DRAFT MINUTES
DECEMBER 13, 2021

In attendance: Brian Harris, Chairman, Jay Schondorf, Secretary, Bill Galvin, Norma Kerlin, Peter Linderoth

Also in attendance: Patricia Sesto, Director; Robert Clausi, Senior Wetlands Analyst; Doreen Carrol Andrews, Compliance Officer; Sarah Coccaro, Natural Resource Manager, Tom Heagney, Heagney, Lennon & Slane, LLP; Anthony D’Andrea, Rocco V. D’Andrea, Inc.; Robert Zmarzlak and Aiden McCann, Sound View Engineers & Land Surveyors, Matthew Popp, Environmental Land Solutions; Larry Liebman and Hayley DeMarchis, S.E. Minor & Co.; LLC; Sonal Rinello, Bob Tucker, Brittany Baity, David Chass, David Solarz, Geoffrey Cross, Jackson Shaw, Kristen Lodato, Patrick Ready, Tome Tomaj

1. Call to Order

   Brian Harris called the meeting to order at 7:03 pm.

2. Seating of alternates

   No alternates were seated.

3. Review and approval of minutes

   Bill Galvin noted his name was wrongfully not included in the list of attendees for the November 22, 2021 meeting.

   Bill Galvin made a motion to approve the November 22, 2021 minutes, as corrected. The motion was seconded by Peter Linderoth and carried, 5-0-0.

4. Director’s Report

   No report.

5. Quarterly Report

   Doreen Carrol Andrews reviewed the activity of the agency for the fourth quarter and year end tallies. Bill Galvin inquired as to why the level of bond releases was about 50% of the previous year. Ms. Carroll...
Andrews stated permittees are having a difficult time completing paper requirements, such as as-builts, due to the work load of their consultants.

6. Other business

a. Fee Schedule review

Brian Harris began the review of the fee schedule. Patricia Sesto noted changes in the statutes provided automatic permit extensions to certain types of permits that were valid as of 2011. This has the potential to impact revenues, but it is unclear by how much. The task to identify which permits this law could affect is too laborious to undertake.

Ms. Sesto indicated the incentive to review the fee schedule stems from a growing need on the part of the Agency to hire consultants to assess submitted documentation the Agency is questioning or otherwise develop a more complete record. The ability to charge the applicant for the Agency’s consultant is already part of the fee schedule, it just has not been used. Discussion ensued regarding who should be paying for this review; the Agency, applicant, or some combination.

The Agency has a line item for consultants that Ms. Sesto stated was approximately $30,000. A motion was made by Bill Galvin to increase this to $50,000 for FY21-22, seconded by Jay Schondorf and carried.

Members chose to continue the discussion of if or how to incorporate an applicant contribution to a special meeting with a date to be determined.

b. As of Right determination

#2021-174 – 30 Bedford Road – S.E. Minor & Company, Inc. for 52 Locust Road, LLC – Installation of farm road and removal of trees in and adjacent to wetlands. Tax #10-1797.

Ms. Sesto explained this is a request to determine an expansion of a farm road and agricultural uses fall under Section 4 of the regulations. Such a determination has been made for the farm previously.

Brian Harris made a motion classifying IWWA#2021-174 as a permitted activity under section o4 of the regulations, seconded by Jay Schondorf and carried 5-0-0.

Public Hearing

1. #2021-132 – 1143 East Putnam Avenue – Heagney, Lennon & Slane, LLP for Frank Curran, Jr. – Construction of multi-family residence, driveway, and stormwater management system 3’ from wetlands. (Final 65 days 2/2/22) Tax #12-2690/s. BC
Robert Clausi described the newly submitted materials. The support pillars have been moved away from the encased watercourse, the peak volumes of runoff are not controlled, but peak rate of runoff is. He questioned if the building were made smaller, could both peak rate and peak volume be brought into compliance with the drainage manual. It was not clear if the capacity of the 24” RCP and its ability to pass various storm events took into account the efficiencies that will be lost when the new discharge from the development is added to the pipe, nor was it clear the pipe was capable of passing flash floods. A shade study was submitted and shows vegetation north and east will be notably shaded throughout the year. Mr. Clausi opined the nature of the vegetation north of the building is especially tolerant of stressful conditions and will not be impacted. The vegetation in the wetland to the east will be.

