MINUTES
December 14, 2020

In attendance: Brian Harris, chairman, Elliot Benton, vice chairman, Stephan Skoufalos, secretary, Joseph Rogers, Norma Kerlin, Jay Schondorf, and Bill Galvin, and alternates Klaus Jander and Peter Linderoth

Also in attendance: Patricia Sesto, director; Robert Clausi, senior wetlands analyst; Doreen Carrol Andrews, senior compliance officer; Brittny Veniga, administrative assistant, Jim Michel, P.E., Juan Pardes, P.E., & Jason Kaufman, P.E., Greenwich DPW; Bryan Muller, Muller Engineering; Jeffrey Robbins; Jane Botway; Michael Finkbeiner; Kimberly Martelli; Len D'Andrea, P.E. & Rich Regan, P.E., D'Andrea Surveying & Engineering, P.C.; Craig Flaherty, P.E. & Bret Holzwarth, P.E., Redniss & Mead; Matt Popp, Environmental Land Solutions; Larry Liebman, S.E. Minor; Matthew McCullough; Rob Frangione, Frangione Engineering, PC; William Kenny, William Kenny Associates LLC; Sid Goodfriend; Atty. Marjorie Shansky; Michael Klemens, PhD; Jay Fain, Jay Fain and Assoc.; Alex Dick, MDVP inc.; Pamella Gallin Yablon; Tracy Challifoux; Michael Rolla; Vallerie Lauderdale; Mary Kate & Jude Donato

1. Call to Order
   Brian Harris called the meeting to order at 7:06 pm.

2. Seating of alternates
   No alternates were seated.

3. Review and approval of draft minutes of November 23, 2020 meeting.
   Bill Galvin’s name needs to be moved from the general attendees list to the agency members in attendance.
Jay Schondorf made a motion to approve the minutes as amended, seconded by Bill Galvin and carried, 6-0-1. Mr. Benton abstained due to his absence from that meeting. Peter Linderoth voted in place of Stephan Skoufalos as he was seated for that meeting.

4. Director’s Report
   a. Monthly Summary

   Patricia Sesto reported an intern, Jake Buckanavage, has been hired and will be shared between this agency and the Conservation Commission. Sesto acknowledged and praised the work of Doreen Carrol Andrews to get qualified interns onboard.

5. Other business
   The quarterly report was deferred to the end of the meeting.

Town Projects

1. #2020-164 – South Stanwich Road Causeway - Town of Greenwich for emergency repair of causeway.

   Robert Clausi described the 20-foot section of causeway that failed. DPW is proposing to construct dry laid retaining walls on both sides of the causeway to shore up several hundred linear feet. Mr. Clausi met with DPW and the contractor to discuss the project. The project plans have been made in cooperation with Aquarion Water Co.

   Jason Kaufman, P.E., and James Michel, P.E. were present to represent the Town as the applicant. Mr. Kaufman indicated Mr. Clausi’s description was complete and had nothing further to add.

   Bill Galvin made a motion to approve IWWA #2020-164 with the agency’s general conditions and the special conditions provided by staff, seconded by Joseph Rogers and approved, 7-0-0.

   It was noted the minutes for site walk of 12-5-20 were not listed on the agenda in error. Brian Harris made a motion to add this item, seconded by Joseph Rogers and carried, 7-0-0.

   Joseph Rogers made a motion to approve the minutes of 12-5-20, seconded by Bill Galvin and carried 4-0-3, with Stephan Skoufalos, Brian Harris, and Elliot Benton abstaining as they did not attend the walk.

2. #2020-165 – Drinkwater Place to Hendrie Avenue – Town of Greenwich for maintenance of recently installed drainage infrastructure 8’ from wetlands. BC

   Robert Clausi described the drainage improvements to Hendrie Avenue. The new drainage structures begin at Riverside School on Drinkwater Place and continue down Hendrie Avenue to #110. A bleed-off exists at the wetland on #110 Hendrie Avenue. The installation of catch basins and connecting culverts mimics the current drainage patterns. No additional drainage area is being collected.

