

**MINUTES**  
**GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY**  
**June 23, 2008**

Members present: Chairman Tom Baptist, John Conte, Martin Kagan, Matt Popp  
(arrived at 7:30)

Alternate present: Rob Sisca, Elliot Benton

Staff present: Michael Chambers, Wetlands Director; Robert Clausi, Senior  
Wetlands Analyst; Aleksandra Moch, Environmental Analyst;  
Doreen Carroll Andrews, Wetlands Compliance Officer

Others present: Joseph F. Risoli, Tony D'Andrea, Larry Liebman, Eric Brower, Jim  
McTigue, Bob Jontos, Chris Bristol, Chip Haslun, Gavin and Margery  
Scotti, Donald Stump, Neil Bouknight, Averardo Pascarella, Jodie King,  
John Tesei, Doug DiVesta

**PUBLIC MEETING**

Chairman Tom Baptist called the meeting to order at 7:00 p.m. in the Town Hall Meeting Room on the first floor of Greenwich Town Hall.

**Agency Session**

Seating of alternates

Chairman Tom Baptist began the meeting by declaring both alternates, Elliot Benton and Rob Sisca, would be seated in the absence of Lawrence Perry, Garrett Dietz and Bill Galvin.

Review and approval of draft minutes of May 19, 2008

A motion to accept the minutes as submitted was made by Martin Kagan, second John Conte. The motion carried 5-0.

Review and approval of draft minutes of June 9, 2008

A motion to accept the minutes as submitted was made by Martin Kagan, second John Conte. The motion carried 5-0.

Director's Report

Michael Chambers provided an update on the ongoing evaluation of the overall Agency and its operation as viewed by the public. Members were informed that the delay in the final report was based on a public reluctance to provide comment and guidance as to areas of improvement. The final report is anticipated to be distributed on or before the Agency's next regularly scheduled meeting set for July 28, 2008.

On June 14, 2008, the Director attended a community meeting at the St. Lawrence Club for residents abutting Mianus Pond. The purpose of the meeting was to discuss the application process for constructing and legitimizing docks placed within Mianus Pond. Homeowners were informed that the reviews would be staggered and that the application material would not require the standard survey and wetland delineation information, unless during the course of the review, Staff and/or members of the Agency determined greater issues warranted more detailed information. It has been agreed that no application shall be taken until such time as the landowner has obtained a License Agreement from the Town of Greenwich.

Members were reminded that that the Agency has a Public Hearing scheduled on June 30, 2008, for the matters of 1081 King Street, Shemin Nurseries subdivision, as well as residential development at 152 Zaccheus Mead Lane. All members are encouraged to review application materials and visit the site prior to the evening's discussion.

A summary of Staff actions was provided for the members' consideration. Agency members were advised that a total of 86 Green Sheets had been received between May 19 and June 23, 2008. Of the 86 Green Sheets received, 79 required no further action from Staff and/or the Agency. Only 15 of the sites contained wetlands. As for applications received by the June 18<sup>th</sup> deadline, a total of 31 projects were taken in, 19 of which were new, 6 Modifications, and 6 Agent Approvals.

At the conclusion of the Director's Report, John Conte requested that the Agency Director engage other Land Use Commissions to discuss ongoing impacts created by the Floor Area Ratio and the related grade plain requirements. Michael Chambers stated that a memo would be prepared and approved by the Agency Chair prior to being distributed to the Planning & Zoning Commission, Conservation Commission, and Zoning Board of Appeals.

#### Agent Approvals

Legal Notices were presented to the Agency relating to administrative actions taken since the date of the last monthly meeting. Three Agent Approvals were issued during this period. No questions were presented by members of the Agency.

#### Compliance Report

Bob Clausi distributed a summary of compliance highlights that have occurred since the last meeting that included a breakdown of the bond releases (28 requested, 11 initiated by Staff, 17 released), Stop Work Orders issued (4), and deadlines set by the Agency that have passed and that are upcoming.

Bob Clausi reported that progress on removing sediment from the pond at the 122 Round Hill Road property of Norma Asnes is on hold pending written authorization from Mrs. Asnes for the contractor and engineer at the 137 Round Hill Road of the Dennings to enter the property to assess the extent of the sediment so they can complete their application to the Agency. Mr. Clausi said he would remind Mrs. Asnes again about this matter.

