MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
December 21, 2015

Members present: Chairman Brian Harris, Vice Chairman Elliot Benton, Joe Rogers, Jim Carr, Bill Galvin (7:28)

Alternates present: Steven Fong

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

Others present: Frank Napolitano, Bruce Cohen, Tom and Moya Duffy, Larry Liebman, Tony D’Andrea, William Dunster, Bill Kenny, Robert Brehm, Joseph Risoli, Bryan Muller, Jonathan Olsson

1. Call to Order

Chairman Brian Harris called the meeting to order at 7:06 p.m. in the Town Hall Meeting Room on the first floor of Greenwich Town Hall.

Alternate Steven Fong was seated.

2. Review and approval of draft minutes

Joe Rogers made a motion to approve the draft minutes of November 23, 2015 and December 16, 2015 with no corrections, second by Jim Carr. The motion carried 5-0-0.

3. Director’s Report

a. Patricia Sesto reviewed the information in her written report. Green Sheet activity remains in range with average variations. Inspection levels exceeded the minimum target of 100, reaching 119. Mrs. Sesto asked members to review the content of the monthly activity summary to see if it meets their goals. Not having been with the Agency when the report was devised, Mrs. Sesto stated she is not clear on the purpose of various pieces of information. The summary will be discussed at the next meeting. The inclusion of person-days and bond inspections was suggested.

The Agency had previously requested to meet quarterly to discuss procedures and practices. After a brief discussion it was decided to use the special meeting scheduled for January 4, 2016 for this purpose.

The office staff have been making a concerted effort to keep applications moving in a timely fashion. Early communication and staff reports completed well before the meeting are hopefully helping the applicants and their consultants.

The second Ripple Bioassessment by Volunteers took place and member Steven Fong joined in. Preliminary evidence suggests the studies watercourses are of high quality. Mrs. Sesto is working with staff to develop ways to make the information useful to the Agency and public.
Mrs. Sesto stated her work with the Harbor Management Commission and their draft Harbor Management Plan continues. She will provide text as requested and continue to share information to ensure this Agency can assist in protecting the harbors to the extent feasible.

b. Mrs. Sesto recapped the status of the fee schedule, highlighting elements which required modification for clarification and to include certain activities previously omitted. Further, it was the director’s recommendation to condense the three subdivision categories and consider doing the same for multi-family residential fees and modifying the fees themselves. Discussion ensued regarding the multi-family development fees, with a goal to devise a structure to more accurately reflect the scope of various project configurations. It was the consensus of the members the fees should be structured around the amount of land disturbed, with the ability to retain consultants at the applicants’ expense.

Mrs. Sesto summarizes the changes:

- Subdivisions will be consolidated into one category with a minimum fee of $2,000 per lot and an additional fee of $2,000 for extensive disturbance.
- Multi-family residential will be consolidated into one category and the minimum fee will be calculated based on $1,500/0.25 acre of disturbance, with an additional fee of $8,000 for disturbance in excess of 1 acre.
- Fees for land disturbance/landscaping will be assessed at $1,500/0.25ac.
- Chemical pond treatments will be added to the larger of the two “minor activities” categories.
- The second tier fee of the “additional fees” shall be raised to $2,000.
- A statement to enable the Agency to collect fees from the applicant for the Agency’s outside consultants shall be added.

A Motion to approve was made by Elliot Benton, second by Joe Rogers. The motion carried 6-0-0.

A Motion to set the effective date of the new fee schedule for December 21, 2015 was made by Elliot Benton, second by Bill Galvin. Motion carried 6-0-0.

4. **Compliance Report**

Doreen Carroll Andrews provided information pertaining to the previous month’s inspection activities. Eighteen inspections were completed in connection with bond releases, resulting in ten bonds recommended for release. General compliance inspections totaled 119. In the upcoming month, there are seven open permits/orders with deadlines for submission of information or plantings.

5. **Other Business**

At the time of submission, the applicant for 47 Valley Drive requested the Agency modify the required fee stating it was excessive. The Agency requested Mr. Frank Napolitano resubmit a proposal based on the then current fee schedule, which he did. Members considered the earlier discussion of the fee schedule revisions and found the new schedule generated an appropriate fee for IWWA 2015-156.
A Motion was made by Elliot Benton to direct staff to figure the application fee for IWWA 2015-156 in accordance with the newly adopted fee schedule, seconded by Bill Galvin, and carried 6-0-0.

I.  **PUBLIC HEARINGS**

1.  #2015-148 – 104 Husted Lane – John and Catherine Robinson – Tax #11-1594 - (Continued)

Patricia Sesto read the additional information into the record. Larry Liebman, S.E. Minor and Co., Inc. and agent for the applicant requested the hearing be continued and authorized a 65 day extension.

