a five-bedroom home and is one foot from the wetland.

Rob Frangione of Frangione Engineering, LLC appeared before the agency. He agreed there were interior alterations done prior to his client taking ownership 16 years ago. With the advances in septic technology, the new system can be built in the same footprint at the old one and still accommodate a five-bedroom design.

Stephan Skoufalos made a motion to approve IWWA application #2019-127, seconded by Bill Galvin, and carried 7-0-0.

4. **#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)**

Doreen Carroll-Andrews reviewed the application and her staff report. The violation began as placing drainage in a wetland delineated some years ago. Since then, three other soil scientists have evaluated the area and determined it is not a wetland. So, this area needs to be declassified. Ms. Carrol-Andrews also recommended the drainage pipe discharge point be pulled back off the property line.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency and stated he has no objection to staff recommendations.

Ms. Carroll-Andrews recommended an order to correct be issued for this application.

Stephan Skoufalos made a motion to issue an order to correct for IWWA application #2019-116 as proposed by staff and to accept the wetland declassification of the subject area, seconded by Jay Schondorf, and carried 7-0-0.

5. **#2019-134 – 51 North Stanwich Road – Muller Engineering, LLC for Lavin, LLC for construction of residential addition, demolish a barn, and designate a septic area 48 feet from a wetland. Tax #11-1471 (first 65 days 1/1/20)**

Bob Clausi reviewed the application and his staff report. The application should have been a simple review, however, he found work was underway to demolish an addition and barn. The work was found to be 50 feet and 55 feet from the wetland, respectively, with no further complications.

Bryan Muller of Muller Engineering, LLC appeared before the agency. He conveyed this is a non-conforming lot and the owners are looking to preserve the house. To comply with the Zoning Board of Appeals, the barn needed to be demolished.
Alan Rossi made a motion to approve action on IWWA application #2019-134 with the general conditions and conditions provided by staff, seconded by Norma Kerlin, and carried 7-0-0.

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

Stephan Skoufalos, Jay Schondorf, Norma Kerlin, and Joseph Rogers were identified as having been to the site.

Doreen Carroll-Andrews reviewed the violation and her staff report. The owners undertook work that exceeded to scope of their permit. Additional sections of stone wall have been built, with portions on the south side of the house meant to be backfilled to raise the yard. The permitted wall should have been dry laid and it is mortared. A planting plan has been provided.

Bryan Muller, agent for the applicant, spoke to the work conducted and unfinished. He has evaluated the new impervious areas and made recommendations for other impervious surfaces to be removed to balance the equation.

Ms. Sesto questioned the building technique of adding height to the existing retaining wall to the south and was it capable of supporting backfill. Mr. Muller was not aware of the intent to backfill and indicated questions associated with the building methodology should be addressed by a structural engineer.

Ms. Sesto suggested a site meeting was in order with the owner, to confirm ambiguities.

Jo Rogers made a motion to delay action on IWWA application #2019-135, seconded by Jay Schondorf, and carried 7-0-0.

7. #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)

Stephan Skoufalos, Jay Schondorf, Norma Kerlin, and Joseph Rogers were identified as having been to the site.

Bob Clausi reviewed the proposal to replace a railroad tie retaining wall with a stone retaining wall. Once built, a new deck will be added to replace one already removed. There are open questions regarding logistics and Mr. Clausi suggested these can be resolved with staff. He also recommended a replacement of trees and enhancements by the pond.

Bryan Muller of Sound View Engineers and Land Surveyors appeared before the agency and was in agreement with Mr. Clausi’s recommendations.
Jo Rogers made a motion to approve IWWA application #2019-137 with the general and special conditions proposed by staff, seconded by Bill Galvin, and carried 7-0-0.

8. #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 residential addition and driveway modification 1 foot from wetlands. Tax #07-1280/s (first 65 days 1/1/20)

Bob Clausi reviewed the application to demolish the garage and a portion of the house to construct a new addition slightly farther from the wetland. He made recommendations to enhance the wetlands with beneficial plantings.

