

MINUTES

GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY

December 18, 2017

Members present: Chairman Brian Harris, Secretary Stephan Skoufalos, Jo Rogers, and Jay Schondorf

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

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

Others present: Tony D'Andrea, Rocco V. D'Andrea, Inc.; Bill Kenny, William Kenny Associates, LLC; Tom Heagney, Heagney, Lennon, & Slane, LLC; Susan Cohen, Susan Cohen Landscape Architect; Larry Liebman and Katie Weatherseed, S.E. Minor & Co., Inc.; Bryan Muller, Sound View Engineers & Land Surveyors LLC; Jim Hoffman, SBP Cornelia, LLC; Matt Popp, Environmental Land Solutions, LLC; Pete Romano, Land Tech Consultants; Bill Kleinman; John Timm; Robert Peterson; Paul Hopper; Fred Doheny, Greenwich Country Club; Elena Gryadovkina; Christian Perry; David and Martina Russell.

1. Call to Order

Chairman Brian Harris called the meeting to order at 7:01 p.m.

2. Seating of alternates

Alan Rossi, Peter Linderoth, and Klaus Jander were seated.

3. Approval of draft minutes of November 27, 2017

Stephan Skoufalos made a motion to approve the minutes of November 27, 2017, seconded by Peter Linderoth, and carried 7-0-0.

4. Director's Report

a. Monthly Summary

Patricia Sesto presented her director's report. Staff time has been consumed by processing a heavy load of applications in the shortened review period between November and December.

Bob Clausi was credited with issuing six agent approvals in seven business days. Doreen Carroll-Andrews ushered four corrective action applications in for submission and the legal department is finalizing their filing requesting injunctions on 21 Walker Court and 99 Sterling Road. The Planning and Zoning Commission has kicked off their efforts to revamp the Plan of Conservation and Development. Members will be invited to a planning session in January. As this document guides the town as a whole, the IWWA has something to gain by participating. Mrs. Sesto addressed the increasing number of applications which are submitted without all the documentation routinely required by the agency. In accordance with Section 8.6 of the regulations, the agency “shall” deny incomplete applications. While it is appropriate to identify missing elements of an application, the burden is on the applicant to make their case.

5. Quarterly Compliance Report

6. Other Business

a. Schedule of Fees

Mrs. Sesto reviewed the proposed changes to the fee schedule. No change to fees are being proposed. The only changes are for clarification and equity in administration.

Brian Harris made a motion to approve the Schedule of Fees, seconded by Jay Schondorf, and carried 7-0-0.

I. Public Hearings

- 1. #2017-150 – 201 Clapboard Ridge Road – Sound View Engineers & Land Surveyors, LLC for Hawthorne Development III LLC for demolition of the existing residence and construction of a single family residence, septic, pool, patio, drainage, grading, landscaping, and driveway modifications 0’ from wetlands. Tax #10-1608 (first 35 days 1/1/18)**

Patricia Sesto identified the additional information submitted for the record. A revised habitat improvement plan was submitted, which increases the separating distance between the retaining wall at the limit of lawn and the wetland. The area north of the leaching field remains essentially unchanged despite its proximity to an off-site watercourse and no compelling reason for this lawn has been provided. Sesto acknowledged the extensive work being proposed to restore the wetland, but is still troubled by the extent of lawn.

Tom Heagney of Heagney, Lennon, & Slane, LLC, addressed the agency, restating the history of the property and the various impacts sustained by the wetlands. The proposal for redevelopment includes substantial wetland restoration and construction of a single family home. Mr. Heagney stated the configuration of the lawn reflects the desire of his client. The wetland buffer has been increased to a depth of 20-25 feet on average; a marked improvement over existing conditions.

William Kenny of William Kenny Associates, LLC, spoke to the revised habitat improvement plan, noting the retaining wall has been moved back from the wetland boundary in response to the agency's concerns. The retaining wall will be constructed with boulders and a berm will be built up along its upland side to promote infiltration.

Discussion ensued regarding the alternatives to protect the watercourse offsite to the east. A berm with plantings will be added to the plan to prevent overland flow from directly discharging to the east.

Chairman Harris called for public comments.

Hearing none, Brian Harris made a motion to close the public hearing, seconded by Jo Rogers, and carried, 7-0-0

Following a brief discussion, Brian Harris made a motion to approve IWWA Application #2017-150 with the standard conditions and special conditions proposed by staff and the additional special condition that a detail of the retaining wall and its protective berm be submitted, seconded by Jay Schondorf, and carried, 7-0-0.