Bob Clausi also reported that sediment was removed from a cistern on the 7 Ricki-Beth Lane property of Thomas Silberstein and Elizabeth Newman by contractors hired by Pieter Fountain (57 Hillcrest Park Road) per the Agency's instructions. Staff now considers this compliance matter to be completely resolved.

#### **Public Discussion Session**

**Consent Approval Item**

#2008-56 – 99 Round Hill Road – Richard Smith – Tax #10-3143

The Staff Report prepared by Bob Clausi recommended approval. The applicant's representative was present. However, no objection to the report was received. No public comment was offered. A motion to approve was made by Martin Kagan, second Rob Sisca. The motion carried 6-0.

**Pending Applications**

#2008-32 – 14 Alpine Road – James and Pamela Chapman – Tax #11-2043

The Staff Report prepared by Bob Clausi recommended issuance of a permit for an in-ground pool and pool cabana. Appearing before the Agency on behalf of the applicant was Jim McTigue of Risoli Planning & Engineering. No objections to the Staff Report and recommendations were offered by the applicant's representative. Michael Chambers questioned whether the fill gradient abutting the septic fields could be minimized, if not eliminated. John Conte questioned whether any future modifications to the pool design was anticipated, and, if so, encouraged the applicant to put the proposal before the Agency for consideration, due to the likely impacts which would follow in the event the house was built prior to pool modification. Joseph Risoli, P.E. of Joseph Risoli Planning & Engineering stated that it was his understanding that no work beyond what is shown is set to occur. After short deliberation, the Agency added to the Staff recommendation that the shed must be removed, and requested restoration areas be installed prior to the commencement of any construction activities. A motion to accept the Staff recommendation was made by John Conte, second Matt Popp. The motion carried 6-0.

#2008-34 – 11 Partridge Hollow Road – Karen Keegan - Tax #10-3455

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Larry Liebman, Environmental Analyst with S.E. Minor & Co., Inc. Mr. Liebman offered no objections to the Staff comments. Hearing no objection from the applicant's representative and/or the public, the motion to approve was made by Martin Kagan, second John Conte. The motion carried 6-0.

#2008-49 – 51 Perkins Road – James Paradise – Tax #11-2147

The Staff Report prepared by Bob Clausi recommended issuance of a permit. Appearing before the Agency on behalf of the applicant was Joe Risoli, P.E. of Joseph F. Risoli Planning & Engineering. Mr. Risoli accepted the Staff recommendations as presented. Hearing no objection from the applicant, or the public, a motion to approve was made by Martin Kagan, second Rob Sisca. The motion carried 6-0.

**New Applications**

#2008-53 – 50 Quaker Lane – Frank and Limor Pompa – Tax #10-2427

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Tony D'Andrea, P.E. of Rocco V. D'Andrea, Inc. Mr. D'Andrea agreed with the Staff recommendations, however, requested relief from the additional filing fee for the commencement of activities without prior Agency consent. Director Michael Chambers reminded the Agency of the purpose of the additional fee and, therefore, encouraged members of the

Agency to maintain the fee accordingly. A motion to approve the Staff recommendation with a \$3,000 additional fee was made by Martin Kagan, second John Conte. The motion carried 5-0. *Matt Popp recused due to professional conflict.*

#2008-54 – 90 Oneida Drive – Averardo Pascarella – Tax #2-1043

The Staff recommendation prepared by Bob Clausi recommended the issuance of a permit with the requirement that the stonewall at the foot of the site be replaced with a less intrusive means of demarcating the parcel boundary. Owner Averardo Pascarella was present to address the staff comments and requested the ability to place the stonewall through the wetland. Michael Chambers suggested that shrubs, or a similar feature, be installed in and along the wetland to accomplish the owner's intent to define the parcel boundary. The Agency agreed to allow details relating to the parcel demarcation line to be developed with staff oversight. A motion to approve was made by Martin Kagan, second Rob Sisca. The motion carried 5-0. *Matt Popp recused due to professional conflicts.*

#2008-55 – 41 Birchwood Drive – Robert and Jodie King – Tax #10-3006 - **DELAYED**

