

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
November 27, 2017**

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

Alternates present: Klaus Jander, Peter Linderoth, and Alan Rossi

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

Others present: Jim McManus, Redniss & Mead; Larry Liebman and Katie Weatherseed, S.E. Minor & Co., Inc.; Tom Heagney, Heagney, Lennon, & Slane, LLC; Bill Kenny, William Kenny Associates, LLC; Peter Finkbeiner and Bryan Muller, Sound View Engineers & Land Surveyors LLC; Richard Windels, Northeast Pond Restoration Services; Thomas Ahneman, Ahneman Kirby, LLC; Jim McTigue, Joseph F. Risoli, P.E. LLC; Chuck Willett, Brooks and Falotico Assoc.; and Ogden and Ranie Hammond

1. Call to Order

Chairman Brian Harris called the meeting to order at 7:07 p.m.

2. Seating of alternates

No alternates were seated.

3. Approval of draft minutes of October 23, 2017

Jo Rogers made a motion to approve the minutes of October 23, 2017, seconded by Bill Galvin, and carried 7-0-0.

4. Review and approval of 2018 IWWA Public Meeting Schedule

Brian Harris made a motion to approve the 2018 IWWA Public Meeting Schedule as proposed, seconded by Bill Galvin, and carried 7-0-0.

5. Director's Report

a. Monthly Summary

Patricia Sesto reviewed her report, describing the permit process audit for the land use departments being conducted by the First Selectman's office. She also noted there have been several conferences this fall attended by technical staff.

6. Other business

a. Review FY19 Budget

Ms. Sesto reviewed the elements of the proposed budget, noting contractual increases associated with salaries required trimming of other line items. Despite this, no loss in service is anticipated.

Chairman Harris made a motion to approve the FY19 Budget with a 2% increase, seconded by Stephan Skoufalos, and carried 7-0-0.

I. Public Hearings

1. #2017-150 – 201 Clapboard Ridge Road – Sound View Engineers & Land Surveyors, LLC for Hawthorne Development III LLC for demolition of the existing residence and construction of a single family residence, septic, pool, patio, drainage, grading, landscaping, and driveway modifications 0' from wetlands. Tax #10-1608 (first 65 days 12/27/17)

Patricia Sesto read the list of documents into the record and provided an overview of the property. This property was before the agency last month in connection with remediation of arsenic from the long standing use of the property as a plant nursery. This application is for residential redevelopment, including grading, construction, and restoration activities in regulated areas.

She then reviewed her staff report, which sought additional information to bring the application into compliance with the regulations and clarification of other matters, and the responses from the applicant as presented in their November 27, 2017 correspondence. Sesto emphasized the need for applicants to consider updating wetland protection as part of the overall site restoration. This project includes many favorable elements for wetland restoration, however more can be done to separate the residential lawn from the wetland boundary. Likewise, the town's drainage manual sets minimum standards that applicants should seek to exceed when possible, such as in this case with the residential teardown exemption.

Tom Heagney, Lennon, & Slane, LLC, addressed the agency, noting this is a substantially impacted site from the nursery operations. The proposed project includes many substantive

measures to improve the wetlands and protect them from future impacts. Additionally, the plan has been modified in response to a meeting with the agency's director and her subsequent staff report.

The net gains associated with the redevelopment include increasing the acreage of naturally vegetated land from 1.3 acres to 3 acres; reducing impervious coverage from 1.2 acres to 0.5; and providing a buffer adjacent to the wetland with a retaining wall and "curb" to promote infiltration. This is a large, 5.3-acre site, which by zoning standards would allow for a 21,000 s.f. home. A 7,200 s.f. home is being proposed.

William Kenny of William Kenny Associates, LLC spoke in greater detail regarding the past development and its impacts, and reiterated the improvements this proposal includes. In addition to the residential landscape directly associated with the house, there are two remote residential areas to the rear of the property. The old nursery road will be removed and restored, and an averaged 10-foot buffer to the wetlands is provided. The lawn will be delineated by a low retaining wall with a curb or lip several inches above the lawn. This will cause surface flow to infiltrate rather than run over land to the wetland. The retaining wall will be dry laid and clay-dominated soil will be placed against the upland side of the wall to thwart flow through the wall and increase the residence time of the runoff in the soil. The development also includes a new septic system, with the old, undefined system to be abandoned.