2. #2017-156 – 33 Twin Lakes Lane – Rocco V. D'Andrea, Inc. for Barry D. and Helena S. Parkin for construction of a single-family residence with associated activities 5' from wetlands. Tax #05-2680 (first 35 days 1/22/18)

Brian Harris recused himself.

Bob Clausi read the list of documents into the record and described the project. The site contains both inland wetlands and tidal wetlands and the redevelopment of the site will set the new residence 20 feet from the inland wetland and watercourse and just a few feet from the tidal watercourse. A leading driver of the plan to rebuild is the necessity to elevate the house above the 100-year flood elevation and reposition the house.

The Department of Public Works has outstanding issues, but these are not likely to affect the inland wetlands.

The application lacks alternatives and the associated discussion, the biological evaluation, and details of best management practices.

A landscape plan was recently submitted and provides a substantial improvement over existing conditions in the area of the watercourse. Construction details for the gazebo were also recently submitted, as was the plan for the sewer connection. The gazebo will be on piers and the sewer line will not intersect with regulated areas.

Jay Schondorf, Jo Rogers, and Alan Rossi were identified as having visited the site.

Tom Heagney of Heagney, Lennon, & Slane, LLC, addressed the agency, describing the dual regulatory status of site's wetlands. The property is in a AE12 flood zone, which requires the first floor elevation be set at 13 feet. While not on this property, high velocity zones are

nearby so added design measures are included to safeguard the house. The existing house could not be lifted due to its condition. Another alternative considered was the first design which straddled the watercourse. The detached garage will be located on existing pavement and is needed to support the owners' boating hobby. Due to the nonconforming shape of the parcel, the owners needed to secure a variance for the FAR and were granted an FAR allowance of 5,100 s.f.

Tony D'Andrea of Rocco V. D'Andrea, Inc. continued with the project description. In consideration of the AE12 flood zone and nearby velocity zones, the first floor elevation will be 15 feet. Flood vents will be used, as required, on the lower level. Mr. D'Andrea reviewed the various other considerations which influenced the design.

The plan meets the requirements of the town's drainage manual. Gutters will be disconnected, a rain garden is proposed in the center of the driveway turnaround, and the currently proposed level spreader will be shifted north. Crushed stone will be placed under the gazebo and will receive roof runoff.

No filling is proposed east of the driveway retaining wall.

William Kenny of William Kenny Associates, LLC reviewed the biological assessment issued earlier in the day. A small inland wetland and watercourse is located in the north east corner of the property. Lawn extends through the wetland and up to the watercourse and there is no stormwater management to protect the resources. The wetland has low functional significance, which will be improved by the dense planting plan proposed as mitigation.

Overland flow from east and west of the parcel supports the stream and the proposed development is down gradient of it. Mr. Kenny advocated for the installation of a chain link fence to firmly establish the limit of disturbance and to install the driveway retaining wall early in the process to reinforce this limit, as well.

The mitigation area will have a stepping stone path, with no active recreation planned.

Susan Cohen of Susan Cohen Landscape Architect appeared before the agency and provided more details for the mitigation planting plan. Trees, grasses, and simple shrubs will dominate the area to create a natural feel. Maintenance of this small area can be accomplished by hand and/or through mowing once or twice a year.

Tom Heagney summarized the elements of the applications, emphasizing the improved condition of the wetland and watercourse.

Stephan Skoufalos questioned the absence of alternatives, to which Mr. Heagney responded by restated the design plans previously described.

Mr. D'Andrea offered to included permeable pavers to enhance filtration opportunities and concluded that while the house could shift west by a few feet, there would be no appreciable benefit to the tidal wetland.

Patricia Sesto questioned Mr. Heagney as to why the application to this environmental board was submitted without pertinent ecological evaluations and mitigation plans. The design process is long and the application has been with the agency for nearly a month, yet these elements of the plan were submitted today. She called into question to what extent the plan took wetland protection into consideration. The regulations state what is expected for a complete application and direct the agency to deny incomplete applications. The applicant is creating a vulnerability for themselves.

Mr. Skoufalos called for public comment. None was heard.

He then expressed his concern regarding the verbal testimony without the benefit of corresponding written reports and exhibits. As presented, the record is not comprehensive. Bob Clausi identified what documentation was just submitted earlier in the day. Stephan Skoufalos stated alternatives with greater separating distance to the wetland should also be submitted.