Tom Heagney, Heagney, Lennon & Slane, LLP, provided a summary of the application and changes.

Anthony D’Andrea, PE, D’Andrea Surveying & Engineering, P.C., reviewed the various engineering changes. Pervious pavement on the access road has been removed. Runoff will be directed to the covered parking which pitches to drain east and west to areas of pervious pavers. Catch basins will be fitted with “Ultra Urban” inserts.

Mr. D’Andrea describes the elevations of the culvert and site to make the point the proposed parking lot will not flood. He cited Tropical Storm Ida as evidence of this. The site itself is a historically filled part of the adjacent wetland, which has a 15 acre watershed. This property is a very small fraction of that area. Because the site is a filled wetland, the site cannot meet the drainage manual standard for infiltrating into natural soil.

In response to staff questions, Mr. D’Andrea stated a smaller building would not enable them to meet the drainage standards. The underlying soil is poor, and the site has been heavily disturbed. Routine maintenance will be needed for the system to function properly.

Matthew Popp, LA, PWS, Environmental Land Solutions, addressed the agency. Mr. Popp reviewed the sun/shade analysis. The 60-foot tall building will shade vegetation to the north and east. Depending on the time of year the shading will cast shade up to 155 feet into the wetland. During the growing season the shadow will be less, but still impactful. Brian Harris questioned the trees in the first 10-20 feet of the wetland which will be in shade year round. Mr. Popp agreed this area will be shaded and those trees, mostly Norway maples, will die off. He noted Norway maples are non-native invasive species and new saplings will grow. Discussion ensued regarding a plan that will knowingly kill trees owned by others, will reduce vegetative cover in the wetland, and provide increased opportunities for detrimental colonization of even more aggressive non-native invasive species, such as Japanese knotweed.

Mr. Harris, identifying himself as a LEED certified, licensed architect, suggested the building take on a ziggurat configuration to alleviate the shading impact. The current configuration will cast
shadows 55 feet into the wetland during the growing season, impacting it through loss of vegetative cover. Loss of trees and other vegetation will impact the wetland’s ability to renovate stormwater, maintain stable soils, among other functional losses. It was the consensus of the Agency an outside consultant be contracted to evaluate the potential for impacts. Mr. Harris also acknowledged he visited the site.

Ms. Sesto questioned Mr. Popp on the realistic ability for the planting plan to thrive or even survive in the five-foot planting strip between the property line and building as proposed. The silhouette of the trees and shrubs will exceed this space allotment. Mr. Popp responded the vegetation will be able to grow out past the property line. Ms. Sesto challenged the notion that the survival of these plants depends on the neighboring property and observed plants on the east side of the building will never have sun and will not survive. Mr. Popp stated they will live even in full shade.

Bill Galvin requested detailed cross sections of the first 100 feet of the adjacent properties, including vegetation.

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. (Second 35 days 3/23/22) Tax #10-1320. PS

At the request of the applicant and with an extension granted, the review of this application was continued to the January meeting.

Brian Harris called for public comment. There was none.

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. (Final 65 days 3/2/22) Tax #10-3643 & #10-3642. BC

At the request of the applicant and with an extension granted, the review of this application was continued to the January meeting.

Brian Harris called for public comment. There was none.

4. #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. (First 35 days 1/17/22) Tax #10-2740. PS & SC
Sarah Coccaro read the elements of the application into the record and reviewed the staff report. The report focuses attention on the layout of the proposed development, alternatives related to the driveway width, intrusion into the wetland buffer by non-essential uses, the need for more details associated with geothermal wells, and the likelihood of a wetland along the eastern property boundary.