   The work has been completed after DPW self-determined no permit was needed per a 2006 MOU between DPW and IWWA. Regardless, a permit need questionnaire should have been submitted.
Mr. Clausi added he had seen the road prior to the drainage work and there is no substantive change.

Juan Pardes, P.E., DPW, concurred with Mr. Clausi’s description. He added the work was taken on in response to neighborhood complaints.

Stephan Skoufalos made a motion to approve IWWA #2020-165 with the agency’s general conditions and the special conditions provided by staff, seconded by Bill Galvin and carried 7-0-0.

Public Hearings

1. #2020-109 – 16 Limerick Place - TJ Engineering LLC for Richard Curtin & Naomi Goldberg for construction of above ground pool and deck 11’ from wetlands. Tax #08A-1133. (second 65 days 1-6-21).

Robert Clausi read the new documents into the record and reviewed the changes to the site plan. The proposed pool has been shifted south and the deep and shallow ends have been reversed. The revised plan has reduced the intrusion into the previously dedicated protected buffer to 335 s.f. As mitigation, the applicant is proposing to convert 645 s.f. of lawn into productive buffer. The number of trees to be removed has been reduced to two and the planting plan has been supplemented.

The previously requested shade analysis has not been submitted. The alternative of not building and just restoring the previously dedicated buffer is a valid consideration.

Tracy Chalifoux, landscape architect, Tracy Chalifoux LLC, addressed the agency. She stated no shade analysis was submitted as her clients are content with whatever level of shade covers the pool. She confirmed the six-inch maple and eight-inch oak previously identified for removal will remain. The restoration plan has ten trees, with species selection intended to increase biodiversity.

Ms. Sesto questioned the absence of the shade analysis, stating subsequent owners of the property may not be content to have a shaded pool. It makes a difference if the pool will be completely shaded or just minimally shaded. Ms. Chalifoux agreed to provide a shade analysis.

Brian Harris made a motion to extend the hearing to the January meeting of the agency, utilizing the 90 days for extensions authorized by the Governor’s executive order, seconded by Joseph Rogers, and carried 6-1-0, with Elliot Benton opposing.

2. #2020-142 – 148 Glenville Road – Redniss & Mead Inc. for Indian Spring Limited Partnership, Estage of J. Stillman Rockefeller, and Ashton Drive Association Inc. for dredging of a pond. Tax #’s 10-1317/s, 10-9078, 10-9012. (second 30 days 12/30/20).
Robert Clausi read the new information into the record. Previously requested information included dewatering details, accommodations to monitor the dredging operation, process for determining if the operation needs to cease, the ability to offload the cement blocks to smaller vehicles to utilize the causeway, and a quantification of wood frog mortality that would cause a population collapse.

The responses indicated 30% fewer concrete blocks are needed and this means fewer truck trips. Photos were submitted by Jay Fain showing the affected vernal pools and noted two were dry. The vernal pools are not high quality and have been identified as tier 3 pools. Michael Klemens’ report challenged the validity of using a 2013 study of the pools of describe their current condition. His response also points out fill has been placed at the edges of vernal pools NE 4, 6, & 7, seemingly to stabilize the wetland crossing. Mr. Clausi stated he revisited the site to view NE7, as this was not part of the site walk, and yes, NE7, in addition to 4 and 6 has unpermitted fill. Mr. Clausi then called attention to plan SE-3 which shows the requested cross and longitudinal sections of the spoils disposal area.

Craig Flaherty, P.E., Rediness and Mead, reviewed the project area and three property boundaries. He went on to review the agency’s six-year history of pond dredging applications. All 19 were approved.

