

DRAFT

MINUTES

GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

December 17, 2018

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

Alternates present: Alan Rossi and Klaus Jander

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

Others present: Brian McMahon, Redniss & Mead, Inc.; Colleen Giambo, Michael Finkbeiner, Earth Image, LLC; James McManus, JMM Wetland Consulting Services LLC; Michelle Cronin, Bruce Cohen, Fogarty, Cohen, Selby & Nemiroff, LLL; Paul Niebuhr, Jr., Hiram Bingham; John Conte, Conte & Conte, LLC; Bill Kenny, William Kenny Associates, LLC; Larry Liebman, S.E. Minor & Co., Inc.; Otto Theall, Soil & Wetland Science, LLC; Dennis Alex; Tom Heagney, Heagney, Lennon, & Slane, LLC; Eric Brower; Bill Rutherford; Molly King; Donald Fritz; Bryan Muller, Sound View Engineers and Land Surveyors; Charles Mills, Mills Engineering, LLC; Jim McTigue, Joseph F. Risoli, P.E.; Keith Warner, Ahnman Kirby, LLC; Miriam Bingham; Laura Markovich; and Mark Wenitzky

1. Call to Order

Vice Chairman Elliot Benton called the meeting to order at 7:04 p.m.

2. Seating of Alternates

Alan Rossi was seated.

3. Approval of draft minutes of November 26, 2018

Stephan Skoufalos made a motion to approve the minutes of November 26, 2018, seconded by Bill Galvin and carried 7-0-0.

4. Director's Report

a. Monthly Summary

Patricia Sesto deferred, noting she will be speaking to topics within the meeting.

5. Quarterly Compliance Report

Doreen Carroll-Andrews reviewed the quarterly compliance report. While 1/3 of the “green sheets” issued were for properties with wetlands, none of these required a permit. Thirty-seven applications have been submitted, forty bonds released, and 275 on-site inspections were made in the reporting period. Four deadlines were missed for properties with active orders issued to them and five new violations have been issued. Staff worked with 575 people during public counter hours.

6. Other Business

a. Schedule of Fees

December is the month at which the agency reviews the fee schedule and makes changes for the upcoming year. Patricia Sesto apprise the members of discussions with staff that have led to a proposal to address fees for applications with large wetlands. Currently, properties with more than one acre of wetlands are assessed additional fees calculated on the total wetland acreage onsite at various rates. Staff had made the point that this could be waived for properties who had been before the agency in the past 15 years to better reflect the lesser amount of work needed once staff becomes familiar with the site.

Discussion ensued. Members expressed dissatisfaction with the 15-year time period proposed. The validity of this time period is too dependent on staff longevity. By reducing this revenue, the agency would be more prone to have expenditures surpass revenue. Options were considered to lessen the loss of revenue. The cost of running the department will only increase going forward and there has been too little time since the “green sheet” fee was eliminated to understand what the new average revenue will be. The director should continue to use discretion in calculating the wetland acreage fee for large sites where the activity confined to one area.

The discussion concluded with the consensus of the agency to leave the fee schedule unchanged.

I. Public Hearings

1. **#2018-152 – 20 Meadow Marsh Lane – Conte & Conte, LLC for Martis Alex for removal of man-made pond, creation of a rain garden, and modification of a terrace. Tax #06-3052/s (first 65 days 1/30/19)**

Norma Kerlin, Jay Schondorf, and Alan Rossi visited the site

Bob Clausi read the list of documents into the record and provided background information. The pond was created via an IWWA permit in 1993. The pond was formed by excavating a small wetland pocket. The apparent stream feeding the pond is an ornamental feature, not an actual watercourse. The proposal is to fill the wetland and artificial stream to recreate the wetland. The proposal also includes modifying a terrace 75 feet from the pond.

This application is missing a biological evaluation of the pond and additional information to substantiate the new wetland's functionality and statutory standing.

John Conte, landscape architect, Conte & Conte, LLC, addressed the agency. He described the pond as failing, with stagnant water that needs to be supplemented with well water. The applicant's goal is not to eliminate the wetland. The pond will be filled to an elevation of 3.8, just under the 3.86 elevation of the pond's outlet. Fill will be harvested on-site with an additional 10-20 cy of fill brought in. The pond's bottom elevation averages 2.5-3.0 ft. The intent is to plant it out heavily to create valuable habitat.