The public hearing was continued to the next meeting on January 22, 2018.

3. #2017-168 – 19 Doubling Road – Rocco V. D’Andrea, Inc. for Greenwich Country Club for removal of trees and creation of meadow habitat in and adjacent to wetlands. Tax #11-1137/S (first 35 days 1/22/18)

Brian Harris was reseated.

Bob Clausi read the list of documents into the record and described the project. The first green and second tee are in need of renovation and as part of that plan the applicant is proposing to clear cut wetland and buffer areas adjacent to these. The purpose of the clearing is to increase sunlight and air circulation. Presently, poor air circulation is ameliorated by a gasoline driven blower. The tree removal affects 24 trees in wetlands and another 48 in the upland review area. As mitigation, eight trees and 30 shrubs are proposed. Some of this planting will go in an area outside the cleared zone, on a steeply sloped streambank which has been impacted by erosion.

Mr. Clausi reviewed his questions and concerns as listed in his staff report. He is concerned about the potential for significant impacts to the wetlands and watercourse due to the extensive degree of clearing. Shading of the resources will be reduced and no replacement, in-kind, of the vegetation is possible. He questioned the potential for graduated tree removal or thinning and expressed the need for a solar analysis to substantiate the proposal.

The environmental assessment did not address the impacts to nutrient cycling in the wetlands and watercourse, reduction in pollution renovation, and spread of invasive species as a result of disturbance. The disposition of the stumps was not discussed, and if removed, this will create a great deal of disturbance. Is it possible to girdle the trees and leave standing deadwood in order to benefit some wildlife and reduce ground disturbance? The restoration of the brook needs much more detail. The area has steep slopes which will be difficult to work on and it is not clear.

Jay Schondorf, Jo Rogers, and Alan Rossi were identified as having visited the site.

Matt Popp, Environmental Land Solutions, LLC appeared before the Agency and clarified the restoration to the greens is part of a broader project, one that will be submitted in the future for permitting. He then described the project as one to create better air circulation, which would in turn, reduce the need for fungicides and pesticides. Two thirds of the trees to be removed are the invasive species, Norway maple. Tuliptree and Catalpa make up the majority of the remaining trees. Stumps of the cut trees will not be removed and there are three or four hickories and oaks that will be preserved. Slow growing black gum will be replanted. North of the green, the understory is weak and dominated by invasive species.

Once the clearing is complete, a meadow will be fostered and will be mowed once annually.

Mr. Popp recommended that, regardless of what alternate management approaches is considered, removal of the Norway maples should be part of it. Alternatives include keeping all native trees or keeping native trees just within the wetland and a 50 ft. buffer. Brian Harris asked what alternatives to managing the green itself were considered.

Fred Doheny, Superintendent of the Greenwich Country Club fielded this question, stating the intent is to restore the greens to USGA specifications by planting bent grass, which requires 12 hours of sunlight, daily. Mr. Harris directed the applicant to provide a solar analysis and wind study to substantiate the efficacy of the plan. He also suggested the applicant suspend this project until after the greens are restored to see if it is still needed.

Stephan Skoufalos questioned the disregard for the Norway maples, agreeing with the characterization of the maples as invasive species, but also acknowledging the function they serve. Mr. Popp responded Norway maples should always be removed and when he served on the agency, removal of this species was strongly encouraged.

Peter Linderoth disagreed, stating tree canopy is of value to the wetlands and watercourse, regardless of what species is providing it. Mr. Popp cited the ecological maladies associated with Norway maples to which Mrs. Sesto asked Mr. Popp to specify how those maladies impacted wetland and watercourses. Mr. Popp did not know of any direct impacts.

Jay Schondorf noted the trees southeast of the tee are set well below the tee and asked how tall the trees were. Mr. Popp confirmed their height was the same level as the tee.

Chairman Harris called for public comment. None was heard.

The applicant was directed to provide information regarding a replacement strategy and the larger greens restoration project, in addition to other documentation previously identified.

The public hearing was continued to the January 22, 2018 meeting.

- 4. #2017-169 – 9 Cornelia Drive – Rocco V. D’Andrea, Inc. for SBP Cornelia, LLC for redevelopment of single-family residence with associated activities 10’ from wetlands. Tax #11-1905 (first 35 days 1/22/18)**

Jay Schondorf, Jo Rogers, and Alan Rossi were identified as having visited the site.