This project is proposing hydraulic dredging as it is the least impactful and an emergent shelf will be retained. The spoils dewatering location was chosen to facilitate runoff draining back to the pond and minimize tree removal and grading. Access will be via the established wood road in the northeast compartment. The alternative of using the causeway to the west is not feasible as determined by two structural engineers and strengthening of the feature would cause direct watercourse impacts. Mr. Flaherty described the 18-month process and the dewatering operation. The proposed cement blocks create flat terraces, reduce grading, and keep the tubes from rolling.

Jay Fain, Jay Fain and Assoc. addressed the agency, describing the elements of the project and their consistency with past IWWA approvals for dredging. He acknowledged there will be some mortality, but it will be minimal. He stated the issue is not the death of individual wood frogs, rather will there be enough mortality to negatively impact the vernal pools. The intervenor has not substantiated their point on this.

Mr. Fain reiterated the proposed use of the road is limited and temporary. The “northeast compartment,” as this section of the property has been identified, is not an ecological construct. Instead it is an area bound by property lines. As was discussed in a separate application, the ecologically relevant area for vernal pools transcends property lines. The individual pools are part of a metapopulation of wood frogs and support each other.

Discussion ensued regarding project refinement and timing. Mr. Flaherty stated the materials would be brought in in March and his expectation is the long established road would not be muddy.

Marjorie Shansky, attorney for the intervenor, revisited Mr. Fain’s letter, taking issue with his narrow characterization of the project as a dredging. There are other regulated activities to
consider. The use of the wood road is not an exempt activity and the fill already placed on the road in wetlands was done in violation of the regulations.

Ms. Shansky identified the biological reports submitted by the applicant as being insubstantial. In the absence of needed information, the agency is not able to fulfill its responsibility to assess the application as directed in section 10.2.a. Further, section 8.6 directs the agency to deny incomplete applications. Dr. Klemens’ testimony regarding impacts is unrefuted, feasible and prudent alternatives have not been adequately explored, and not cost analysis for fortifying the causeway has been provided.

Dr. Michael Klemens recited a definition of “temporary,” challenging the perpetual existence of the metal bridge spanning the northern vernal pool. No current baseline data has been submitted and the data from 2013 is incomplete and outdated. Dr. Klemens emphasized his credentials, stating he is the only vernal pool expert who has provided testimony. Dr. Klemens has seen only three of the pools in the northeast compartment.

Dr. Klemens contradicted Mr. Fain’s testimony, stating the pools are an interconnected metapopulation system with 95% of their critical terrestrial habitat overlapping. He spoke to the dry condition of some of the wetlands identified as vernal pool. He observed in photos water stains evident of ponding and said it is normal to have fluctuating hydroperiods. He expressed confidence the pools would be flooded again. Dr. Klemens’ also criticized Mr. Fain’s characterization of the project as being justified as it is economic development.” The applicant has not met its burden to prove no impact as no data on which to base a conclusion has been submitted.

At the previous hearing, Dr. Klemens was asked to quantify the extent of wood frog mortality that would be needed to permanently impact the pools. He again noted the absence of data makes it impossible to answer. He identified March, the time the applicant proposes to use the road, as being an especially critical period of movement for wood frogs. He spoke of efforts to get feedback from colleagues, with one responding that pools may be able to sustain a loss of 60% of the mean population.

Elliot Benton pursued questions pertaining to the best timing to use the road. Dr. Klemens responded there is no such thing as a good time to traverse the wood road with vehicles. The wood frogs hibernate in soil, but not likely in highly compacted soil. Dr. Klemens went on to explain the value of wood frogs to the vernal pool health. The woodland detritus within 100 feet contributes to the vernal pool detritus load. As the material breaks down the “detritus soup” is consumed by wood frog tadpoles. The nutrients they take in are then brought back out to the terrestrial environment when the developing amphibians leave the vernal pool. Without the wood frog tadpoles, the vernal pool would be overloaded with nutrients and become eutrophic.