Michael Finkbeiner of Earth Image, LLC, continued to describe the site. The protective berm is at elevation 10 and mean high water is 3.35. The area historically was tidal marsh that has been filled. This wetland was likely brackish but is now freshwater due to the exclusion of salt water from fill and berming.

Bob Clausi questioned if, after its filled, would be qualify as a statutory wetland. Tree protection is needed, as is a limit of lawn demarcation.

Otto Theall, soil scientist acknowledged there is no topographic information at each flag, but he estimates the wetland boundary is at elevation 4.0. He also augered the soil in the area where the pond will be shifted, and it too had water weeping in the hole at an elevation capable of supporting a wetland creation. Ground water will have to be monitored to more precisely determine the appropriate elevation for the new wetland. This will require some post-permit, on-site decision making to reach the goals. Mrs. Sesto asked Mr. Theall to articulate his expectations in writing.

Bob Clausi sought additional information regarding how the new environment could be classified at a wetland since the soil will not show the needed characteristics. Mr. Theall compared this to another site which had been disturbed. The soil there was identified as Aquent; a soil that is wet, but also disturbed.

Elliot Benton called for public comment. There was none.

Vice Chairman Benton continued the hearing to the next IWWA meeting.

2. #2018-154 – 200 North Maple Avenue – Redniss & Mead, Inc. for Greenwich Academy, Inc. for demolition and reconstruction of the lower school and northern parking lot, a middle school addition, and pond dredging. Tax #07-4022 (first 65 days 1/30/19)

Norma Kerlin, Jay Schondorf and Alan Rossi were identified as having visited this site.

Bob Clausi read the list of documents into the record and described the project. The campus is set to be reconfigured via a demolition of an addition, reconstruction of the lower school, and a middle school addition. The northern parking lot, which was built to serve as a detention basin as well as a parking lot, will be modified to create subsurface detention with a new parking lot on top. It is proposed to hydro dredge a one-foot layer of organic debris from the 10-foot deep pond. The bed and banks of the impaired watercourse will be re-established and a restorative planting plan implemented.

The applicant has provided a phasing plan and detailed a good erosion and sedimentation plan. Mr. Clausi recommends the plan be revised to show protection at the catch basins and pipe inlets.

In order for the parking lot to function with stormwater detention below it, it must be underlain with gravel, etc. to a depth of seven feet at its northern end. This aspect of construction provides the greatest opportunity for impact to the wetland. The limit of disturbance should be reinforced via chain-link fencing. The addition of trees in the parking lot islands will be helpful to limit thermal impacts.

The reconfiguration of the lot will eliminate a 215 s.f. wetland. This wetland is likely a remnant of the northern wetland and was isolated when the detention basin berm was installed. Mr. Clausi called on the applicant to identify the alternatives to filling this wetland that were considered.

The pond is proposed to be dredged by removing a foot deep of pond bottom organics. No data has been submitted to substantiate the current water conditions, nor how this limited dredging would help the situation. The trees surrounding the pond will be de-vined and a viewing platform installed. Additionally, floating wetland mats will be launched. Given its place in a suburban landscape, the pond is in reasonably good condition.

Brian McMahan of Redniss & Mead, Inc. appeared before the agency. He reiterated some of what Mr. Clausi described, adding the site is 33 acres in size and bounded by Deer Park, North Maple, and Paterson Roads. The project is simultaneously before the Planning and Zoning Commission. The intent is to demolish the addition and reconstruct the lower school first.

Bill Kenny of William Kenny Associates appeared before the agency. He described the whole project as a net gain for the wetlands and watercourses. The pond has a narrow wetland fringe and isolated from the other wetlands and watercourses on-site. Its discharge flows south through a pipe and daylights into a small wetland pocket in the southwest corner. The consulting firm, Pond and Lake Connection manages herbicide applications, the aerator, and has recommended the dredging. Mr. Kenny noted the pond has an emergent shelf, which is beneficial.