No public comments were made.

The application was continued to January 25, 2016.

2.  #2015-150 – 2 Huntzinger Drive – Gregory and Shaga Sposito – Tax #10-1295/s – (Continued)

Larry Liebman, S.E. Minor and Co., Inc. and agent for the applicant requested the hearing be continued and authorized a 65 day extension.

No public comments were made.

The application was continued to January 25, 2016.

3.  #2015-170 – 27 Khakum Wood Road – William and Mayling McCormick – Tax #10-1155 -

Joseph Risoli of Risoli Planning and Engineering, LLC appeared before the Agency on behalf of the applicant and requested the Agency return to this application later in the meeting to allow his client time to arrive.

II.  **Consent Approvals**

1.  #2015-166 – 20 Chieftains Road – Robert Giannetti – Tax #10-3606
2.  #2015-168 – 120 Perkins Road – Burning Tree Country Club – Tax #11-2504
3.  #2015-177 – 22 Deerpark Meadow Road – Mountain Vale Capital LLC – Tax #07-3218/s

Chairman Harris read the list of applications recommended for consent approval. No questions were asked.

A motion to approve the applications, with the conditions proposed by staff was made by Bill Galvin, second by Jim Carr. The motion carried 6-0-0.
III. Pending Applications

1. #2015-113 – 723 Lake Avenue – ELEL, LLC – Tax #11-2630

Doreen Carroll Andrews reviewed the areas of concern from the last meeting and noted the changes. Three additional trees have been added to the area below the retaining wall behind the house. This area will also be allowed to regrow naturally. The cleared area in front of the house will have 12 trees, 64 shrubs, and 80 herbaceous plants planted to restore a 60 foot buffer. This dimension coincides with a notable outcropping and the newly installed leaching fields. Additionally, management plans are in place for deer and non-native invasive species and landscaping debris will be removed. Ms. Carroll Andrews reported the homeowners acknowledge the conditions present in 2003 and understand these were in part dictated by a previously issued permit.

With the revision summarized, Ms. Carroll Andrews recommended the issuance of an order to correct, with conditions, for the removal of debris and installation of plantings to restore disturbed wetlands and buffer.

William Dunster appeared before the Agency. He is a landscaper recently retained by the property owners and is fully prepared to comply with the order.

No public comment was received.

A motion to issue an order to correct, with the conditions proposed by staff was made by Joe Rogers, second by Jim Carr. The motion carried 6-0-0.

IV. New Applications for Review

1. #2015-171 – 13 Webb Avenue – Allen and Rebecca Vetrosky – Tax #06-1856/s

Bob Clausi provided an overview of the application. The property owners seek to raze and replace their freestanding garage some 60 feet from an offsite wetland to the east. Given the site is flat and measures are proposed to improve the stormwater management on-site, no issues are associated with the garage.

At the time Mr. Clausi was reviewing the application, it was discovered the pool on-site was built 15 feet from a wetland without a permit. The prior owner of the property came in to the office and his Green Sheet review identified the need for a permit, but one was not applied for. At the time, there was no system in place to alert the Building Division to hold off issuing a building permit until a wetland permit was secured. This is no longer the case and situations like this are not apt to be repeated.

To mitigate for the pool, Mr. Clausi is recommending plantings along the eastern property line and to have a roof leader directed to the planting bed as opposed to the direct discharge to the wetland. The applicant has agreed to this recommendation.

Mr. Benton questioned how the pool would be legitimized if the Agency simply approved the plantings. After a brief discussion it was determined the description of the permitted activities would be revised to reflect an after-the-fact approval of the pool.
Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency on behalf of the applicant and offered no objection to staff comments.

No public comment was received.

A motion to approve the application, with the conditions proposed by staff and the inclusion of an after-the-fact approval of the pool was made by Jim Carr, second by Elliot Benton. The motion carried 6-0-0.

2. #2015-172 – 61 Ridgeview Avenue – Wear Culvahouse – Tax #11-3002/s

Consideration of this application was postponed the request of the applicant.

3. #2015-173 – 41 Lockwood Lane – Duffy Construction, Inc. – Tax #05-2613/s

Bob Clausi introduced the elements of the application for construction of a new single-family residence 35’ from wetlands and a driveway 10’ from wetlands. The site currently supports a home and driveway, with the driveway just a few feet from the wetland. The redevelopment proposal would remove a small portion of the driveway closest to the wetland. Additionally, the rain garden and mitigation plantings will enhance lawned portions of the wetland and some buffer area.