Jay Schondorf was identified as visiting the site.

Tom Heagney, Heagney, Lennon & Slane, LLP, introduced the project to build five residence in a conservation cluster. The allows the development to avoid the large, centrally located wetland. The homes will be served by septic systems and they are currently working with Aquarion Water Co. to see if they have the capacity to service the development. Mr. Heagney likened this development plan to that of “Chieftans” on the adjacent parcel.

Andrew White, PE, Tighe and Bond, LLC, reviewed various design elements of the plan, including driveway configurations. He committee to looking at using retaining walls and the 18-foot width. He dismissed the alternative that keeps a 12-foot wide travel way through the wetlands based on movement of the centerline that introduces a sinuosity that is unacceptable.

The stormwater management plan is in compliance with the stormwater manual. In order to achieve this, the roadway needed to be placed east of the homes, which also keeps road runoff out of the wetland. The houses cannot be shifted eastward and away from the wetland due to grade differentials.

Rick Canavan, soil scientist, PWS, Tighe and Bond, LLC, addressed the Agency. He spoke to the meadow management plan and the need for it to be more definitive. Some flexibility is needed to allow for the plan to adapt to conditions as they unfold. He recognized the goals of the staff recommendations to mow in late winter/early spring and cautioned the field may be too wet then. He instead suggested the field be mowed in the fall, but only ½ per year.

Brian Harris asked if the easement boundary will be marked, to which Mr. Canavan replied, “no,” adding the limit of lawn will be marked with flush Belgium blocks. Mr. Linderoth stated this was insufficient and urged the applicant to propose something with greater visibility.

Ms. Sesto questioned why trees are being cut at the periphery of the property and stated a wetland at the eastern property boundary is evident based on field conditions. Mr. Schondorf disputed the response from Mr. Heagney who stated any trees removed were dead. Following discussion of the stonewalls as property boundaries and concluding the eastern boundary is slightly offset from the stonewall, Ms. Sesto conveyed workers were rebuilding a wall that appears to be owned by the National Audubon Society and some of the tree cut appear to be owned by them, too.
Peter Linderoth asked for details regarding the ratio of native to non-native plants in the overall development plan.
Mr. Harris asked for public comment. There was none.

The hearing was continued to the January meeting of the Agency.

**Consent Approvals**

1. #2021-171 – 10 Pinecroft Road – Sound View Engineers and Land Surveyors, LLC for Richard Axilrod – Replacement of terrace and pool patio, modification of driveway, and installation of buffer plantings

2. #2021-162 – 84 Cognewaugh Road – Sunia Ho for David & Carolyn Hahn for replacement of a drainage pipe adjacent to wetlands. (First 65 days 1/26/22) Tax #08-3068/s. BC

Peter Linderoth made a motion to approve the applications listed for consent approval, seconded by Bill Galvin and carried 5-0-0.

Mr. Linderoth left the meeting.

**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. (First 65 days 12/1/21) Tax #11-2746. DCA

Jay Schondorf was identified as having inspected the property.

Doreen Carrol Andrews reviewed the contents of her staff report and the various activities that were in violation of the regulations and the new activities proposed. She is recommending, among other things, the plantings for the wetland buffer in the front of the house be expanded to coincide with the 94-foot contour.

Matthew Popp, Environmental Land Solutions, represented the applicant. There is a desire to keep the swale in the rear yard to divert overland flow around the yard and proposed pool. He will provide details on trees to be removed.

Phil Baity, applicant, addressed the Agency. He stated his reasons for opposing the recommendation to increase the wetland buffer. The front yard is somewhat small and if the recommendation were implemented, the yard would be reduced by half.
Brian Harris made a motion to approve IWWA 2021-142 with the normal general conditions and the special conditions proposed by staff with the expectation of the recommendation for an expanded buffer area, seconded by Bill Galvin and carried 4-0-0.