Mr. Kenny described the various design parameters which influenced the site plan. Building setbacks, avoiding excessive disturbance, wetlands, utilizing previously built on areas, and the septic system setbacks all contributed to the house location and size. The pool is of a common size and is located close to the house. The extent of lawn is offset by the other improvements to the site.

Stephan Skoufalos questioned what other alternatives were considered which afforded a larger buffer between the residential development and the wetland. Mr. Heagney responded this revised plan shows a buffer larger than what was originally proposed. The two remote lawned, recreational areas have a 25-foot separating distance to the adjacent wetlands. Overall, the plan provides 1.8 acres of lawn on this 5.3-acre site.

Patricia Sesto questioned the lawn adjacent to the offsite watercourse and what was being done to protect this resource. Mr. Kenny offered to revise the grading to have it pitch away from the watercourse and Bryan Muller, P.E., Sound View Engineers & Land Surveyors LLC, described the various measures taken to sustain groundwater levels.

Elliot Benton described his concern as a philosophical issue, questioning if the property didn't have the history of disturbance, would a 10-foot buffer to protect the wetland be acceptable. He stated he does not believe it would be. However, the past disturbance and proposed restoration counts for something. So the question is then, how much restoration is appropriate. The 10-foot buffer is too little and the efficacy of the wall was debated, along with the grading shown in proximity to the eastern property line.

Mr. Muller described the wall as being comprised of boulders, which conflicts with the description presented by Mr. Kenny.

Bill Galvin continued to question the narrow buffer. Atty. Heagney stated that since there is no impact to the wetlands, no alternatives need to be presented. Discussion ensued regarding the value buffers for protecting wetlands. Mr. Elliott declared the proposed limit of lawn, which is only 5 feet in some places, is too narrow. Sesto pursued the rationale for the lawn dimensions, focusing on the expanse of lawn north of the leaching fields. Atty. Heagney stated the applicant desires the areas for recreation, but could not offer any specific needs to justify the dimensions.

Chairman Harris called for public comment. None was heard.

The public hearing was continued to the next meeting.

II. Pending Applications

- 1. #2017-116 – 30 Vineyard Lane – S.E. Minor & Co., Inc. for Regina Kudoyarova for construction of retaining wall 7’ from wetlands. Tax #10-3613 (second 65 days 1/5/18)**

At the applicant’s agent’s request, discussion of the application was continued to the next meeting.

- 2. #2017-135 – 45 Burying Hill Road – Ahneman Kirby for Matthew Mitchell, for construction of a single family residence, demolition of two existing ancillary structures, drainage, grading and landscaping 35’ from wetlands. Tax #10-2016 (second 65 days 1/5/18)**

Patricia Sesto provided an overview of the property and proposal. This is a property with an antique home and barn, and has been used for horses. The paddocks are still in place and subtle grades within the paddocks speak to the longevity of the use. The intent is to keep the house and barn and add a new primary residence. The site contains part of Topping Pond which discharges to an outlet stream that flows through the wooded wetland that is crosses into the east side of the site.

Ms. Sesto reviewed her supplemental staff report and the changes to the plans that resulted from the first report. The leaching fields and Cultec units have been relocated away from the wetland and are in proposed lawned areas north of the house. A restoration plan for lawn adjacent to the easternmost section of wetland is now proposed, although there is a discrepancy between the Site Development Plan and the plan provided by JMM Wetland Consulting Services, LLC. The paddock areas will be regraded, which is warranted. The aerial extent of grading is close to an acre and an additional line of silt fence needs to be installed to bisect the area once grading is complete. Provided her outstanding questions and those of the agency are addressed, an approval is recommended.

Norma Kerlin, Alan Rossi, and Jo Rogers were identified as having visited the site.