The Staff Report prepared by Michael Chambers called attention to the site history and difficulty in constructing the in-ground pool without having a net effect on the adjacent wetland. Staff further stated that the residential development appeared to have reduced the hydroperiod within the wetland. Appearing before the Agency on behalf of the applicant was Jim McTigue and Joe Risoli, P.E. of Risoli Planning & Engineering, as well as Atty. John Tesei of Gilbride, Tusa, Last & Spellane and the owner, Jodie King. Mr. Risoli took the opportunity to address Staff comments and felt that the pool could be constructed without any modification to the wall. Ms. King provided additional testimony regarding the period of direct sunlight covering the area of the proposed pool and stated that the drainage system had reduced ponding elevations in the wetland. Atty. John Tesei reminded the Agency that the confined nature of the lot development may have been covered at the Public Hearing, however, stated that there was no specific prohibition to additional development activities following residential development. After lengthy debate, the Agency requested a staging and phasing plan. Included in the list of additional information was a request for an alternate design(s), a plan showing an actual pool design for construction with the fence location, as well as the area of the pool pad, and a directive to relocate the pool at least 10 feet from the edge of the wall. A motion to Delay was made by John Conte, second Martin Kagan. The motion carried 6-0.

#2008-57 – 116 Brookside Drive – Carnegie Hill Asset Management, LLC – Tax #7-2800

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Co., Inc. Mr. Liebman offered no objections to the Staff Report as submitted. Chairman Tom Baptist questioned why detention galleries were being introduced to the site within the lower 5% of watershed. Mr. Liebman indicated, while he agreed with the Chairman's comments, that the design was prepared to comply with Town Engineering standards. After hearing no further objections to the plan, a motion to approve was made by Martin Kagan, second Matt Popp. The motion carried 6-0.

#2008-58 – 25 Fox Run Lane – David and JiEun Wax – Tax #10-1065 – **DELAYED**

The Staff Report prepared by Bob Clausi recommended delaying the request to construct a residential addition. Appearing before the Agency on behalf of the applicant was Larry Liebman, Environmental

Analyst with S.E. Minor & Co., Inc. Mr. Liebman stated that his client had been made aware of the Staff concerns and was willing to develop a plan that would satisfy expressed comments. Atty. Chris Bristol with Gilbride, Tusa, Last & Spellane shared drainage concerns with the Agency on behalf of an abutting neighbor. It was Atty. Bristol's wish to be able to work through the various issues with the applicant prior to the Agency's action. Matt Popp suggested that the matter appear either under the Compliance section or Violations section during the July meeting in the event modifications were not submitted timely for Agency action. Hearing no further objections, a motion to Delay was made by Martin Kagan, second Matt Popp. The motion carried 6-0.

#2008-59 – 531 Indian Field Road – Nipowin Lane, LLC – Tax #2-1182

The Staff Report prepared by Michael Chambers recommended the issuance of a Conceptual Approval for a 2-lot subdivision. Recommended changes to the plan included requiring one common drive to access both development lots. Appearing before the Agency on behalf of the applicant was Larry Liebman, Environmental Analyst with S.E. Minor & Co., Inc. Mr. Liebman informed the Agency that a follow-up soils report had been performed showing a larger wetland boundary. That information would be provided to the Agency file following the evening's discussion. Mr. Liebman also argued for two separate driveways, along with no Agency oversight for the development of Lot 2. After short deliberation, a motion to accept the Conceptual Approval with two driveways and oversight of both development lots was made by Martin Kagan, second John Conte. The motion carried 5-1. *Rob Sisca did not support the motion.*

#2008-60 – 329 Stanwich Road – Dr. Ronald Giannotto – Tax #8a-1500

The Staff Report prepared by Michael Chambers recommended the delay of the application pending details regarding the discharge channel off sight. Doug DiVesta, P.E. of DiVesta Civil Engineering Associates, Inc. appeared before the Agency on behalf of the applicant and presented information outstanding. The information included a summary narrative along with pictures showing the suitability of the drainage channel which would receive the increased discharge. Michael Chambers informed the Agency that his concerns had been addressed and, therefore, supported the proposal. A motion to approve was made by Martin Kagan, second Rob Sisca. The motion carried 5-0-1. *John Conte abstained due to his extended absence during deliberation of this matter.*

#2008-61 – 205 Clapboard Ridge Road – Ken Piekarski – Tax #10-1104 - **POSTPONED**

The matter was postponed at the request of the applicant. No Agency action was required.