Bob Clausi read the list of documents into the record and described the project. This is the redevelopment of a single family, 1.3 acre lot. The new house will have a footprint three times larger than the current house, there will be a new septic system, drainage, and a pool. A large wetland is in the northeast portion of the lot and it outlets to a watercourse that runs along the back of the property. The existing retaining wall on the east side of the existing lawn is being used as a limit of disturbance in this area. The back yard is quite limited in space and Mr. Clausi relayed his experience that such a constrained yard leads to future encroachments. During construction, short term impacts are likely due to the close proximity of activities to the wetland and watercourse. The 5-foot offset provides little to no protection to the wetland in the event sedimentation controls fail. Given the length of time projects of this magnitude take, 12-24 months, such failures are not uncommon.

The pool is located in a watercourse buffer area where the ground cover is dominated by pachysandra and the canopy of trees would be removed.

The Department of Public Works is requesting more information. The application is also missing a discussion and presentation of alternatives. The biological evaluation was just submitted on the 13th and the newly submitted planting plan provides some mitigation.

Tony D'Andrea of Rocco V. D'Andrea, Inc. spoke to the agency regarding the design process and considerations. The extent of ledge on the property drives the location of the leaching fields; the old leaching field will be used for stormwater infiltration; and in turn these drive the location of the house. This is a larger home than currently exists and in deference to the resource constraints, a semicircular driveway with a parking court was rejected in favor of a drive on the east side of the house. The outdoor spaces, such as the front door and rear patio are oriented on the east and west sides of the house, respectively. The pool is located north of the house, but will only be used a few months of the year.

Mr. D'Andrea noted DPW's desire to have treatment drains to manage stormwater. Given this site's constraints, it is not possible to meet the low impact development goals of the drainage manual. The applicant limited the development envelope by foregoing a pool house and utilizing an east/west orientation.

Discussion ensued regarding various design elements. A smaller house was suggested, and Mr. D'Andrea responded this footprint is not that big. The basement is not likely to need dewatering due to the extent of ledge and basement floor elevation of 196.

William Kenny of William Kenny Associates, LLC described the ecological resources on-site and noted a habitat enhancement plan was submitted. The large wetland is of value, and by contrast, the watercourse is of lower value and shows evidence of being ditched. Mr. Harris suggested the pool and grading north of the house be removed to limit impacts. Mr. Kenny stated a planting plan is proposed to mitigate for the loss of canopy.

Patricia Sesto described the area of the pool and grading as being wooded, and even with the groundcover of pachysandra, this modified woodland is needed to protect the open

watercourse. No information has been presented regarding where the watercourse leads and open water has far less ability to recover from pollutions than wetlands. The house itself also intrudes into these woods. Much of the wetland and watercourse buffer has been reduced due to past development; the balance of development and wetland/watercourse protection has been met. It is unreasonable to seek further incursions into the buffer and this sets a precedence for all of the other surrounding homes.

Jim Hoffman of SBP Cornelia, LLC appeared before the Agency. He reiterated the intent to focus outdoor activities to the east and west sides of the house, thereby avoiding the areas closest to the wetlands. Even the extent of lawn shown can be further reduced and the pool could possibly be moved to the west side of the house.

Mr. Hoffman dismissed the need to consider a smaller footprint, given what is being proposed is allowed by zoning. Mrs. Sesto stressed zoning sets maximum values for coverage, etc. and these maximums are not entitlements. By way of zone, one is entitled to residential development, the size and all other components are all discretionary. Given the lot is already residentially developed, this can reasonably be considered as an alternative.

Chairman Harris called for public comment. None was heard.

The public hearing was continued to the January 22, 2018 meeting.

II. Consent Approvals

Brian Harris made a motion to add IWWA#2017-154 to the Consent Approvals, seconded by Stephan Skoufalos, and carried, 7-0-0.

- 1. #2017-162 – 210 Sheephill Road – S.E. Minor & Co., Inc. for DDZI Greenwich, LLC for construction of a dock on Mianus Pond. Tax #12-2043 (first 65 days 1/31/18)**
- 2. #2017-154 – 82 Buckfield Lane – MTM Construction Group for Michael Grunberg for installation of a wooden fence with no footings in wetlands. Tax #10-1741 (first 65 days 1/31/18)**

Stephan Skoufalos made a motion to approve the applications listed as consent approvals, seconded by Peter Linderoth and carried 7-0-0.