Ms. Sesto questioned the conclusions of impact, noting the activity is temporary, not ongoing. Why wouldn’t the metapopulation serve as a source for any population recovery? Dr. Klemens noted the extent of mortality would be dependent on the time of year the road was used. Agency members continued to question Dr. Klemens on the critical times and areas associated with the pools. He responded the 100-foot envelope around the pool should have no
disturbance. The area out to 750 feet is also important. February 15 – end of April and then again in June are when individuals are on the move, but all times of the year there will be impacts to individuals by traffic. Ms. Shansky summarized that this is more evidence the application is incomplete as this information is something the applicant should be providing.

Sid Goodfriend, intervenor, described his efforts to find an unconflicted dredger with appropriate expertise. He has been in consultation with Alex Dick of Mobile Dredging and Video Pipe Inc.

Alex Dick, MDVP inc. described the experience of his company and the flexibility of hydraulic dredging. They have the ability to pump the spoils two miles away, meaning the dewatering location proposed is not the only location available. He sees the project as having several options for access and dewatering. Mr. Goodfriend added the entrance from Pecksland Road is feasible. Vehicles would need to cross a watercourse, and this can be accomplished with a temporary bridge. Mr. Dick continued to speak to options of mechanical dewatering on-site and this could involve an area of 15,000 – 20,000 s.f. or perhaps smaller. He also stated the cement blocks were not the only means to shore up the dewatering tubes. There are alternate means that are lighter and would be less intensive from a transportation perspective.

Brian Harris called for public comment. There was none.

Craig Flaherty presented his closing summary. The applicant has provided all that has been customarily submitted for pond dredging applications and all additional requested information. The number of vehicles using the wood road amounts to three to six trucks per day. This math does not support conclusions drawn by Dr. Klemens. He rejected the intervenor’s premise that they should be viewing the access question as if the Zaccheus Mead Lane entrance didn’t exist. The entrance exists and it already has a crossing in place. He conceded the pools and wood frogs have biologic value, but does not see the impact from the proposed project.

Mr. Flaherty acknowledged it is the burden of the applicant to prove their conclusions. He stated a multi-year study of the pools is not commensurate with the nature of the activity. The activity will impact 1-6% of each vernal pool’s envelope and critical terrestrial habitat; and the impact is temporary.

Ms. Shansky summarized the position of the intervenor. The applicant is not entitled to a permit to use the wood roads for a dredging project. This is not the use permitted as of right for the forestry operation, nor is the illegally placed fill. The proposal to traverse the road is March is a time most likely to impact wood frogs. Ms. Shansky closed by saying the application should be denied as it has a reasonable likelihood of unreasonable impact.

Stephan Skoufalos made a motion to close the hearing, seconded by Joseph Rogers. The motion carried 7-0-0.

Agency members commenced discussion. Points made by individuals include the acknowledgement of a temporary impact, the need for rigorous project monitoring, the information from Mr. Dick was compelling, different contractors could refine the project with
alternative elements, the intervenor’s statements of permanent impact are not compelling, timing of activities is important.

Ms. Sesto reviewed the burden of the applicant and intervenor, noting they are separate tests, and the agency will need to address them individually. She also referenced section 10.3 of the regulations and the need for the agency to determine there are no feasible and prudent alternatives with a lesser impact; the section does not state that impact has to be significant. The consideration of a significant impact is only relevant when determining if the application should be reviewed under a public hearing.

It was the consensus of the agency to hold a special meeting on December 28 to continue the debate.

3. #2020-156 – 18 & 20 Walsh Lane – Environmental Land Solutions, LLC for DKNS Properties LLC and James Cook & Nancy Parmet to fill a pond to create a wetlands meadow. Tax #02-1691. (First 65 days 1/18/21).

Robert Clausi read the list of documents into the record. The applicant is proposing to fill in the pond. He described the hydrology of the pond, which goes dry, suggesting the groundwater table is not capable of supporting the pond. The soils surrounding the pond are moderately well drained leaving the pond to be supported by surface runoff. Presently, the pond is fairly shallow.