The on-site watercourse is bordered by a narrow wetland fringe. The wetlands have been significantly manipulated over many years, including piping a portion of it to pass it under the parking lot and daylight it at the northern property line. The watercourse is exposed for a short distance before it is again piped off-site.

A berm extends around the lower portion of the parking to detain water as the part of the stormwater management system. The berm was constructed across the southern end of the wetland off the north end of the parking lot and resulted in a 215 s.f. wetland pocket. The wetland is grass and exposed soil, with no value.

In response to questions, Mr. Kenny explained the dredging is proposed to remove about a foot of accumulated muck. When a pond has low dissolved oxygen, nutrients are released. Mrs. Sesto questioned why the pond would have low dissolved oxygen if an aerator is used

and further questioned if the pond was tested for dissolved oxygen. Mr. Kenny will substantiate the need for dredging.

Mr. Kenny detailed the plans to restore the structure of the degraded watercourse. Plantings will be installed, with an emphasis on pollinator friendly species. The playground will be reconfigured and moved farther from the wetland and watercourse. The restoration will result in 1,659 s.f. of enhanced wetlands and 750 s.f. of created wetlands.

The northern most wetland was impacted when the parking lot was built by diverting its supply of water. As proposed the wetland hydrology will be supported by discharging the piped watercourse into the gravel substrate below the parking lot and the water that passes down through the pervious pavement.

Mr. Kenny explained various alternatives. If they do nothing, the site's wetlands and watercourses will not benefit from restoration. A retaining wall could be built at the north end of the proposed parking lot to avoid filling the remnant wetland. This was deemed imprudent given the expense as compared to the minimal value of the wetland.

Mr. Kenny reviewed the proposed floating wetlands, citing these as a good education opportunity.

Donald Fritz, an abutting neighbor to the north expressed concern about increased runoff. Any increase would affect him and his neighbors. What alternatives exist that would protect them from more runoff? Mr. McMahon explained the stormwater drainage plan of today is far better than it would have been 35 years ago, when the parking lot was built. The pipe that discharges near the property line will be abandoned in place.

Vice Chairman Elliot Benton called for public comment.

Vice Chairman Benton continued the hearing to the next meeting on the 28th of January.

II. Consent Approvals

- 1. #2018-146 – 49 Byfield Lane – Scott and Andrea Scheinin for maintenance of a fence in and adjacent to wetlands. Tax #11-2320 (first 65 days 1/30/19)**
- 2. #2018-156 – 40 Stonebrook Lane – Robert and Colleen Giambo for installation of a deer fence through wetlands. Tax #08-1525 (first 65 days 1/30/19)**

Jo Rogers made a motion to approve applications #2018-146 and #2018-156, seconded by Bill Galvin, and carried 7-0-0.

III. Pending Application

- 1. #2018-126 – 260 Stanwich Road – Mills Engineering, LLC for Stanwich Road Holding, LLC for a two lot subdivision. Tax #11-1811 (second 65 days 2/1/19)**

Bob Clausi reviewed the nature of the proposal and the outstanding questions stemming from the previous discussion of the plan. The lots have been reconfigured to allow the house on the southern lot to shift eastward, away from the wetland and pond. The lots will need approval by the Zoning Board of Appeals. The new location of the house brings the patio 60 feet from the wetland, as compared to 33 feet originally proposed. The functional wetland buffer has been expanded from 8-11 feet up to 15-30 feet. A limit of lawn demarcation was also included. As the applicant has no plans to develop the subdivided parcel at this time, the plantings will not be installed until redevelopment actually takes place.

Charles Mills of Mills Engineering, LLC appeared before the agency. He reminded the agency of the issue the zoning regulations created. The lot-shape circle was previously accommodated and 1/3 of the house was located in the circle, as required. An application has been submitted to the Zoning Board of Appeals. The site development feasibility layout shows a maximum FAR for the houses. Even with this maximum, the wetland buffer averages 22 feet.

Elliot Benton made a motion to issue a conceptual approval of IWWA 2018-126 with the General Conditions and Special Conditions proposed by staff, seconded by Jay Schondorf, and carried, 7-0-0.