III. Pending Applications

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

Doreen Carroll-Andrews reminded the members of the nature of the violation. A previously permitted limit of lawn was removed and a stone retaining wall was reconstructed closer to the wetland. Following the first meeting when the corrective action was reviewed, the

applicant was directed to revise the plan to show the new wall to be reconstructed in accordance with the previous limit of lawn. Since this time, a second regulated activity was identified on-site, namely a stone path with a steel edge and a sitting area were installed immediately adjacent to the pond.

With the submission of revised plans showing the retaining wall appropriately relocated and an after-the-fact depiction of the stone path, Ms. Carroll-Andrews recommended an order be issued.

Pete Romano of Land Tech appeared before the Agency expanded on the specifics of the violation and plan to correct. In addition to relocating the wall, plantings will be installed and porous soil will be used to backfill behind the wall to promote infiltration. Mr. Romano noted the pathway was newly found. The owners were looking to enhance their ways to enjoy the pond. Alternatives to the path as it exists would be to remove it or modify it by substituting cedar bark and use logs for edging. In keeping with suggestions by Doreen Carroll-Andrews, Mr. Romano concurred ferns could be added to supplement the sparse vegetation.

Members questioned whether the steel edging would impede movement of salamanders, turtles, etc. Discussion ensued regarding the various means to traverse the wetland and included a slightly elevated boardwalk, removing all or portions the steel edging, edging with cedar logs. Understanding the purpose of each alternative was to facilitate unfettered movement of smaller wildlife, Mr. Romano and agency staff will work on an appropriate solution that would accomplish this and allow a path to remain.

Stephen Skoufalos made a motion to Issue an Order to Correct for IWWA application #2017-116 with the standard conditions and special conditions proposed by staff and the additional condition to require the path edging be modified as discussed, seconded by Jay Schondorf and carried, 7-0-0.

New Applications for Review

1. **#2017-141 – 89 Loughlin Avenue – Dennis Gregory and Maria LaPutt for construction of retaining wall 0-5' from wetlands and modification of driveway. Tax #08-2975/s (first 65 days 12/27/17)**

This applicant had submitted a written request to extend the review time for the application and continue the review to the next meeting.

3. **#2017-148 – Rockfields Lane – Redniss & Mead, Inc. for The Estate of John Stillman Rockefeller c/o Scott Heller for construction of a private road for an approved subdivision 0' from wetlands. Tax #10-3660/S, #10-3669/S, #10-3670/S, #10-3671/S, #10-3672/S, #10-3673/S, #10-3674/S, #10-3675/S, #10-3676/S, #10-9078, #10-9079 (first 65 days 12/27/17)**

This applicant had submitted a written request to extend the review time for the application and continue the review to the next meeting.

Brian Harris made a motion to approve the requested extensions of time for application review for IWWA#2017-141 and 2017-148, seconded by Stephan Skoufalos and carried, 7-0-0.

4. **#2017-155 – 92 Orchard Street – Rocco V. D’Andrea, Inc. for Greenwich Reform Synagogue, Inc. for installation of a stormdrain connection 0’ from wetlands. Tax #08/2745/s (first 65 days 1/31/18)**

Bob Clausi reviewed his staff report, stating the purpose of the project is to capture overflow from the wetland. The overflow intermittently impacts an area the synagogue wants to use for a play space. Runoff would be directed via a 12-inch pipe to an existing 42-inch pipe that is part of the town’s stormdrain system. DPW has submitted comments expressing their concerns with this plan.

Tony D’Andrea of Rocco V. D’Andrea, Inc. expanded on Mr. Clausi’s description, stating the overflow will enter a catch basin with a deep sump to retain debris and no more water will be entering the town’s system than current conditions. The concerns raised by DPW can readily be resolved.

Mr. Clausi concurred with Mr. D’Andrea that the collection of the wetland overflow will not impact the wetland itself.

John Timm of 78 Orchard Drive expressed his concerns regarding adding volume to the town’s 42 inch pipe. There was a natural stream many years ago and that stream is now piped. Flooding issues already exist down stream of where the 42-inch pipe discharges, so adding any water is problematic

Jay Schondorf, Brian Harris, and Jo Rogers all identified themselves as having been part of the review of the application to construct the synagogue and are familiar with the site.

Mr. Timm presented maps depicting the watershed of the area of concern and the affected neighboring properties, photos of the receiving stream in flood conditions, and a video of the wetland overflow. He agreed with DPW’s desire to infiltrate the overflow as opposed to adding it to the 42-inch culvert.