#2008-69 – 136 Parsonage Road – Gavin and Margery Scotti - Tax #11-1542

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Owners Gavin and Margery Scotti appeared before the Agency and offered no objections to Staff comment. A motion to approve was made by John Conte, second Matt Popp. The motion carried 6-0.

#2008-84 – 47 North Stanwich Road – Klaus and Renate Abstoss – Tax #11-2444

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Contractor Don Stump appeared before the Agency and accepted Staff recommendations, however, requested relief from the additional fee requirement. Director Michael Chambers encouraged the Agency to maintain the Violation fee, since the owner was not in compliance with prior approvals. A motion to accept Staff recommendation with a return of \$1,500 additional filing fee to the homeowner was made by Martin

Kagan, second John Conte. The motion failed 3-3, with Martin Kagan, Matt Popp and Rob Sisca in favor. Bob Clausi then summarized Agency involvement on the site, both before and after the issuance of the prior Agent Approval. Hearing this summary, a motion was made by John Conte, second Matt Popp, to approve the Staff recommendation, and maintain the \$3,000 additional filing fee. The motion carried 4-2, with Martin Kagan and Rob Sisca not in support of the motion.

**New Modifications**

#2005-134 – 26 Taconic Road – Foster Kaalinagy, 26 Taconic Road, LLC – Tax #11-2087 -  
WITHDRAWN

Michael Chambers informed the Agency that a request to withdraw the application had been received, and, therefore, no Agency action was required.

#2006-118 – 363 Riversville Road – Boy Scouts of America – Tax #10-4035

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Bob Jontos, Environmental Analyst with Land Tech Consultants, Inc. appeared before the Agency to summarize the dredging procedure and measures implemented to minimize impacts to the aquatic biota. After short deliberation, Martin Kagan motioned to approve the dredging activity, second Matt Popp. The motion carried 6-0.

#2007-16 – 1 Highgate Road – Kathryn Murphy – Tax #5-2573

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the removal of invasive species. Owner Kathryn Murphy appeared before the Agency to discuss the proposal and assured members that it was not the intent of plan to establish additional lawn areas. Both Tom Baptist and Matt Popp encouraged the applicant to be vigilant in the removal of the phragmites, while mindful of the effort's effect on site wetlands. Suggestions were also given regarding plantings which could be installed within the affected area to ensure the long-term success of the invasive species removal plan. After hearing no objections from the public, a motion to approve was made by Martin Kagan, second Matt Popp. The motion carried 6-0.

**Old Business**

Cease & Correct Order #2008-01 – 25 Selden Lane/#0 Corrigan Lane – Eric and Lynne Johnson –  
Tax #10-3299 and #10-3435

The summary comments provided by Bob Clausi included a recently submitted planting plan prepared by William Kenny Associates on behalf of Eric and Lynne Johnson. The planting plan was previously required by the Agency to address clearing which had occurred in areas adjacent to the pond. Members of the Agency expressed concern with the plan and its attempt to maintain a view easement directly to the pond. Michael Chambers requested that the Agency delay any action on the matter until Agency members were able to carefully study the planting plan. The delay would also allow the homeowner and/or their representative to be present during later action. Elliot Benton requested neighbors other than Dr. Richard Mackool be notified of the plan as well its review status with the Agency. No action was taken on this matter; however, it will be scheduled for discussion during the July 28, 2008 meeting.

Cease & Correct Order #2008-02 – 14 Dwight Lane – Aaron and Allison Eiges – Tax #10-3494

The summary provided by Bob Clausi informed the Agency that Mrs. Eiges had recently contacted Staff to schedule a meeting which was set to occur on July 2, 2008. Michael Chambers informed the Agency because prior attempts to establish the restoration of wetland and wetland buffers had failed, that establishing meadow areas should not be considered as an acceptable restoration effort. No action was taken on this proposal. *Matt Popp recused due to professional conflict.*

### **Violations**

#### Cease & Correct Order #2008-04 – 112 Cat Rock Road – Jeffrey Lombardi and Shawn Byles – Tax #8-1231

Bob Clausi reported that the owners of 112 Cat Rock Road, Jeffrey Lombardi and Shawn Byles, failed to meet the June 12, 2008 deadline to file an application to correct the violation at their property. Staff sent Cease & Correct Order #2008-04 to Mr. Lombardi and Ms. Byles on June 16, 2008, informing them that this matter would be taken up at a Cease & Correct Hearing this evening. To date, we have still not received an application. Martin Kagan made a motion, second<sup>0</sup> by Matt Popp, to approve the recommendations made by Staff to maintain Cease & Correct Order #2008-04, place a Certificate of Violation on the Greenwich Land Records, and set a new deadline of August 13, 2008, by which an application to restore the two buffer areas must be received, or else bring this matter back for discussion at the Agency's August 25, 2008 meeting for consideration of additional enforcement action.