Matthew Popp, PWS, landscape architect, restated the proposal to fill the pond and create a wetland in its place. Brian Harris questioned the extent of fill and whether it was so deep the area would no longer qualify as a wetland. Discussion ensued regarding the pond conditions. Norma Kerlin, Bill Galvin, and Jay Schondorf were identified as having visited the site.

Brian Harris made a motion to close the hearing, seconded by Bill Galvin. The motion carried 7-0-0.

Joseph Rogers made a motion to approved IWWA 2020-156 with the agency’s general conditions and the special conditions provided by staff, seconded by Bill Galvin. The motion carried 7-0-0.

Consent Approvals


Brian Harris made a motion to approve IWWA #2020-166, seconded by Joseph Rogers. The motion carried 6-0-1, with Mr. Benton abstaining.

Pending Applications
1. **2020-093** — **82 Buckfield Lane** — Matthew McCullough for Michael Grunberg for maintaining paved back up space 5 feet from wetlands, and replacing two trees removed from wetlands. Tax #10-1741

Robert Clausi reviewed the application and modifications. The back-around space will be shortened by two feet and reconfigured slightly. DPW has reviewed the rain garden and a condition of approval should be added to require accommodation for Mr. Marucci’s requirements.

Rob Frangione, P.E. Frangione Engineering, addressed the agency. He has reviewed Mr. Clausi’s recommendations and is in agreement.

Joseph Rogers made a motion to issue an order with conditions proposed by staff and to add a condition requiring compliance with DPW recommendations, seconded by Bill Galvin. The motion carried 7-0-0.

2. **#2020-100** — **42 Stag Lane** - Rocco V. D’Andrea for Manuel and Lois Nieto for installation of deer fence 11’ from wetlands. Tax #11-2240. (second 65 days 1-1-21).

Mr. Clausi stated the plan has been revised to show a pool fence sited closely around the pool. The fence along the yard perimeter will now be just a deer fence and will maintain a six-inch gap along the bottom.

The previously filed easement was defective and needs to be refiled. Rather than using an easement to protect the land, the law department has advised the agency use a declaration of restriction. The process to adopt a declaration is easier and meets the agency’s needs.

Mr. Clausi conveyed the arguments for the deer fence as presented by the applicant. The incursion into the eased area are small and the location is driven by the applicant who does not want to see the fence. In exchange, a much larger area will be encumbered by the new declaration of restriction. Marking the boundary of the restricted area at the limit of yard is important.

Rich Reagan, P.E., D'Andrea Surveying & Engineering, P.C., referenced exhibit a, which shows the entire six-acre parcel and the 4.6 acres they are proposing within the restricted area. The 4.6 acres includes not just wetlands, but uplands as well.

Brian Harris made a motion to approve IWWA 2020-100 with the agency’s general conditions and special conditions provided by staff, seconded by Stephan Skoufalos and carried 7-0-0

3. **#2020-112** — **888 North Street** — Rocco V. D’Andrea Inc. for Stanwich Club, Inc. for removal of trees 10’ from wetlands. Tax #11-1156. (Second 65 days 1-1-21). PS

The application was withdrawn.

*New Applications for Review*

12-11-20
Elliot Benton recused himself. Peter Linderoth was seated.


Doreen Carrol Andrews reviewed the nature of the violation. She cited numerous complaints by neighbors. Her report includes conditions of an order.

Michael Rolla stated the three trees removed had been due to storm damage. Neighbors are now able to view his property because there has been a second story added to his house and this is the reason they concluded many more trees were cut.

Mr. Linderoth suggested Mr. Rolla not plan hemlocks, citing the perpetual need to manage them for wooly adelgid. He suggested white pines be planted.

Public comment was called.

Jill Botway, 45 Baldwin Farms South. stated Mr. Rolla is systematically removing trees. The proposed restoration plan is insufficient, stating the trees to be planted are too small. She reviewed photographs she submitted to articulate the level of impact and absence of storm damage. Ms. Botway urged the agency to require 25-foot tall evergreens and to fine Mr. Rolla.