2. #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. (First 65 days 12/29/21) Tax #10-1860. BC

Robert Clausi provided background on the history of the wetland boundary. This project is for small additions and will not affect the wetland.

Larry Liebman, S.E. Minor & Co., spoke to the Agency, noting agreement with the staff recommendations and consented to have the leaching fields protected with steel plates.

Bill Galvin made a motion to approve IWWA 2021-150 with the normal general conditions and the special conditions proposed by staff, seconded by Jay Schondorf and carried 4-0-0.


Robert Clausi identified the six main issues identified at the last meeting. No new information was submitted.

Larry Liebman, S.E. Minor & Co., on behalf of the applicant requested discussion of the application be continued to the next meeting.

New Applications for Review

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. (First 65 days 1/26/22) Tax #11-2548. DCA

Doreen Carrol Andrews introduced the application to correct the violation. The reasoning for the work was not provided. However, the planting plan is good, and boulders are needed to mark the limit of lawn.

Hayler DeMarchis, S.E. Minor & Co., affirmed her agreement with the staff report.

Jay Schondorf made a motion to issue an order to correct per staff recommendation, seconded by Bill Galvin and carried 4-0-0.
2. #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. (First 65 days 1/26/22) Tax #05-2669/s. BC

Robert Clausi described the project, noting the pool conflicts with drainage galleries previously installed but not depicted on the current site plan. The proposed retaining wall will serve to enlarge the residential envelope however, no mitigation is proposed. While not identified on a FEMA map, this area is known to flood. This is sufficient reason to pull the wall back and increase the separating distance to the brook.

Robert Zmarzlak, Soundview Engineering, responded by stating he will look into the galleries, pull the retaining wall back five to six feet, and provide mitigation.

3. #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. (First 65 days 1/26/22) Tax #10-2214. BC

Jay Schondorf visited the site.

Robert Clausi praised the intent of the project and noted it lacks detail, some of which has been clarified in a letter from Larry Liebman, S.E. Minor & Co., dated December 6, 2021. Some of the landscaping debris in the wetland is attributable to neighbors. The intent is to remove the debris by hand and utilize pallets to traverse the wetland. The proposed path should not be created with woodchips; the wetland is too wet, and the chips will need constant replenishment. Mr. Clausi recommended a boardwalk.

The proposal to install enhancement planting needs detail. Mr. Clausi questioned why the proposed perimeter privacy fence is needed along the property boundary shared with open space. There would be no privacy concerns to address and the fence would impede wildlife movement.

Lastly, Mr. Clausi spoke to the sunken trampoline. It appears the trampoline is in a filled wetland; fill that was likely placed many years ago to develop the original leaching fields.

Larry Liebman, S.E. Minor & Co., on behalf of the applicant committed to provide the additional information.

4. #2021-168 – 28 Montgomery Lane - S.E. Minor & Company, Inc. for Randy Mauldsby 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. (First 65 days 1/26/22) Tax #08-3805. BC

Jay Schondorf visited the site.
Robert Clausi described the property, noting the topographic conditions attributed to the ledge and wetlands. The development plan calls for intrusion into the ledge hillside and the construction of a retaining wall out along the wetland boundary. He noted alternatives were not submitted with the application. The review by DPW is nearly complete and does not include any issues of concern to the Agency.

Larry Liebman, S.E. Minor & Co., on behalf of the applicant, stated the issues raised will be addressed. Ms. Sesto asked why the driveway is being proposed on the side of the house with extensive ledge rather than taking advantage of the existing driveway location. Mr. Liebman will consider this alternative and respond at the next meeting.

5. #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. (First 65 days 1/26/22) Tax #10-2556. BC

Robert Clausi described the plan to construct a pool. The original pool location interfered with drainage structures and required too many trees be cut. A revised plan requires only four trees be cut. The mitigation plan is strong; including streambank stabilization that is needed. The rain garden still has some open issues that can be addressed as a condition of approval.