2. #2018-139 – 94 Pecksland Road – S.E. Minor & Co., Inc. for 94 Pecksland Road, LLC for a subdivision of the property and construction of a residence on the empty lot 84' from wetlands. Tax #10-1660 (first 65 days 12/26/18)

Bob Clausi review the application that was continued from the November 26th IWWA meeting. Revised plans were only recently submitted and a staff report was not prepared in response.

Larry Liebman of S.E. Minor & Co., Inc. addressed the agency. He stated the driveway off of Meadow Lane is no longer being proposed; the existing drive from Pecksland Road will be used. The lot lines have been revised to place the smaller wetland along the western property line entirely on one lot. The grading for the septic on lot two has been altered to move it back from the wetland and retain more trees. Lot 2 will also be encumbered by an easement over the wetlands. This will complement the open space parcel it abuts. Since this is only a request for conceptual approval, the development proposal for lot 2 was not changed despite requests to do so at the last meeting.

Mrs. Sesto raised concerns with the practice of issuing conceptual approvals. The site plan depicted to support a conceptual approval application will be relied on at the time the lot is developed. It is too difficult, once the concept has been approved, to go back and push for larger buffers, different layout, etc. The expectation is a builder can rely on the site plan that was part of the conceptual approval as what he/she is entitled to. Further, since the level of detail even for a conceptual approval is so great, why ask an applicant to come back before the agency to approved essentially the same project. The development would only need to be reviewed again if there were substantial changes to the layout.

Mr. Liebman granted an extension of time to review the project revisions.

Elliot Benton made a motion to delay action on IWWA 2018-139, seconded by Stephan Skoufalos, and carried, 7-0-0.

- 3. #2018-143 – Taconic and South Stanwich Roads – Tata & Howard, Inc. for Aquarion Water Company of Connecticut for as-of-right determination to replace a water-transfer pipeline, with clearing and grading within wetlands. Tax #N/A (first 65 days 12/26/18)**

Patricia Sesto stated no new information had been submitted and no one was in the audience to speak to the project.

It was acknowledged the time period for the agency to act was ending and an extension would be needed from the applicant to carry this forward. Mrs. Sesto would reach out to a consultant on the team via text to seek authorization.

Frank Parker of 276 Taconic has submitted a map depicting the proposed route he referenced at the last meeting.

IV. *New Applications For Review*

- 1. #2018-111 – 16 Lakeview Drive – Edison Carabali for Mariano Carlos Lozao to maintain a stone path and floating dock within wetlands. Tax #12-2054 (second 65 days 1/4/19)**

Doreen Carroll-Andrews reviewed the status of the violation and application to correct. The statutory time limit has been exhausted and the application has not addressed the necessary corrective actions.

Tom Heagney appeared before the agency on behalf of the applicant, stating his client is withdrawing the application.

Mrs. Sesto outlined the perils of the agency's current practice regarding cease and correct orders. After the initial violation is heard and upheld, the violator is directed to submit an application to remedy or legitimize work conducted without a permit. The agency does this to gather the information needed to impose a properly vetted order to correct. Our failing is that we refer to these as applications when the really are not. The application and required supporting documentation is used to demonstrate the nature of the violation and necessary corrections. The agency could simply direct a violator to implement corrective actions at the first show cause hearing, however rarely is there sufficient information to do so.

At this point, the agency can issue an order based on staff recommendations. Now that the application is being withdrawn, the agency has no deadlines of action to impose. Discussion ensued. Alan Rossi made the distinction that a permit gives one permission to do something and an order requires action. By calling the submission an application, we are inferring permission rather than an obligation.

If the violator does not come back with a submission to correct the violation in January, as promised, the agency is burdened with repeating the show cause hearing and incurring delays to resolve this. Conversely, Mrs. Sesto was wary of issuing an order, questioning what sort of notification might have been due to the violator. The hybrid application/order process needs to be altered to clearly keep the proceeding in the realm of a cease and correct order.

It was the consensus of the agency to have Mrs. Sesto consult with the legal department on the process.