Tom Ahneman, P.E. of Ahneman Kirby, LLC provided additional descriptions of the property and project. The 8-acre site contains 3 acres of open water and the remainder was developed as a farm in the 1930’s. Mr. Ahneman reviewed the various factors driving the project design

and the exceedances the LID plan contains. They will exceed the required treatment volume by 54%, storage by 24%, and will provide 93% TSS removal, 8% more than minimally required.

Mr. Ahneman fielded clarifying questions from the members and stated he previously received the supplemental staff report and has no objections. Ms. Sesto suggested the second proposed special condition be revised to specifically state the revised plan shall also include a 15-foot deep meadow buffer on the west side of the wetland, below the Cultec units.

Brian Harris made a motion to approve IWWA#2017-135 with the conditions proposed by staff, as modified, seconded by Bill Galvin, and carried 7-0-0.

New Applications for Review

1. #2017-146 – 34 Copper Beech Road – Northeast Pond Restoration Services for Mark & Beth Neuman for dredging a pond. Tax #11-2411 (first 65 days 12/26/17)

Bob Clausi described the residential property and its pond, which has nearly filled in. The proposal is to remove 100 cy of sediment via suction dredging. Originally, no buffer around the restored pond was proposed, thus an averaged 15-foot deep buffer is being recommended around 75% of the pond's perimeter. The recently submitted supplemental plans do not sufficiently reflect this requirement, which the staff report did not anticipate. The two newly submitted plans were distributed.

Richard Windels, North East Pond Restoration Services, described the pond's history. It was created some 60 years ago and the last time it was dredged was 31 years ago. The pond is nearly dead. Invasive plants have already been removed from the perimeter and within the pond, and only a few more need to go. The dredging will be completed by hand using a "trash pump." The pond is too small and shallow to float Mr. Windels' normal boat. The process suctioning and handling the excavated material was described. The purpose of working the sediment is to aerate it and make it suitable for spreading. Soil testing confirmed the sediment is suitable for residential use.

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

Brian Harris made a motion to approve the application with a variation of the plan labeled "ultra conservative" to be submitted in accordance with staff recommendations, standard conditions, and the other special conditions proposed by staff, seconded by Elliot Benton, and carried, 7-0-0.

2. #2017-149 – 65 Rockwood Lane – Joseph F. Risoli, P.E. for Sekou & Jennifer Kaalund for construction of a septic system 20' from wetlands. Tax #11-1577 (first 65 days 12/26/17)

Bob Clausi described the project, stating the most important component is the existing leaching field is only 25 feet from the watercourse and the new leaching field will be 60 feet. The force main to connect to the field has to go under a small stream and this should be readily handled during low flows. The neighbor to the south has consented to allow access via their property, obviating the need for equipment to cross the watercourse. Three trees will need to be removed to accommodate the fields. Mr. Clausi recommended the agency approve the application.

Jim McTigue of Joseph F. Risoli Engineering had no objections to the staff summary and recommendations.

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

3. #2017-151 – 190 Sheephill Road – S.E. Minor & Co., Inc. for 190 Sheephill LLC for construction of a dock on the Mianus Pond. Tax #12-2037/S (first 65 days 12/26/17)

Bob Clausi described the proposal for a floating dock and the need to access the dock via a staircase, which will be on the town land that abuts the Mianus Pond. A license for these structures has been issued by the First Selectman. Consistent with the dock guidelines, a 10-foot buffer is accommodated at the pond's edge and consists of invasive species management and plantings. Mr. Clausi suggested the size of the flowering dogwoods be increased to the next level. The CT DEEP Natural Resource Diversity Database includes the subject property in the area identified as having diamondback terrapins. The terrapins are not a freshwater species and would be limited to the area below the dam.

Mr. Clausi recommended the application be approved.

Katie Weatherseed of S.E. Minor & Co., Inc. represented the applicant, stating there are no objections to the staff report.

Stephan Skoufalos made a motion to approve the application with the standard conditions and special conditions as proposed by staff, second by Bill Galvin, and carried 7-0-0.