#### Cease & Correct Order #2008-05 – 1093 King Street – Ernest Rosato – Tax #10-1843

Bob Clausi reported that the owner of 1093 King Street, Ernest Rosato, appears to have failed to comply with any of the conditions of IWWA Permit #07-32, which was issued on April 23, 2007 for the restoration of wetland areas that had been cleared and/or filled without the Agency's prior review and approval. Staff sent Cease & Correct Order #2008-05 to Mr. Rosato on June 16, 2008 informing him that this matter would be taken up at a Cease & Correct Hearing this evening. After listening to the presentations made by Staff and Mr. Rosato, John Conte made a motion, second by Martin Kagan, to delay considering further action on this matter until the August 25, 2008 meeting to give Mr. Rosato and Staff time to assess the situation in the field and work through the outstanding issues.

### **Bond Releases**

1. Application #95-33 – Special Permit #95-37 for Helen W. Walsh Estate - 155 Clapboard Ridge Road. \$500 to be released to Helen Payne Clarke.
2. Application #96-198 – Permit #96-217 for Leeam and Maida Lowin – 21 Fox Run Lane. \$3,000 bond to be released to Leeam and Maida Lowin.
3. Application #96-219 – Permit #96-234 for James Allwin - Lots 1 and 2 Upper Cross Road. \$15,000 bond to be released to Maria Allwin.
4. Application #97-36 – Permit #97-52 for Gerald Rigg – 28 Round Hill Road. \$3,000 bond to be released to Gerald and Dedee Rigg.
5. Application #97-47 – Permit #97-60 for Jeffrey Jay – 50 Fox Run Lane. \$3,000 bond to be released to Jeffrey Jay.
6. Application #97-52 – Permit #97-74 for Charles and Evelyn Rogers - 991 Lake Avenue. \$3,000 to be released to Charles and Evelyn Rogers.

7. Application #97-74 – Permit #97-85 for Fram Landinvest II - 57 Lismore Lane. \$10,000 to be released to James Colica.
8. Application #97-163 – Permit #97-173 – Annette Grueterich - 84 Lower Cross Road. \$4,000 to be released to Annette and Peter Grueterich.
9. Application #97-164 – Permit #97-169 – Michael Dornemann – 390 Lake Avenue. \$1,000 bond to be released to Fine Home Builders, Inc.
10. Application #99-90 - Permit #00-24 for Larry Kendall- 33 Meeting House Road. \$1,000 to be released to Joan & Lawrence Kendall.
11. Application #01-02 - Agent Approval #01-12 for Louis Dommerich - 20 Deer Park Meadow Road. \$1,000 to be released to Louis and Jane Dommerich.
12. Application #02-05 – Permit #04-84 for Elyse Screnci – 25 Innis Lane. \$500 bond to be released to Fiore and Elyse Screnci.
13. Application #03-96 - Permit #03-99 for Joseph and Barbara Walsh - 55 Baldwin Farms South. \$10,000 to be released to Joseph and Barbara Walsh.
14. Application #03-177 – Permit #03-155 for Gerhard and Helga Schulmeyer –16 Field Point Circle. \$3,000 to be released to Gerhard and Helga Schulmeyer.
15. Application #06-93 – Agent Approval #06-16 and #06-50 for Constance Carroll – 123 Zaccheus Mead Lane. \$1,000 bond to be released to Constance and Michael Carroll.
16. Application #06-145 – Permit #06-123 for Terence O’Neil – 45 Baldwin Farms South. \$4,000 bond to be released to O’Neil Productions, Inc.
17. Application #07-63 - Permit #07-53 for 16 Beechcroft, LLC - 16 Beechcroft Road. \$6,000 to be released to 16 Beechcroft, LLC.

A motion to release the cash performance bonds was made by Martin Kagan, second Matt Popp. The motion carried 5-0. *Rob Sisca was out of the room.*

The meeting adjourned at 11:05 p.m.

Michael N. Chambers, Director