Bryan Muller of Sound View Engineers and Land Surveyors appeared before the agency and was in agreement with Mr. Clausi’s recommendations.

Jo Rogers made a motion to approve IWWA application #2019-138 with the general and special conditions proposed by staff, seconded by Jay Schondorf, and carried 7-0-0.

9. #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)

Stephan Skoufalos, Jay Schondorf, Norma Kerlin, and Joseph Rogers were identified as having been to the site.

Bob Clausi reviewed the application to remodel the house, screened porch and deck. The new features will be a few feet farther from the wetland. Mr. Clausi also recommended lawned areas of wetland be replanted.

Jim McTigue of Joseph F. Risoli, P.E. LLC appeared before the agency and took no issues with Mr. Clausi’s review and recommendations.

Jo Rogers made a motion to approve IWWA application #2019-139 with the general and special conditions proposed by staff, seconded by Bill Galvin, and carried 7-0-0.

10. #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)

Stephan Skoufalos, Jay Schondorf, Norma Kerlin, and Joseph Rogers were identified as having been to the site.
Doreen Carroll-Andrews reviewed the violation and request to maintain the current conditions. The driveway, which has a history of flooding over from the adjacent wetland, was raised by approximately two feet. With several past applications and aerial photographs, there is good documentation to plot the changes. A catch basin was installed to capture the runoff from the northern third of the driveway. This then discharges directly into the wetland. Ms. Carroll-Andrews recommends opening the joints in the driveway curbing to allow diffused discharge of stormwater. The grade should be lowered on the east side of the driveway to allow runoff from small storms to infiltrate, rather than collect and discharge to the wetland. Fill on the west side of the driveway needs to be pulled back out of the wetland. Fill should be removed from the driveway circle so this may function as a rain garden. The owner has proposed 8-10 dogwood trees, ferns, and flowers to correct the violation. Arcello Landscape was identified as the contractor.

Thomas LaPointe, property owner, appeared before the agency. He is in agreement with the recommendations and will make these revisions.

It was the consensus of the agency to fine the contractor $500.00

Stephan Skoufalos made a motion to delay action on IWWA application #2019-141, seconded by Jo Rogers, and carried 7-0-0.

V. Applications to be Received

Alan Rossi made a motion to receive the six applications listed on the agenda, seconded by Peter Linderoth, and carried 7-0-0.

1. #2019-142 – 29 Meadowcroft Lane – Tracy Chalifoux, LLC for Aprazivel, LLC for dredging portion of lake. Tax #11-1767 (first 65 days 1/29/20)

2. #2019-143 – 22 Hillcrest Lane – Rocco V. D’Andrea, Inc. for 269 Palmer Hill, LLC for construction of a residential addition, driveway, retaining walls, and pool with associated storm drainage and utilities. Tax #12-327/s (first 65 days 1/29/20)

3. #2019-144 – 48 Round Hill Road – S.E. Minor & Co., Inc. for KL Greenwich, Ltd. for corrective action for removal of plantings 15 feet from a wetland. Tax #10-1523 (first 65 days 1/29/20)

4. #2019-145 – 276 Lake Avenue – Redniss & Mead, Inc. for The Field Club of Greenwich for reconfiguration of paddle tennis courts and playground 43 feet from a wetland, site improvements including an indoor tennis facility, maintenance building, and internal driveway. Tax #10-1207 (first 65 days 1/29/20)

5. #2019-146 – 108 Husted Lane – Sound View Engineers & Land Surveyors for William Park for construction of stone wall in wetlands. Tax #11-1596 (first 65 days 1/29/20)
6. #2019-147 – 279 Taconic Road – S. E. Minor & Co., Inc. for Valerie and Tatiana Goldburt for construction of a gate house, retaining wall and permeable drive 11.7’ from wetlands. Tax #11-2852 (first 65 days 1/29/20)

VI. Agent Approvals

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

1. #2019-133 – 255 Field Point Road – To Crush Table Tennis for parking lot and hardscape modifications, and landscaping 68’ from wetlands. Tax #01-2539

2. #2019-136 – 714 North Street – To Fred and Michele Weinberg for construction of deck, patio, screened porch, and drainage system 75’ from a watercourse. Tax #11-1063

There were no questions or comments.