4. #2017-152 – 25 Buckfield Lane – S.E. Minor & Co., Inc. for Smokey Hill LLC for a two lot subdivision, demolition of existing structures, and construction of two single family residences and associated site improvements 73' from wetlands. Tax #10-1610 (first 65 days 12/26/17)

Bob Clausi provided a description of the proposed two-lot subdivision. The wetlands are located in the far northeast corner and are contained within the proposed open space. Excepting a portion of the stormwater management plan, all work is outside of the upland review area.

Mr. Clausi recommends a conceptual approval be granted for the subdivision and a permit be issued for the easterly lot, with conditions. The debris pile outside of the open space area is called out to be cleaned up prior to filing the subdivision map.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency and stated the debris is already scheduled for cleanup in December. He offered no other comments.

Brian Harris questioned the efficacy of the P&Z-required monuments to deter future dumping in the restricted area. Larry Liebman suggested the proximity of the new house, in addition to the open space agreement and marble monuments should be sufficient to deter this practice. Mr. Harris expressed his doubts and proposed the monuments be supplemented with a split rail fence to define the restricted area.

Bill Galvin made a motion to issue a conceptual approval for IWWA application #2017-152 for the two-lot subdivision with Special Conditions and issue a Permit on Lot 2 with Standard Conditions and Special Conditions as proposed by staff and to include the requirement of a fence to delineate the limits of the open space, second by Jay Schondorf, and carried 7-0-0.

V. Applications To Be Received

Chairman Brian Harris made a motion to receive the eighteen applications listed on the agenda, seconded by Jay Schondorf, and carried 7-0-0.

- 1. #2017-153 – 21 Mountain Wood Drive – Rocco V. D’Andrea, Inc. for Jonas and Cari Grossman for construction of two residential additions and related stormwater system 25’ from wetlands. Tax #10-3216 (first 65 days 1/31/18)**
- 2. #2017-154 – 82 Buckfield Lane – MTM Construction Group for Michael Grunberg for installation of a wooden fence in wetlands. Tax #10-1741 (first 65 days 1/31/18)**
- 3. #2017-155 – 92 Orchard Street – Rocco V. D’Andrea, Inc. for Greenwich Reform Synagogue, Inc. for replacement of a stormdrain 0’ from wetlands. Tax #08/2745/s (first 65 days 1/31/18)**
- 4. #2017-156 – 33 Twin Lakes Lane – Rocco V. D’Andrea, Inc. for Barry and Helena Parkin for demolition of existing dwelling and construction of a single-family residence with associated site improvements 5’ from wetlands. Tax #05-2680 (first 65 days 1/31/18)**
- 5. #2017-158 – 100 Sawmill Lane – S.E. Minor & Co., Inc. for Gerardo and Silvia Mato for construction of a detached garage 87’ from wetlands. Tax #11-2151 (first 65 days 1/31/18)**
- 6. #2017-159 – 9 Jeffrey Road – Land Pools, Inc. for Paul Ruh for construction of in-ground swimming pool 90’ from wetlands. Tax #08-3878 (first 65 days 1/31/18)**