Robert Peterson, 80 Orchard Drive, appeared before the Agency and explained the flooding situation as he sees it. The 42-inch culvert outlets onto his property. Based on his observations, development on Sinoway has produced a damming situation, exacerbating the flooding problems.

Anthony D’Andrea offered to modify the plan to create a situation where water in smaller storms would back up in the subject wetland and alleviate the more frequent flooding issues. Bob Clausi concurred, the nature of the wetland could sustain this without impact.

It was the consensus of the members to support the use of the wetland for some detention and invited Mr. D'Andrea to return with revised plans.

Brian Harris made a motion to delay action on the application, seconded by Stephen Skoufalos, and carried, 7-0-0.

5. #2017-160 – 30 Sherwood Avenue – Elena Gryadovkina for replanting trees adjacent to wetlands. Tax #10-1842 (first 65 days 1/31/18)

Doreen Carroll-Andrews reviewed her staff report. Staff was alerted to tree removal occurring on the property in an area adjacent to wetlands. Nine trees were removed from around the pond located on the southern portion of the property and another 14 are standing dead trees. The arborist's report identified emerald ash borer as the cause for the remaining dead trees and at least some of the nine which were removed are ash trees. The CT Agricultural Experiment Station responded back to Ms. Carroll-Andrews, stating this is the first evidence of EAB in Greenwich.

In addition to the restoration plan, which calls for the nine trees to be replaced, the owner will treat the dead tree as opposed to removing them. There is no state or federal requirement regarding treatment or removal. The Agricultural Experiment Station advocates removal.

Elena Gryadovkina, property owner appeared before the Agency. She reiterated the trees were hazardous and there was no intention to be a scofflaw. She is amendable to replacing the trees, although if she doesn't have to do anything about the emerald ash borer, she would prefer not to. Additionally, Ms. Gryadovkina would like relief of the violation fee. After some discussion, it was the consensus of the agency to forego the additional \$3,000 fee in exchange for the applicant's good faith commitment to instead use these funds treat her property for the borer.

Stephen Skoufalos made a motion to issue an Order to Correct IWWA application #2017-160 with the standard conditions and special conditions proposed by staff, seconded by Peter Linderoth, and carried, 7-0-0.

6. #2017-161 – 36 West Brother Drive – Janine and David Braun for replanted trees adjacent to a watercourse. Tax #01-1352 (first 65 days 1/31/18)

Doreen Carroll-Andrews reviewed her staff report describing the four trees that had been removed at 36 West Brother Drive in close proximity to the pond and house. There is evidence the trees were diseased and structurally unsound. The applicant has proposed to replace the trees.

The owner was unable to attend the meeting and instead submitted a letter requesting the violation fee be reduced to the standard minimum fee. The agency agreed to the request.

Brian Harris made a motion to Issue an Order to Correct for IWWA application #2017-161 with the standard conditions and special conditions proposed by staff, seconded by Klaus Jander, and carried, 7-0-0.

7. #2017-163 – 39 Aiken Road – S.E. Minor & Co., Inc. for Anthony William Ruggiero for a two-lot subdivision. Tax #10-2642 (first 65 days 1/31/18)

Jay Schondorf, Jo Rogers, and Alan Rossi were identified as having visited the site.

Patricia Sesto described the project as a two lot subdivision, where one of the lots would contain a small, poor quality wetland. The wetland consists of a shallow, rubber-lined pond, surrounded by a narrow band of wetland soils. An old subdivision map shows a wetland further north and a farmer's drain in the vicinity of the pond. The wetland was not detected with the latest soils investigation.

The activities associated with development of the new lot do not pose a risk of impact to the degraded wetland.

Larry Liebman had no objections to the staff summary and recommendation.

Stephen Skoufalos made a motion to approve the IWWA application #2017-163 with the standard conditions and special conditions proposed by staff, seconded by Jay Schondorf, and carried, 7-0-0.

8. #2017-165 – 28 Turner Drive – S.E. Minor & Co., Inc. for Turner Drive, LLC for construction of a single family residence, driveway, garage, pool, pool patio, drainage, and septic system 28' from wetlands. Tax #07-2786 (first 65 days 1/31/18)

Jay Schondorf, Jo Rogers, and Alan Rossi were identified as having visited the site.