VII. Violations

1. Cease and Correct Order # 2019-018 – 43 Lockwood Lane – Theresa Coddaire for unauthorized resurfacing of a driveway and replacing a culvert within regulated areas. Tax ID #05-2668

Doreen Carroll-Andrews read Jenn Urena’s list of the documents of this violation for the agency. The driveway was low and adjacent to a wetland, so it would flood. The owner, Theresa Coddaire, explained to Ms. Urena the work was done to solve this problem. A new culvert was installed, and fill added to raise the driveway.

Mickey DeVito appeared before the agency. He stated his aunt is elderly and will need help to obtain an after the fact permit. They are in the process of finding the contact information for the contractor.

Jo Rogers made a motion to uphold the cease and correct order as proposed by staff, seconded by Stephan Skoufalos, and carried 7-0-0.

2. Cease and Correct Order # 2019-019 – 306 Round Hill Road – Christopher & Elizabeth Pollack for unauthorized dredging/diversion of a watercourse, clearing and grubbing in and adjacent to wetlands, and construction or renovation of a dam. Tax ID #10-1018

Stephan Skoufalos, Jay Schondorf, Norma Kerlin, and Joseph Rogers were identified as having been to the site.

Bob Clausi received a report on November 20, 2019 of work occurring in the East Branch Byram River at 306 Round Hill Road. Upon reaching the site, staff found 6-10 individuals
working in and adjacent to the river. An earthen berm had been deposited across the river and a channel appears to have been dug to divert the river around a dam into which stones were being mortared. Approximately 0.4 acres along the east bank of the river, including areas of apparent wetland soil, had been selectively cleared and completely grubbed around the remaining trees.

The owners’ property manager, Andrew Bessey, indicated work began several days ago. The Notice of Violation/Stop Work issued on site and given to Mr. Bessey itemized the following steps to be taken immediately to stabilize the site:

- Remove all machinery and equipment from the area that has been disturbed,
- Install silt fencing and/or similar erosion controls along the river bank to prevent sediment inputs to the river from the disturbed areas, and
- Stabilize the disturbed areas with hydroseeding or manually-sown seed and mulch.

Cease and Correct Order #2019-019 was issued to the property owners via certified and regular mail on November 20th.

This is an extremely serious violation with direct adverse wetland and watercourse impacts. Staff recommends a municipal fine(s) be issued to the property owners and/or to Corona Masonry Work, LLC of Norwalk CT, which is the name of the contractor that appears on a backhoe and dump truck that were present on site.

CT DEEP Dam Safety and Water Diversion Divisions were contacted. Dam Safety came to the site and will be making a jurisdictional determination.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency. He concurred this is a serious situation and all efforts to minimize the damage will be made.

Eric Brower, AICP, also appeared before the agency. Ms. Sesto forewarned repairing the dam may not be the best course of action. Dam removal and repair of the watercourse will be considered.

Jo Rogers made a motion to uphold the cease and correct order as proposed by staff, with the modification the submission deadline be revised to January 24, 2020, seconded by Stephan Skoufalos, and carried 7-0-0.

The agency returned to pending applications.

**Pending 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)
Stephan Skoufalos began by suggesting the discussion of the application be held during the next meeting given the complexity of the record and the late hour. Ms. Sesto suggested a special meeting to discuss the application. She could then review the record to follow up on open questions for the next meeting. There was consensus to this approach.