3. #2018-149 – 36 Crescent Road – Sound View Engineers and Land Surveyors for Huxley Investments, LLC for construction of a single family residence, driveway, retaining walls, and drainage 20’ from wetlands. Tax #05-1889 (first 65 days 1/30/19)

Bob Clausi reviewed his staff report. The regulated activity associated with a larger renovation project includes removing a common driveway behind the house and within an upland review area. The driveway is subject to an easement, which the applicant indicated he had oral confirmation from the other grantees it was fine to remove the driveway. This is only an issue for the agency if ultimately the driveway isn’t removed and the drainage calculations need to be revised. A demarcation between lawn and a proposed meadow buffer is part of the proposal. Mr. Clausi stated the brush in the wetland needs to be removed immediately.

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

A letter from a neighbor with stormwater concerns was reviewed.

Stephan Skoufalos made a motion to approve action of IWWA 2018-149 with the General Conditions and Special Conditions proposed by staff, seconded by Jo Rogers, and carried, 7-0-0.

4. #2018-150 – 43 Burning Tree Road – S.E. Minor & Co., Inc. for Vankatesh and Donna Durvasula for construction of a pool and terrace 54’ from wetlands. Tax #11-2307 (first 65 days 1/30/19)

Bob Clausi reviewed his staff report. This is a resubmission of a pool approved in 2004 and never implemented. This plan is in keeping with the prior design and the stormwater management plan has been upgraded to meet today’s standards. The planting plan likewise reflects current standards.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency. He agreed with Mr. Clausi’s summation and recommendations.

Joe Rogers made a motion to approve action of IWWA 2018-150 with the General Conditions and Special Conditions proposed by staff, seconded by Bill Galvin, and carried, 7-0-0.

5. #2018-151 – 145 Weaver Street – Paul Niebuhr, Jr. for construction of a wall adjacent to wetlands. Tax #07-2233 (first 65 days 1/30/19)

Doreen Carroll-Andrews reviewed her staff report and the violation that resulted in this application. The on-site wetland is lawned with some trees. The stonewall goes up to the wetland boundary, the starts again on the other side. A berm and leaves need to be removed from the wetland and an exemption letter from an engineer for the additional 325 s.f. of impervious coverage. The proposed deer fence needs to have a 6-inch gap at the bottom and suitable plantings have been proposed. Ms. Carroll-Andrews recommended an order be issued.

Paul Niebuhr, Jr., property owner, appeared before the agency and concurred with Ms. Carroll-Andrews' report.

Mrs. Hiram Bingham, neighbor at 149 Weaver Street, appeared before the agency and expressed concern that the wall would restrict flows to her pond. Doreen Carroll-Andrews indicated this would not be an issue.

Bill Galvin made a motion to issue an order to correct for IWWA 2018-151 with the General Conditions and Special Conditions proposed by staff, seconded by Alan Rossi, and carried, 7-0-0.

6. #2018-153 – 12 Hillcrest Lane – Ahneman Kirby, LLC for Derron and Marion Slonecker for construction of a residential addition and deck 40' from wetlands. Tax #12-1532 (first 65 days 1/30/19)

Bob Clausi reviewed this application for the agency. The retaining wall associated with the development will be 34 feet from the brook. Provided care is used during construction, the resources should not be affected. A pervious driveway is proposed to compensate for the increase in impervious coverage. A planting plan along the brook was submitted and will be beneficial in naturalizing the buffer.

Keith Warner of Ahneman Kirby, LLC appeared before the agency and provide some additional project details

Jo Rogers made a motion to approve action of IWWA 2018-153 with the General Conditions and Special Conditions proposed by staff, seconded by Alan Rossi, and carried, 7-0-0.

7. #2018-158 – 14 Sawmill Terrace – S.E. Minor & Co., Inc. for Jeffrey S. Howard for installation of a footing drain and streambed maintenance. Tax #11-1803 (first 65 days 1/30/19)

Elliot Benton left the room.

Norma Kerlin, Jay Schondorf and Alan Rossi were identified as having visited this site.

Bob Clausi reviewed the nature of the parcel and project. The site is substantially challenged by high groundwater, including a wetland that abuts the house. The footing drains will help pull water away from the house and will drain near the pond. The outlet could not be further back due to grades and the desire to have this be gravity driven. The phragmites will be mowed to expose the pre-existing ditch. Once exposed, the ditch will be cleaned out to again help keep water away from the house. Mr. Clausi provided conditions of approval for the agency's consideration.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the agency. He stated the situation caused by high groundwater is bad enough that iron bacteria is working its way up the interior walls of the house.