Patricia Sesto described the site and proposed development. This lot was created in the mid 1980's and was recently "confirmed" by Planning and Zoning. No wetland permit was issued previously for the subdivision. The lot has a topographic saddle in its central portion which drains towards a wetland off-site to the north. This wetland extends north before wrapping around to the west and forms the headwaters of Tom's Brook. Tom's Brook outlets to the impaired waters of Byram Harbor.

An examination of the town's 2003, 2008, and 2013 GIS maps showed progressive loss of the wooded buffer to the off-site wetland. While the applicant was not the owner of the property at the time, some deference to the violation is warranted.

Mrs. Sesto described the site plan and highlighted elements she felt required modification. The grading plan calls for a retaining wall set 28 feet from the wetland area to the north. The mitigation plantings are located above the retaining wall and their purpose is unclear. The stormwater mitigation plan includes a rain garden located in soil that has ledge at 4 inches. The applicant proposed to rip the ledge to create a rain garden to satisfy the low impact

development criteria of the drainage manual. Mrs. Sesto described this as the antithesis of low impact development.

Alternatives to the stormwater plan, including the use of pervious pavement in the courtyard, and the grading plan to create greater separation between the residential use and wetland are feasible and need to be explored. She expressed concern this proposal is capitalizing on a past violation and if the site were still wooded, it is unlikely the same development plan would be proposed.

The backup documentation to the purported number of trees cleared should be submitted. Mrs. Sesto estimates the number to be in excess of 40, while the letter report from S.E. Minor & Co., Inc. indicates 25 trees were removed.

Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency and stated ownership at the time of the violation is relevant. His client shouldn't be held accountable for the actions of others. He accepts his tree count may be off, but does not dispute the clearing.

Mr. Skoufalos questioned burdening the applicant with a violation created some nine years ago by others. Mrs. Sesto responded this is not unusual for this agency, citing an application heard earlier in the meeting where the applicant will undertake substantial restoration of wetlands and buffers to compensate for impacts from past legal uses of the property. That being said, she restated her recommendation is not to reforest the subject lot, just provide some remediation to balance the development.

The development plan is a function of the cost of the parcel and what is allowed by P&Z. To address nonpoint source pollution, the size of the lawn can be reduced and the pool can be shifted to lie between the wetland and lawn. Alternative plans will be submitted for the next meeting.

Christian Perry, owner and applicant echoed Mr. Liebman's testimony and agreed to reevaluate the plan in response to this discussion.

Stephen Skoufalos made a motion to delay IWWA action on application #2017-165, seconded by Jay Schondorf, and carried 7-0-0.

9. **#2017-166 – 570 North Street – Sound View Engineers & Land Surveyors, LLC for Martina Russell for construction of a single family residence, driveway, pool, barn, drainage, & septic system 28' from wetlands. Tax #11-3254 (first 65 days 1/31/18)**

Jay Schondorf, Jo Rogers, and Alan Rossi were identified as having visited the site.

Bob Clausi reviewed the project and his staff report. Most all of the development occurs beyond the upland review area. The barn is 50 feet from the wetland and its associated grading is 30 feet. Twelve trees will need to be removed and a plan to compensate for this and improve the quality of the remaining buffer, seven trees and 48 shrubs will be planted. The existing split rail fence will be relocated to the western side of the planted area. Additional silt fence is needed as the area of disturbance is too large for just perimeter

protection. While the majority of the plan is satisfactory, Mr. Clausi would like to discuss further the location of the barn and options to move it westward away from the wetland.

Bryan Muller of Sound View Engineers & Land Surveyors appeared before the Agency. Mr. Muller explained the barn has been located as far west as possible given the other elements of the development plan and zoning setbacks. He articulated the various constraints that lead to this design such as the need to control depth of cuts, soil conditions and size of the leaching fields, setbacks to the leaching fields, and property line setbacks. The courtyard by the barn will be porous asphalt to treat this area and contributing portions of the driveway. The new limit of lawn will be marked with boulders as opposed to moving the fence.

Bill Kenny of William Kenny Associates further described the condition of the wetland and pond buffer as it exists, namely managed lawn with cedars and some deciduous trees. The mitigation plan will restore an enlarged area of buffer. A berm will also be created at the outer edge of the buffer to direct overland flow south then east to create a longer flow path before runoff reaches the wetland.

Jay Schondorf made a motion to approve the IWWA application #2017-166 with the standard conditions and special conditions proposed by staff, seconded by Jo Rogers, and carried, 7-0-0.

V. Applications To Be Received

Chairman Brian Harris made a motion to receive the eleven applications listed on the agenda, seconded by Klaus Jander, and carried 7-0-0.