7. **#2017-160 – 30 Sherwood Avenue – Elena Gryadovkina for replanting trees adjacent to wetlands. Tax #10-1842 (first 65 days 1/31/18)**
8. **#2017-161 – 36 West Brother Drive – Janine and David Braun for replanted trees adjacent to a watercourse. Tax #01-1352 (first 65 days 1/31/18)**
9. **#2017-162 – 210 Sheephill Road – S.E. Minor & Co., Inc. for DDZI Greenwich, LLC for construction of a dock on Mianus Pond. Tax #12-2043 (first 65 days 1/31/18)**
10. **#2017-163 – 39 Aiken Road – S.E. Minor & Co., Inc. for Anthony William Ruggiero for a two-lot subdivision. Tax #10-2642 (first 65 days 1/31/18)**
11. **#2017-164 – 11 Hillside Road – S.E. Minor & Co., Inc. for George & Ashley Cole for construction of a residential addition, driveway, terrace, porch, drainage and septic improvements 7' from wetlands. Tax #07-1094 (first 65 days 1/31/18)**
12. **#2017-165 – 28 Turner Drive – S.E. Minor & Co., Inc. for Turner Drive, LLC for construction of a single family residence, driveway, garage, pool, pool patio, drainage, and septic system 28' from wetlands. Tax #07-2786 (first 65 days 1/31/18)**
13. **#2017-166 – 570 North Street – Sound View Engineers & Land Surveyors, LLC for Martina Russell for construction of a single family residence, driveway, pool, barn, drainage, & septic system 28' from wetlands. Tax #11-3254 (first 65 days 1/31/18)**
14. **#2017-167 – 493 North Street – Sound View Engineers & Land Surveyors, LLC for One Point Street, Inc. for construction of a single family residence, driveway, drainage, and septic system 62' from wetlands. Tax #11-3249 (first 65 days 1/31/18)**
15. **#2017-168 – 19 Doubling Road – Rocco V. D'Andrea, Inc. for Greenwich Country Club for removal of trees and creation of meadow habitat in wetlands. Tax #11-1137/S (first 65 days 1/31/18)**
16. **#2017-169 – 9 Cornelia Drive – Rocco V. D'Andrea, Inc. for SBP Cornelia, LLC for demolition of existing dwelling and construction of a single family residence, pool, grading, and landscaping 10' from wetlands. Tax #11-1905 (first 65 days 1/31/18)**
17. **#2017-170 – 0 Hemlock Drive – Rocco V. D'Andrea, Inc. for Frank Cortese for construction of a single family residence, driveway, pool, drainage, and landscaping 27' from wetlands. Tax #07-2217/S (first 65 days 1/31/18)**
18. **#2017-171 – 45 West Brother Drive – Rocco V. D'Andrea, Inc. for Stephen P. Phillips for demolition of existing dwelling and construction of a single family residence, drainage, and landscaping 0' from wetlands. Tax #01-1230/S (first 65 days 1/31/18)**

VI. Agent Approvals

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

1. **#2017-142 – 13 Webb Avenue – Allen and Rebecca Vetrosky for construction of a residential addition 50’ from wetlands. Tax #06-1856**
2. **#2017-143 – 39 John Street – Phyllis Roitsch for replacing a failing septic system 70’ from wetlands. Tax #10-1674**
3. **#2017-144 – 1 Alpha Drive - IJ Acquisition, LLC – for demolition of a house and driveway 75’ from wetlands. Tax #11-2643**
4. **#2017-145 – 16 Alpha Drive – 16J Acquisition LLC – for demolition of a house and driveway 90’ from wetlands. Tax #11-2748**
5. **#2017-157 – 31 Pheasant Street – Christopher and Jennifer Long – for construction of an addition and renovation of the existing dwelling 80’ from a wetland. Tax #05-2647/S**

There were no questions or comments.

VII. Violations

1. **Cease and Correct Order #2017-18 – for Angelo and Joan Cate Genkerell – 22 The Avenue. Unauthorized clearing of small trees and understory vegetation along banks of pond. Tax #11-1428**

Doreen Carroll-Andrews stated the deadline for submission of a corrective action application, as issued by town counsel, is past due. Atty. Wetmore will pursue an injunction pursuant to the agency’s previous directive.

2. **Cease and Correct Order #2017-19 – for Eric and Barbara Reinken – 101 Bowman Drive. Unauthorized clearing of trees and construction of masonry stairs and a deck adjacent to wetland and watercourse areas. Tax #10-2691**

Doreen Carroll-Andrews read the list of documents into the record and described the violation as consisting of unauthorized clearing of trees adjacent to wetland and watercourse areas and unauthorized construction of masonry stairs and a deck adjacent to wetland and watercourse areas. A Stop Work Order was issued November 1, 2017.

Staff recommends the agency maintain Cease & Correct Order #2017-20. Staff further recommends a Certificate of Violation be filed on the Land Records if an application to correct the violation is not received by a deadline of December 15, 2017.