Mrs. Sesto asked if the leaching fields had been checked, as on-site condition appear to indicate a failure.

Mr. Liebman responded the yard drain traverses the leaching fields and will be disabled. The outlet of this drain is unknown and may be contributing to the appearance of a septic failure. The site will be reevaluated.

Jo Rogers made a motion to approve action of IWWA 2018-158 with the General Conditions and Special Conditions proposed by staff, seconded by Norma Kerlin, and carried, 6-0-0.

Mr. Benton returned.

8. #2018-159 – 24 Lower Cross Road – S.E. Minor & Co., Inc. for Kimberly Handler for tree removal and landscape improvements 45' from wetlands. Tax #11-3033 (first 65 days 1/30/19)

Norma Kerlin, Jay Schondorf and Alan Rossi were identified as having visited this site.

Bob Clausi reviewed this application to remove 30 trees on-site. In 1992 the property was issued a permit and included a 75-foot buffer. The wetlands on-site include a vernal pool. Some of the trees fall within the buffer and include trees that appear to be aesthetic concerns as opposed to a hazard. No mitigation has been proposed and the proposed demarcation wall intrudes into the 75-foot buffer. Mr. Clausi also questioned how the equipment to remove the trees would access the rear yard.

Larry Liebman of S.E. Minor & Co., Inc. addressed the agency, first noting the demarcation wall should be disregarded. He erroneously placed it within the buffer. He described various reasons for wanting the trees removed, including debris landing in the pool. A list of the trees recommended for removal was part of the application packet and was prepared by a licensed arborist.

After a brief discussion, it was agreed staff would meet on-site with the arborist to pare down the list of trees and shrubs to be removed.

Jo Rogers made a motion to delay action of IWWA 2018-159 seconded by Bill Galvin, and carried, 7-0-0.

- 9. #2018-160 – 749 Lake Avenue – Joseph F. Risoli, P.E. for Blue Lake 749 LLC for construction of a pool, pool house, and patios 30’ from wetlands. Tax #11-1941 (first 65 days 1/30/19)**

Norma Kerlin, Jay Schondorf and Alan Rossi were identified as having visited this site.

Bob Clausi stated the applicant has requested the project review be postponed.

- 10. #2018-161 – 65 Rockwood Lane – Joseph F. Risoli, P.E. for Sekou & Jennifer Kaalund for construction of a pool, patios, and drainage improvements 8’ from wetlands. Tax #11-1577(first 65 days 1/30/19)**

Bob Clausi reviewed his staff report for this application and described the pool project. He questioned the proposed location of the infiltrators and why they couldn’t be under the patio areas. There is outstanding information, thus a Mr. Clausi recommended delaying action.

Jim McTigue of Joseph F. Risoli, P.E. appeared before the agency. He further described the property and how it is flanked on either side by streams. The is limited outdoor space and the proposal will make what they have more usable. All of the activity is proposed within existing residentially developed areas. The rain garden is proposed to have a liner due to the “D” soil classification. Placing infiltrator under the patio was ultimately rejected due to offset requirements from the septic system and retaining walls. Mr. McTigue will be meeting with the town’s engineering department in the coming week. Mr. Clausi stressed his preference for stormwater to be infiltrated.

Stephan Skoufalos made a motion to delay action of IWWA 2018-161 seconded by Jo Rogers, and carried, 7-0-0.

V. Applications To Be Received

Stephan Skoufalos made a motion to receive the seven applications listed on the agenda, seconded by Jo Rogers, and carried 7-0-0.