- 1. #2017-174 – 11 Lakewood Circle North – S.E. Minor & Co., Inc. for John and Patricia Dudzik for construction of a circular drive using permeable pavers and associated drainage 42' from wetlands. Tax #02-1032 (first 65 days 2/21/18)**
- 2. #2017-175 – 120 Perkins Road – Frangione Engineering, LLC for Burning Tree Country Club, Inc. for replacement of existing culverts and repair of existing roadway in and adjacent to wetlands and a watercourse. Tax #11-2504 (first 65 days 2/21/18)**
- 3. #2017-176 – 120 Hunting Ridge Road – Sound View Engineers & Land Surveyors for Michael Priest for removal of existing pool, construction of a new in-ground swimming pool and relocation of existing swimming pool equipment 57' from wetlands. Tax #11-2184 (first 65 days 2/21/18)**
- 4. #2017-177 – 63 John Street – Rocco V. D'Andrea, Inc. for Doron Sabag & James B. Hoffman for maintaining a deer fence within and around the boundary of the property through wetlands. Tax #10-3115 (first 65 days 2/21/18)**

5. **#2017-178 – 86 Round Hill Road – Rocco V. D’Andrea, Inc. for Edmund & Marie Carpenter for construction of a new residence, patios, septic system, drainage, and associated site grading 50’ from wetlands. Tax #10-1170 (first 65 days 2/21/18)**
6. **#2017-179 – 101 Bowman Drive – Michael W Finkbeiner for Eric L Reinken to correct violations 1’ from wetlands. Tax #10-2671 (first 65 days 2/21/18)**
7. **#2017-180 – 11 Hycliff Road – Sound View Engineers & Land Surveyors, LLC for Ogden Hammond to correct violations 60’ from wetlands. Tax #10-2192 (first 65 days 2/21/18)**
8. **#2017-181 – 31 Hycliff Road – Joseph F. Risoli, P.E., LLC for Anupa Ramakrishnan for proposed plantings to restore areas disturbed in wetlands. Tax #10-2363 (first 65 days 2/21/18)**
9. **#2017-182 – 30 Sumner Road – Joseph F. Risoli, P.E., LLC for Elias Marc & Margot Pinto for construction of a residential addition, pool, drainage, and associated grading 20’ from wetlands. Tax #10-2689 (first 65 days 2/21/18)**
10. **#2017-183 – 581 & 585 West Putnam Avenue – Joseph F. Risoli, P.E., LLC for Putnam 600 Acquisition & 585 West Putnam LLC for demolition of buildings and parking lots, and construction of a 4-story building, parking garage, drainage, and associated grading 40’ from wetlands. Tax #07-2163, #07-2164 (first 65 days 2/21/18)**
11. **#2017-184 – 15 Orchard Hill Lane – Joseph F. Risoli, P.E., LLC for WAMS LLC for construction of a front motor court, removal of existing pool, associated landscaping, and to correct a violation 48’ from wetlands. Tax #10-1647 (first 65 days 2/21/18)**

VI. Agent Approvals

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

1. **#2017-153 – 21 Mountain Wood Drive – Jonas and Cari Grossman for construction of residential additions and related stormwater system 25’ from wetlands. Tax #10-3216**
2. **#2017-158 – 100 Sawmill Lane – Gerardo and Silvia Mato for construction of a detached garage 87’ from wetlands. Tax #11-2151**
3. **#2017-159 – 9 Jeffrey Road – Paul Ruh for construction of in-ground swimming pool 90’ from wetlands. Tax #08-3878**
4. **#2017-167 – 493 North Street – One Point Street, Inc. for construction of a single family residence, driveway, drainage, and septic system 62’ from wetlands. Tax #11-3249**
5. **#2017-171 – 45 West Brother Drive – Stephen Phillips for construction of a single family residence, driveway, and drainage 50’ from wetlands. Tax #01-1230/s**

- 6. #2017-172 – 152 Cat Rock Road – Robert and Lori Bantle for renovation of a terrace 50' from the wetland. Tax #08A-1703/s**
- 7. #2017-173 – 84 Circle Drive – Joseph DeMaio and Carolyn Damo for construction of a patio and residential renovations 55' from wetlands. Tax #01-2335/s**

There were no questions or comments.

VII. Other Business

The agency discussed no other business

IV. Adjourn

With no further business, the meeting adjourned at 11:29 p.m.

Patricia Sesto
Director