Peter Linderoth expressed concern with William Kenny’s sweeping comments stating all rain gardens flood. Mr. Linderoth drew the distinction that filling up with runoff as designed is a significant difference than being inundated by flood waters. He would have liked to have had examples of garages that flood with no impact.

Stephan Skoufalos questioned the fundamental methodology associated with the hydrology and hydraulic reports. Our experts were okay with the reports, so does that create a conflict for us or are we looking at other aspects of the reports’ conclusions? He encouraged members to think hard about the weight of evidence in the record. What is the impact to the watercourse as a result of the development and stormwater management features being inundated? Is there evidence of impact, and if yes, is it adverse? Mr. Skoufalos emphasized the burden of proof belongs to the applicant. Our charge is identifying wetland and watercourse impacts. The applicant admitted the flooding would cause impacts and wanted the agency to agree the impacts were acceptable.

Mr. Skoufalos guided members to also consider completeness. The applicant’s agents only provided oral representation regarding how risk of pollution from the inundated garages would be handled. Joseph Rogers questioned if the agency could structure a permit to demand compliance with pollution safeguards. Mr. Skoufalos concurred, requiring a third-party management company oversee moving cars and storage of hazardous material is better, but protection of the resources still falls to human nature, which tend to come up short.

Joseph Rogers questioned why the flooding condition on-site could not be improved upon when the state rebuilds the adjacent section of East Putnam Avenue. Members responded that in order to alleviate flooding on this site, properties down stream would then bear the burden.

Bill Galvin shared he is troubled by the suggestion by the applicant that because this site is part of a 5.8 sq. mi. watershed, any pollution generated by the site should not be scrutinized to the same level as one would evaluate development adjacent to a watercourse with a small watershed. He reflected back on the proposition that the solution to pollution is dilution.

Peter Linderoth responded he was not in agreement that just because this project comprises a small portion of the overall watershed, it is too small to matter.

Stephan Skoufalos cited the lack of a sewer installation plan as an indictor of an incomplete application. The oral description provided by Mr. D’Andrea, with a recommendation to make submission of such a plan a condition of approval, was not acceptable.

Norma Kerlin questioned whether or not is was normal to have such an extreme flood preparedness plan. Neither staff or other agency members could recall such a need. Ms. Sesto added her view that the need for such an extreme and stringent plan is a red flag in and of itself. She expressed her
doubts such a stringent plan would be enforced for the life of the housing development. With staff and agency turnover, the knowledge of this requirement would be lost over time.

Ms. Sesto continued by stating the applicant gave too little attention to the matter of flooding and referred members to section 10.2 and 10.3 of the regulations. Providing alternatives is necessary for the agency to meet its statutory obligation. The applicant’s agents dismissed this. Unless the agency can conclude the proposal has no impact, they have to be able to make the finding that no feasible and prudent alternatives with a lesser impact exist.

Alan Rossi questioned the use of older hydrology modeling with coefficients that do not reflect variable types of storms and the predicted storm characteristics associated with climate change. The application lacks sensitivity to these issues and alternatives to address them are needed.

Bill Galvin referenced the prospect of 8-30(g) development and its power to override local land-use regulations, as suggested by John Tesei. What is the applicability of that statute to this agency? It was confirmed CGS 8-30(g) does not supersede the Inland Wetlands and Watercourses Act.

Stephan Skoufalos requested guidance on the point by the applicant that the new development would be better than having three septic systems in the floodplain even though there is no evidence of failure. Ms. Sesto voiced her thinking the agency should be comfortable with the development proposal itself before considering mitigation which would improve upon existing conditions. Further, the applicant did not identify what impacts the inundation of the septic systems were bringing to the watercourse, so it is difficult to conclude which is better, existing or proposed.

**VIII. Other Business**

**IX. Adjourn**

With no further business, the meeting adjourned at 12:38 p.m.

Patricia Sesto
Director