Peter Lindroth stated corrective action should include plantings that will grow to height of what the white pine trees that were removed.

Brian Harris made a motion to approve the order with conditions proposed by staff and amending the special condition directing planting to reflect planting varietals to achieve canopy height of what was removed and not to use hemlocks, and seconded by Jay Schondorf. The motion carried 7-0-0.

Mr. Benton was reseated.


Robert Clausi reviewed the agency’s previously approved application to construct a pool and patio in 2016. The applicant did not move forward before permit expiration. Mr. Clausi explained the construction will be the same distance from the wetlands as prior application, although located closer to the house. A fence exists on-site and traverses the wetland buffer. The fence has to be relocated.

Bryan Mueller, P.E. Muller Engineering agreed with proposed conditions, except #4. The condition references a rain garden and it should read “Cultec.” He confirmed the patio will use pavers.
Brian Harris made motion to approve IWWA#2020-155 with the agency’s general conditions and the special conditions provided by staff, seconded by Stephan Skoufolus, and carried, 7-0-0.

3. #2020-160 – 68 Birch Lane – S.E. Minor & Co., Inc. for David & Elizabeth Bountry for construction of pool, patio, retaining walls, and drainage 6’ from wetlands. Tax #11-1777.

4. #2020-161 – 290 Riversville Road – Muller Engineering, LLC for Enrico Defilippo for construction of single family residence, driveway, patio, septic system and drainage 37’ from wetlands. Tax #10-1395.

Robert Clausi reviewed the application, noting the redevelopment will largely be in same location as the current dwelling. The residence will be larger, but the location of the construction remains east of the retaining wall. Mr. Clausi explained the back of the property is a lawn extending to the Byram River. Jay Fain delineated the wetland in 1997 and included the entirety of the parcel just east of the retaining wall. The plan needs to be revised to depict this delineation as opposed to the more limited area submitted with the application. DPW completed a drainage review. A planting plan was referenced in the application materials but has not been submitted.

Bryan Muller, P.E., Muller Engineering addressed the agency. He agreed to show the 1997 wetland delineation. A planting plan will be submitted.

Ms. Sesto asked about the intentions of the planting plan, expressing her desire to see lawn removed from the river’s buffer. She recommended a buffer 30 feet in depth, extending the entire width of the parcel. Accommodations for access and view of the river are welcomed.

Brian Harris made motion to approve IWWA#2020-161 with the agency’s general conditions, the special conditions proposed by staff, with the modification the planting plan will be configured as recommended by Ms. Sesto, seconded by Elliot Benton, and carried, 7-0-0.

5. #2020-162 – 14 Plow Lane – Muller Engineering, LLC for Rita Bergbaum for construction of pool, hot tub and deck 12’ from wetlands. Tax #07-1966/s.

Robert Clausi described the 11x27 elevated pool, noting it meets the proposed expansion of the elevated deck. The deck is 12’ from wetlands and is proposed in an area with lawn and raised bed garden. Mr. Clausi stated the deck will have no impact of floodplain and pool will be outside of flood zone. Mitigation calls for 300 s.f. of lawned wetland to be planted. Mr. Clausi recommends issuing permit with conditions provided regarding planting plan.

Mr. Clausi clarified a concern from a neighbor, Ms. Lauderdale, who stated the map is wrong, as the watercourse is on her property. Ms. Lauderdale is correct; a parallel branch of the watercourse traverses her property with the other branch flowing through the subject parcel.

Brian Harris called for public comment.

Valerie Lauderdale, the applicant’s neighbor, agreed with the planting plan.
Joseph Rogers made a motion to approve IWWA 2020-162 with the agency’s general conditions and the special conditions provided by staff, seconded by Bill Galvin, and carried, 7-0-0.