Matthew Popp, LA, PWS, Environmental Land Solutions, appeared on behalf of the applicant and stated his concurrence with the staff report.

Bill Galvin made a motion to approve IWWA 2021-170 with the general conditions and special conditions provided by staff, seconded by Jay Schondorf and carried 4-0-0.

6. #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. (First 65 days 1/26/22) Tax #11-1846. BC

Robert Clausi described the property and the offsite wetland. He described the plan as being good, noting the house needs to be pulled back. He recommended mitigation to address errant areas of lawn, including lawn on the neighboring property owned by Greenwich Land Trust.

Robert Zmarzlak, Soundview Engineering, concurred with Mr. Clausi’s report and recommendations.

Jay Schondorf made a motion to approve IWWA 2021-172 with the general conditions and special conditions provided by staff, seconded by Bill Galvin and carried 4-0-0.

7. #2021-173 – 24 Hemlock Drive – Ralph Longo Construction Corp. for Post Road Iron Works, Inc. – Installation of sewer lateral adjacent to wetlands. (First 65 days 1/26/22) Tax #07-1760/s. DCA
Doreen Carrol Andrews described the installation of a sewer lateral at the subject property and adjacent to wetlands that occurred without a permit. She has been in contact with DPW Sewer Division, who signed off on the lateral permit, to devise a process to avoid creating IWWA violations.

Jay Schondorf made a motion to approve IWWA 2021-173 with the general conditions and special conditions provided by staff, seconded by Bill Galvin and carried 4-0-0.

**Applications to Be Received**

1. **#2021-175 – 95 Richmond Hill Road** – Sound View Engineers & Land Surveyors, LLC for Louis Berrick – Construction of pool, patio, and drainage system, and designation of septic reserve area 52’ from wetlands. Tax #10-3648.


3. **#2021-177 – 2 Midwood Road** – S.E. Minor & Company, Inc. for 2 Midwood Road, LLC – Demolition of a single-family residence 26’ from wetlands. Tax #07-1807/s.


6. **#2021-180 – 47 Birch Lane** – S.E. Minor & Company, Inc. for West of North, LLC – Construction of pool and drainage system, designation of septic reserve area, and installation of buffer enhancement plantings 43’ from wetlands. Tax #11-1945.

7. **#2021-181 – 8 Wyckham Hill Lane** – S.E. Minor & Company, Inc. for Chenguang Zhu – Construction of pool, cabana, patio, and drainage system, and designation of septic reserve area 101’ from wetlands. Tax #11-3120.

8. **#2021-182 – 23 Smith Road** – Rocco V. D’Andrea, Inc. for Wendy Greenbaum, Tr. – Demolition and construction of single-family residence, driveway, pool, sports facility, and drainage system in and adjacent to wetlands. Tax #02-1177 and 02-1336/s.

10. #2021-184 – 94 Porchuck Road – Rocco V. D’Andrea, Inc. for Ave Zaz Development Corp. – Construction of single-family residence, driveway, retaining wall, septic system, and drainage 60’ from wetlands. Tax #10-3643.


Brian Harris made a motion to receive the listed applications, seconded by Bill Galvin and carried 4-0-0.

**Agent Approval Permits**

1. #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.

2. #2021-165 – 35 Winding Lane – Glengate Company for Herbert Washer for replacement of pool, installation of spa and drainage, and modification of deck 40’ from wetlands. Tax #10-2472.

3. #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.

4. #2021-169 – 11 Carrington Drive - Glengate Company for Lori Soloman for installation of spa, deck, and stairs 50’ from wetlands. Tax #11-2473.

No discussion.

**Adjourn**

With no further business, the meeting adjourned at 10:45 pm.
you require an accommodation to participate, please contact the Commissioner of Human Services at 203-622-3800 or demetria.nelson@greenwichct.org as soon as possible in advance of the event.