- 1. #2018-162 – 105 Dingtown Road – Grumman Engineering, LLC for Warren Raum and Dalia Raum for future septic system installation (B-100a plan). Tax #11-1331 (first 65 days 2/20/19)**
- 2. #2018-163 – 7 Lismore Lane – Gruman Engineering for Dennis T. D’Antonio for construction of a detached garage adjacent to wetlands. Tax #10-2928 (first 65 days 2/20/19)**
- 3. #2018-164 – 15 Cedarwood Drive – Jay Fain & Associates for Richard Jelinek for construction of driveway improvements and landscaping 35’ from wetlands. Tax #11-2189 (first 65 days 2/20/19)**

4. **#2018-165 – 6 Neil Lane – Rocco V. D'Andrea, Inc. for CoCoon, LLC for construction of an addition to commercial building and associated site improvements adjacent to wetlands. Tax #12-2227/s (first 65 days 2/20/19)**
5. **#2018-166 – 156 Overlook Drive – Rocco V. D'Andrea, Inc. for Dinglelook LLC for construction of a single family residence, driveway, pool, patios, drainage, and landscaping 70' from wetlands. Tax #10-1040/s (first 65 days 2/20/19)**
6. **#2018-167 – 122 Cedar Cliff Road – Rocco V. D'Andrea, Inc. for Michael Godner for demolition of an existing residence and construction of a new single family residence, driveway, pool, terraces, drainage and landscaping 3' from wetlands. Tax #05-1092 (first 65 days 2/20/19)**
7. **#2018-168 – 257 Stanwich Road – Rocco V. D'Andrea, Inc. for Stanwich School Inc. for construction of additions to the existing school buildings, driveways, parking, and drainage 70' from wetlands. Tax #08-4017 (first 65 days 2/20/19)**

VI. Agent Approvals

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

11. **#2018-157 – 25 Cat Rock Road – Sound View Engineers and Land Surveyors for Eoin Ryan for construction of a patio, a subsurface drainage system, and reconstruction of a retaining wall 4' from wetlands. Tax #08-1281**

There were no questions or comments.

VII. Violations

1. **Cease and Correct Order #2018-14 – for Laura and Brian Markovich – 11 Druid Lane. Unauthorized removal of vegetation and manipulation of a wetland. Tax # 05-2111/s**

At the November meeting Laura and Brian Markovich requested discussion be delayed for Cease and Correct Order #2018-14 which was granted by the agency.

Doreen Carroll-Andrews read the list of documents into the record and reviewed the Violation Summary for unauthorized removal of vegetation and manipulation of a wetland.

Staff was notified by a homeowner experiencing a significant amount of stormwater runoff originating from the neighboring property at 11 Druid Lane. The excessive water was causing the catch basin in their lawn to overflow. They believed that the cause was a result of recent activity at 11 Druid Lane that included manipulating the wetland area.

A site meeting with the homeowners of 11 Druid Lane helped clarify site activities. One tree, about 4-6 inches in diameter, was removed in addition to about four woody shrubs. A screen

of evergreen trees has been installed around the perimeter of the yard. The soil used to support the newly installed trees created a small berm along the rear of the property.

Laura Markovich, property owner, addressed the agency. She stated she has recently received additional information from her consultants and would like to review these before discussing the project further. She would be ready to submit a corrective action application by January 25th.

Michael Finkbeiner of Earth Image, LLC took over, describing the house as being at elevation 80 and the wetland at 72 feet. In 1961 there was a watercourse that ran through several properties and was covered by an easement. Presently, 33 and 39 Hearthstone drain to a catch basin on the property of 39 Hearthstone. Mr. Finkbeiner continued forward discussing various drainage issues and potential causes. He was reminded drainage was not in question, only the removal of some vegetation and minor grading in a wetland and its upland review area.

Discussion ensued, with Mr. Finkbeiner challenging the characterization that a violation exists. Mr. Theall, who recently flagged a small area of wetlands on-site is reconsidering the designation after reviewing undisclosed documentation. The agency noted there is a known wetland on 33 Hearthstone, so at the very least the activity took place in an upland review area. Mr. Finkbeiner then questioned the conclusion that vegetation had been removed.

Elliot Benton made a motion to uphold the cease and correct order, seconded by Jay Schondorf. Discussion followed.

Mark Wenitzky of 30 Hearthstone Drive described his flooding issues and the correlation he drew between the problem and the work on 11 Druid Lane. He contends the removal of the boulders that formed an upper flat area allows water to make it down the hill faster. The catch basin on his site gets overwhelmed.

With no further discussion of the motion, it passed 7-0-0.

VIII. Other Business

IX. Adjourn

With no further business, the meeting adjourned at 10:45 p.m.

Patricia Sesto
Director