6. #2020-163 – 15 Grossett Road - Rocco V. D’Andrea for Bryan and Abigail Finkel for demolition and construction of single family residence, driveway, pool, pool house, and drainage 25’ from wetlands. Tax #05-2135/s.

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

Robert Clausi recapped the applicant’s requests for demolition and construction and noted there are discrepancies of this plan with previously delineated wetlands. The proposal calls for demolition of the house, garage, and bunker, along with the removal of nearly all of the trees on-site. The new development will include an additional 4,700 s.f. of impervious coverage. DPW has effectively signed off on the drainage plan.

Mr. Clausi described the current depiction of wetland in the northeast corner of the property. In the 1980s Burt Laux’s delineation showed the wetland extending onto the subject parcel; an extension of a larger wetland off-site to the north.

A new planting plan was submitted on the day of the meeting and now shows a ten-foot wide planted buffer along the northern property boundary. A buffer is warranted as the applicant is proposing to clearcut the lot. An arborist’s report was submitted and needs to be scrutinized to discern which trees have a legitimate reason for removal.

Len D’Andrea, D’Andrea Surveying & Engineering, P.C., represented the applicant. He stated his client’s desire to have an approval this evening and willingness to accommodate conditions of approval.

William Kenny, William Kenny Associates LLC, addressed the agency and spoke to the various wetland lines. He explained Burt Laux’s wetland delineation included what appear to be a ditch. This is no longer evident on-site. He also revisited the site to flag wetlands he originally thought were off-site. Mr. Kenny noted the tree removal plan has been revised to keep seven of the eight trees identified in the staff report.

Ms. Sesto questioned the wetland soil boundary provided by Otto Theall. A third wetland report from Otto Theall seemingly included the entire rear yard of the abutting parcel. This delineation may not have gone into detail west of this line.

Brian Harris question the consumption of the parcel by hardscape and the absence of recreation area.

Bill Galvin stated revised application materials were received late and recommended a delay for next month.

Public comment was called, there was none.
Brian Harris made a motion to delay, seconded by Bill Galvin, and carried, 7-0-0.


Robert Clausi reviewed the 2017 permit for a house that included a pool. The pool was not built. The current proposal shows the pool in somewhat of a different location, but all within the previously approved residential landscape envelope. DPW review has been completed and deemed approvable.

The pool fence should be relocated to the east side of the rain garden. The application includes mitigation planting beneficial to the wetland.

Larry Liebman, S.E. Minor & Co., agent for the applicant addressed the agency. He concurred with the staff report, noting a 2,000 s.f. area will be planted.

Public comment was called, there was none.

Elliot Benton made a motion to approve IWWA 2020-168 with the agency’s general conditions and the special conditions provided by staff, seconded by Bill Galvin, and carried, 7-0-0.

Applications to Be Received

1. #2020-169 – 17 Doverton Drive – Hoffman Landscapes, Inc. for Marc Lisker for construction of pool, spa, patio, and pool fence 45’ from wetlands. Tax #10-2983.

2. #2020-170 – 36 The Avenue - Christopher Giannios for corrective action for unpermitted fill 1’ from wetlands. Tax #11-1038.


4. #2020-172 – 8 Dingletown Road – Rob Frangione, LLC for Kabir Sved and Claire Hart for construction of pool, patio, and retaining wall 10’ from wetlands. Tax #11-2848.


7. #2020-175 – 29 Lindsay Drive – Argus Development LLC for Rory & Kathryn Shaw for construction of pool 50’ from wetlands. Tax #11-2718.
8. #2020-176 – **27 Khakum Wood Road** – Joseph F. Risoli, PE, LLC for William & Mayling McCormick for construction of pool, spa, cabana, patio, retaining walls, septic system, and drainage system 50’ from wetlands. Tax #10-1155.


10. #2020-178 – **195 Cat Rock Road** – Rocco V. D’Andrea, Inc. for Jason & Joanna Young for construction of pool, patio, and drainage 40’ from wetlands. Tax #08-3541.