Mr. Clausi expressed his opinion that the redevelopment was reasonable for the parcel. The Department of Public Works has requested some minor changes which should not substantively alter the plan. This project was recommended for approval.

Bryan Muller of Sound View Engineers and Land Surveyors LLC appeared before the Agency on behalf of the applicant and offered no objection to staff comments. Mr. Muller advised the Agency the rain garden is given credit for water quality benefits, but no credit for infiltration was taken given the base of the basin will coincide with high water. Despite this, testing established the basin will drain within 72 hours as required by DPW.

No public comment was received.

A motion to approve the application, with the conditions proposed by staff was made by Joe Rogers, second by Elliot Benton. The motion carried 6-0-0.

I. PUBLIC HEARINGS

3. #2015-170 – 27 Khakum Wood Road – William and Mayling McCormick – Tax #10-1155 - Chairman Harris opened the hearing and Bob Clausi read the list of documents into the record and described the proposal for construction of residential additions 55’ from wetlands, motorcourt 15’ from wetlands, septic system 60’ from wetlands and drainage system.

Several additions are proposed on the north and east side of the residence and a motorcourt is proposed 15 feet from the wetland in lawned portions of the site. A watercourse with a narrow wetland fringe traverses the site from west to east and turns south at the rear of the property. The
wetland mapping is incomplete, likely due to the presence of an unpermitted deer fence and a tributary to the stream is not shown.

As described in the staff report, the application lacks a biological evaluation and depictions of alternatives considered.

Joseph Risoli of Risoli Planning and Engineering, LLC appeared before the Agency on behalf of the applicant. He stated the deer fence no longer serves a purpose and will be removed. With respect to alternatives, Mr. Risoli indicated the addition could not go on the south side of the house because ten trees would be lost and approximately 1,000 cubic yards of rock would have to be excavated. Further, the Khakum Woods neighborhood is populated with substantially sized homes and the additions would be in keeping with those. The motor court would have pervious surfacing with a gravel reservoir below it to facilitate infiltration. Lastly, the applicant is open to redoing the plantings to satisfy the Agency.

Mr. Clausi clarified the mature plantings alongside portions of the stream should not be removed, but instead the buffer should be expanded. A planting plan is also needed for the rain garden.

Elliot Benton raised the issue of alternatives. Since the garage has no basement, it could be relocated to the south side of the house with only minimal to moderate need to excavate ledge. Jim Carr suggested the driveway be reconfigured to enter the garage from the front rather than the side to retain buffer. Mr. Clausi advocated for a smaller motor court.

Mrs. Sesto questioned the configuration of the leaching fields. The field needed to be split between the back of the house and the front in order to gain the necessary area. Mrs. Sesto asked what would happen if this system failed? Are the addition and motor court consuming land that should otherwise be held in reserve for replacement leaching fields? Discussion ensued regarding various state and local regulations and methods to restore the area of a failed leaching field.

Mr. Risoli spoke to constraints on placement of the additions imposed by the new septic system, to which Mr. Carr noted his discomfort in having the force main so close to the wetland and stream. Mr. Risoli suggested its placement is flexible and offered to place it below the motor court.

With no further questions from the Agency or staff, Chairman Harris called for public comment. No comments were offered.

This hearing was continued to the January 25, 2016 meeting.

IV. **NEW APPLICATIONS FOR REVIEW**

4. #2015-175 – 0 Flagler Drive – Kathleen Kuberka and Arthur Wrotnowski – Tax #11-1493

Bob Clausi reviewed the elements of the application. Additions are proposed to the existing home which is located atop a steep embankment and 85 feet from the wetland. Away from the base of the slope a wetland fringe and watercourse are present. The wetland and adjoining flat area are maintained as rough lawn. The reserve leaching field is proposed near the base of the slope, 60 feet from the
wetland. Beyond the additions, a deck is proposed to run across the back of the house and includes the features to make it pervious in accordance with the town’s Drainage Manual. Drainage from the house and driveway will be directed in part to a pipe which will discharge to a grassy swale at the base of the hill and other drainage will discharge to an infiltrator. An existing yard drain will also be redirected to the infiltrator.

Mr. Clausi recommended the application be approved with conditions.

Tony D’Andrea of Rocco V. D’Andrea, Inc. appeared before the Agency on behalf of the applicant and offered no objection to staff comments.

Mrs. Sesto noted there are portions of the slope beyond the proposed retaining wall and questioned by the wall did not fully encompass this problem. Mr. D’Andrea responded the wall will be increased to address any additional eroding areas.