Brian Harris made a motion to uphold the cease and correct order, with the requirement to submit a corrective action application by December 15, 2017, seconded by Jo Rogers, and carried 7-0-0.

3. Cease and Correct Order #2017-20 – For Ogden and Ranie Hammond and Hickory Homes & Properties, Inc. – 11 Hycliff Road. Unauthorized installation of a retaining wall and ground disturbance within a wetland buffer. Tax #10-2192

Patricia Sesto described the violation as unauthorized installation of a fill, soil stock piles and construction of an elevated patio within wetland buffers. A green sheet had been issued on a plan that showed no work within regulated areas. The work on-site exceeds the scope of what was depicted.

Eleven Hycliff Road is flanked by wetland systems to the east and west. There is also a watercourse running in a “U” shape along the southern portion of the parcel. Upon site inspection staff found that much of the yard south, east, and west of the house had been disturbed and was unstable. A new retaining wall was installed around the southern portion of the house for a raised patio.

Bryan Muller of Sound View Engineers and Land Surveyors, LLC appeared before the Agency on behalf of the property owners, Ogden and Ranie Hammond and stated it is his clients’ intent to submit a corrective action application by the December deadline.

Brian Harris asked if a fine was warranted and if yes, should this be issued to the homeowner or contractor. Ms. Sesto supported a fine, given green sheets had been issued for specific plans which were disregarded and urged the agency not to wade into trying to determine which entity should be fined. The fine can be issued to both and let the affected parties decide who pays. Mr. Muller countered stating the original contractor has since been fired. Chairman Harris will consult with staff.

Staff recommends that the Agency maintain Cease & Correct Order #2017-20.

Brian Harris made a motion to uphold the cease and correct order, with a required submission of a corrective action application by December 15, 2017, seconded by Jo Rogers, and carried 7-0-0.

4. Cease and Correct Order #2017-21 – For Guru and Anupama Ramakrishnan – 31 Hycliff Road. Unauthorized removal of vegetation within a wetland buffer. Tax #10-2363

Doreen Carroll-Andrews read the list of documents into the record and described the violation as unauthorized removal of vegetation within a wetland buffer. Areas along the driveway are now void of vegetation, in stark contrast to the past condition as documented by photographs.

Staff recommends that the agency maintain Cease & Correct Order #2017-21. Staff further recommends a Certificate of Violation be filed on the Land Records if an application to correct the violation is not received by a deadline of December 15, 2017.

Brian Harris made a motion to uphold the cease and correct order, with a required submission of a corrective action application by December 15, 2017, seconded by Bill Galvin, and carried 7-0-0.

5. Updates

Doreen Carroll-Andrews provided status reports for the following.

- a. Cease & Correct Order 2015-05 - Peter Bria - 21 Walker Court: Order to remove shed over a watercourse
 - The legal department issued a letter with a 30-day deadline for compliance, which was not heeded. Atty. Wetmore has been asked to seek an injunction to gain compliance.
- b. Cease & Correct Order #2017-11 - Adam Stobsky - 99 Sterling Road: Order to submit a corrective action application
 - The deadline to submit a corrective action application has passed and there is no indication the property owner is attempting to comply with the agency's directives. The legal department has been requested to secure an injunction consistent with the agency's prior directive.
- c. Cease & Correct Order #2017-02 – Paula Katz - 21 Birch Lane: Order to restore a wetland and buffer and install demarcation feature
 - Progress has been made. The remainder of the plants are scheduled to be planted by December 1, 2017. A portion of the bond has been posted and Ms. Katz has committed to making monthly installments over the next several months.
- d. Cease & Correct Order #2016-10 – Li Ning and Yuan Gao - 471 Stanwich Road: Order to remove fill and restore wetland buffer
 - The violation was partially corrected, but has stalled. Pursuant to directives of the town attorney, the property owners have until Dec. 13, 2017 to finish. If this should not occur, town counsel will be asked to secure an injunction.

VIII. Other Business

The agency discussed no other business

III. Adjourn

With no further business, the meeting adjourned at 9:30 p.m.

Patricia Sesto
Director