11. #2020-179 – **22 Angus Lane** – Sound View Engineers & Land Surveyors for Gustavo Leitenberger for construction of pool, patio, retaining wall, and drainage 53’ from wetlands. Tax #07-2122/s.

12. #2020-180 – **22 Leeward Lane** – Sound View Engineers & Land Surveyors for Patrick & Alison Fels for septic repair 45’ from wetlands. Tax #05-2918.

13. #2020-181 – **405 Riversville Road** – Sound View Engineers & Land Surveyors for Daniel Fitzgerald for construction of residential addition, patio, and drainage, and designation of septic reserve 75’ from wetlands. Tax #10-1074.

14. #2020-182 – **625 North Street** – Sound View Engineers & Land Surveyors for Catherine Corroon for construction of garage addition, pool and drainage system 50’ from wetlands. Tax #11-1315.

Brian Harris made a motion to accept the 14 applications listed, seconded by Joseph Rogers, and carried, 7-0-0.

**Agent Approval Permits**

1. #2020-154 – **221 Taconic Road** – S.E. Minor & Co., Inc. for Langdon Van Norden Jr. for construction of additions, septic system, patios and drainage, reconfiguration of driveway, and designation of septic reserve area 95’ from wetlands. Tax #11-1410. JU

2. #2020-157 – **85 Taconic Road** – S.E. Minor & Co., Inc. for John Nicholson for construction of pool and designation of septic reserve area 61’ from wetlands. Tax #11-1047. JU

3. #2020-158 – **25 Fox Run Lane** – S.E. Minor & Co., Inc. for Robert Blatt for construction of residential addition 66’ from wetlands. Tax #10-1065. JU

4. #2020-159 – **41 Morgan Avenue** – S.E. Minor & Co., Inc. for Gregg & Jennifer Sollenne for construction of pool and drainage 21’ from wetlands. Tax #09-1218/s. JU

5. #2020-167 – **95 Richmond Hill Road** – Sound View Engineers & Land Surveyors for Frances Berrick for construction of in-ground pool and drainage 63’ from wetlands. Tax #10-3648. JU

There were no questions or comments on the agent-approved applications.

12-11-20
**Violations**

1. Cease & Correct Order #2019-13 for Jude and Mary Kate Donato – 80 Glenville Road. Failure to fully restore wetland and buffer areas to pre-violation grades. Tax #07-1323. DCA

Doreen Carroll Andrews reviewed the order to correct restoration and replanting previously issued. The extent of fill removal and planting do not satisfy the order. Further, the property owners had the wetland boundary reflagged and the wetland area is smaller. This is the boundary the owners are now using to complete the restoration. Ms. Carroll Andrews is seeking guidance from the agency on the next steps of enforcement.

Jude and Mary Kate Donato were called on for comment. Jude Donato provided background information, stating Landscape Architect Matt Popp was on-site during the excavation of fill. He expressed concern that the mapped extent of wetlands didn’t match with what he was seeing on-site. This lead the Donatos to hire two soil scientists to re-examine the wetland boundary. Following the new delineation, they planted 180 plants.

Ms. Sesto questioned the Donato’s decision to alter the terms of the order without approval. Further, even if the agency were to accept the revised wetland boundary, the previously approved area to be repaired would be within the immediate proximity to the wetland and the fill removal and planting would still be applicable.

It was the consensus of the agency to wait for more information.

Brian Harris stated the hearing would be carried forward to next month.

**Executive Session**

Discussion of Pending litigation Saunders vs. IWWA, 249 Valley Road

Members chose to discuss this matter at a special meeting later this month.

**Adjourn**

With not further business, the meeting adjourned at 12:44 a.m.

\[signature\]
The Town complies with all applicable federal and state laws regarding non-discrimination, equal opportunity, affirmative action, and providing reasonable accommodations for persons with disabilities. If 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.