Mrs. Sesto asked for more details regarding the proposed construction of the deck on the slope. How will the area be accessed? What is the extent of clearing proposed? Joe Rogers reinforced concerns regarding the stability of the slope, noting the top of the slope is now just eight feet from the existing foundation and evidence of erosion suggests this will get worse.

Mr. D’Andrea responded there has not been a thorough investigation of the slope to date. At the time of construction more details will be available and will define the extent of clearing and method of setting the piles. It is his intent to do this work by hand with minimal loss of vegetation.

No public comment was received.

A motion to approve the application, with the conditions proposed by staff was made by Jim Carr, second by Joe Rogers. The motion carried 6-0-0.

V. **AGENT APPROVALS**

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

1. #2014-86 – Mario and Barbara Marcangeli for the construction of a patio 29 feet from a watercourse at 17 Davenport Avenue, is approved with conditions. Tax #02-1118/s
2. #2015-167 – Paul Cucchissi and Charlene Cogan for construction of pool and fencing 60' from wetlands, rain garden and grading 40' from wetlands, and location of a septic reserve system 100' from wetlands at 12 Winterset Road, is approved with conditions. Tax #11-2585

No questions were presented and no questions or public comments were received. No action by the Agency was required.

VI. **APPLICATIONS TO BE RECEIVED**

Bill Galvin made a motion to receive the seven applications listed on the agenda, and schedule them for discussion or public hearing as appropriate, at the next meeting of the Agency, second by Joe Rogers and carried 6-0-0.
VII. **VIOLATIONS**

1. **Cease & Correct Order #2015-27 – Jonathan and Meghan Olsson – 25 Ferncliff Road – Tax #08-3605**

   Doreen Carroll-Andrews read the evidentiary documents into the record and reviewed the Violation Summary prepared by Daniel Berheide. The unauthorized activity includes the removal of vegetation from and deposition of woodchips in wetland and watercourse areas.

   Staff recommended the Agency maintain Cease & Correct Order #2015-27 and that a Certificate of Violation be filed on the Land Records if an application to address the violation is not received by January 22, 2016.

   Jonathan Olsson, property owner, appeared before the Agency. He stated his intent to be responsive to the issued violation, however he expressed concern over meeting the January 22, 2016 filing deadline due to concerns in obtaining a survey and consultants’ reports. Ms. Carroll Andrews indicated the date could be extended if Mr. Olsson was making good faith efforts to compile an application but unable to complete it by the 22nd. She encouraged him to maintain good communications with her.

   A motion to uphold the Order with staff recommendations, including an application deadline by January 22, 2016 was made by Joe Rogers, second by Bill Galvin. The motion carried 6-0-0.

VIII. **Bonds Releases**

1. **Application #2009-073 – Permit #2009-70 for Frank Vataj – 25 Richmond Hill Road.** The two $5,000 bonds are to be returned to Frank Vataj and Zoje Vataj.

2. **Application #2011-100 – Permit #2011-094 for Sam Defranco and Cynthia Smith – 20 Langhorne Lane.** The $15,000 bond is to be returned to Cynthia Smith.

3. **Application #2013-045 – Permit #2013-054 for Barbara J. and Christopher H. Lunding – 7 Marks Road.** The $3,000 bond is to be returned to Christopher Lunding.

4. **Application #2013-156 – Agent Approval #2013-025 for 8 Dearfield, LLC – 8 Dearfield Drive.** The $3,000 bond is to be returned to 8 Dearfield, LLC.

5. **Application #2014-104 – Permit #2014-094 for 18 Halock Drive, LLC – 18 Halock Drive.** The $6,000 bond is to be returned to American Carpentry LLC.

6. **Application #2014-119 – Agent Approval #2014-013 for Jasper Home, LLC – 23 Stillman Lane.** The $3,000 bond is to be returned to Jasper Home, LLC.

7. **Application #2014-123 – Permit #2014-099 for Dmitry Mironov – 2 Cotswood Road.** The $3,000 bond is to be returned to Yekaterina Shepelev.

8. **Application #2014-128 – Permit #2014-101 for Abelardo and Angela Riera – 86 Doubling Road.** The $3,000 bond is to be returned to Abelardo and Angela Riera.
9. Application #2015-042 – Permit #2015-045 for Mordechai and Michelle Bashan – 474 North Street. The $3,000 bond is to be returned to Mark Sank & Associates, LLC.

10. Application #2015-115 – Permit #2015-095 for Barbara Rogers - 141 Bedford Road. The $2,000 bond is to be returned to Vera Barbara Rogers.

A motion to release the bonds was made by Elliot Benton, second by Bill Galvin. The motion carried 6-0-0.

The meeting adjourned at 9:02 p.m.

Patricia Sesto
Wetlands Director