

MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
August 25, 2008

Members present: Chairman Tom Baptist, Secretary Martin Kagan, Bill Galvin, Matt Popp
(arrived at 7:15 p.m.)

Alternate present: Elliot Benton, Stephan Skoufalos

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

Others present: Craig Flaherty, Bruce Cohen, Joseph F. Risoli, Bill Kenny, Larry Liebman,
Chris Bristol, John Tesei, Charles Magyar, Ted Milone, Piero Pozzi, Bob
Richardson, Van Parker, Harvey Thomas, Ted O'Hanlan, Carmine
Labriola, Tom Heagney, Jo Conboy, Rob Sisca, Ron Sentman, Lynn
McCulsey, Sean Janeski, Lee Weinstein, Frank Napolitano, Vin DiMarco,
Lou DiMarzo, Joan Caldwell, Jeff Kaufmann, Rich Regan, Bruce
Feinheimer, Jamie and Alice Eisner, Peter Finkbeiner, Brad Mock, Michele
Albonizio, Doug Fanelli, Bob Richardson, Jay Fain, Rich and Liz Rogers

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

It was the decision of Chairman Tom Baptist to seat both Stephan Skoufalos and Elliot Benton in the absence of members Lawrence Perry and John Conte.

Review and approval of draft minutes of July 28, 2008

A motion to approve the draft minutes of July 28, 2008 without correction was made by Martin Kagan, second Bill Galvin. The motion carried 5-0.

Director's Report

Agency members were provided a summary of activities, beginning with Green Sheets received between the period of July 29 and August 22, 2008. A total of 52 Green Sheets were received during this period, of which 51 required no further Agency involvement. Sites containing wetlands, but not requiring permit, were limited to 11 projects, 5 of which included active development sites containing wetland permits with little modification to the approved plan. The Agency was further advised that a total of 17 projects were received between July 24 and August 20, 2008. The total included 11 new projects not previously reviewed by the Agency. The remaining 6 were modification, all of which will be heard during the September 22, 2008 regularly scheduled meeting.

On August 18, 2008, the Agency Director along with Chairman Tom Baptist attended a meeting regarding the draft Plan of Conservation and Development prepared by the Planning & Zoning Commission. Also in attendance were Denise Savageau and William Rutherford, Director and Chairman respectively, of the Conservation Commission. The purpose of the meeting was to provide additional comment regarding the draft POCD relative to each department. Both Planning Director Diane Fox and P&Z Chair Don Heller were advised that the Agency was pleased with the draft. Shared comments were based on the Agency's November 2007 POCD memorandum. Questions included what steps have been taken in the current plan to implement and integrate findings found in the 1998 POCD document, whether it would be prudent to begin to examine flood control structures in all existing subdivisions to ensure long term compliance, and whether the Town should be considering steps to mitigate coverage impacts beyond the 25-year storm.

Additionally, the Agency was advised that the Chair also attended a meeting scheduled for the Land Use Chairs and the Commissioner of Public Works. The meeting was convened at the request of the First Selectman, Peter Tesei, along with Joan Caldwell, District 10 Representative. The meeting focus similarly dealt with the collective need to address flooding within our neighborhoods. It is expected that the department heads of the Land Use Agency will receive a directive to explore solutions to this problem, which should be provided in a report that shall later be presented to the First Selectman.

Application #2008-90 – 96 Orchard Street – Louis, Judith and Randy Caravella

The Agency was advised that a petition with 25 or more signatures had been received within 14 days of the date of receipt, thereby requiring a Public Hearing to address this matter. It was the determination of the Agency to schedule this matter for September 15, 2008, at 7:00 p.m. in the Greenwich Town Hall Meeting Room.

Application #2008-92 – 152 Zaccheus Mead Lane – R. Mark Pennington

The Agency was advised that a petition had been received with 25 or more signatures within 14 days of the date of receipt. For this reason, it was the determination of the Agency to schedule a Public Hearing for 7:30 p.m. in the Town Hall Meeting Room on October 6, 2008.

Application #2008-94 – 10 Dekraft Road – Aquarion Water Company of CT

The Agency was advised that a petition had been received with 25 or more signatures within 14 days of the date of receipt, thus requiring the scheduling of a Public Hearing. It was the decision of the Agency to schedule this matter for October 6, 2008 at 7:30 p.m. in the Town Hall Meeting Room.

Agent Approvals

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

Compliance Report

Doreen Carroll Andrews referred to the Compliance Summary sheet that was distributed in the meeting packets, which included a breakdown of the bond releases (34 requested, 8 initiated by Staff, 23 released), Stop Work Orders issued (2) and lifted (2), and deadlines set by the Agency that are upcoming.

Regarding the ongoing compliance matter at 137 Round Hill Road, Bob Clausi reported Norma Asnes, the owner of 122 Round Hill Road, has provided written authorization for the Dennings' contractor and engineer to enter her property to assess the extent of the sediment in her pond so they can complete an application to remove this material. Jay Fain plans to conduct the assessment in the next two weeks, so the Agency should be seeing an application in the relatively near future.

Finally, Bob Clausi reported that an unauthorized deer fence was found when Staff conducted a bond release inspection at 75 Rock Maple Road and that the property owners have been given a deadline of October 15, 2008 to make an application to the Agency.

Public Discussion Session

Consent Approval Items

#2008-93 – 12 Carrington Drive – Mark and Jessica Mindich – Tax #11-2524

The Staff Report prepared by Michael Chambers recommended approving the in-ground pool with drainage. No representatives appeared before the Agency. No public comment was offered. A motion to approve was made by Martin Kagan, second Matt Popp. The motion carried 6-0

#2008-95 – 303 Stanwich Road – Bradley and Caroline Mock – Tax #8a-1233

The Staff Report prepared by Michael Chambers recommended the issuance of a permit to construct a new single-family residence. Appearing before the Agency were Rich Regan, P.E. of Rocco V. D'Andrea, Inc., and owner Bradley Mock. Their appearance to challenge recommendations in the Staff Report resulted in this matter not being heard as a Consent Approval item. Mr. Regan stated that it was his client's wish to clear a wooded hillside, although not fully shown on the proposed site drawing. In an effort to avoid delay, it was the Staff recommendation to proceed with the action in the hope that a resolution could be later reached. The owner, Bradley Mock, expressed his wish to expand into upland areas in order to maximize the landscape area. After short deliberation, the homeowner was advised that a modification would be necessary in the event an agreeable resolution could not be reached regarding the landscape envelope surrounding the pool. A motion to approve with staff recommendations was made by Martin Kagan, second Bill Galvin. The motion carried 6-0.

#2008-96 – 67 Prospect Street – Aidan Duffy – Tax #1-2403

The Staff Report prepared by Michael Chambers recommended the issuance of a permit for a new residence. The agent Peter Finkbeiner, P.E. of Sound View Engineers & Land Surveyors was present, however, offered no objection to the Staff recommendation. An adjoining neighbor, Ms. Lynn McCulsey, appeared before the Agency to present concerns regarding drainage. Ms. McCulsey was assured by Staff that site drainage could not be displaced onto her, or any other adjoining neighbor's property as a consequence of the development. After short deliberation, a motion to approve was made by Matt Popp, second Martin Kagan. The motion carried 6-0.

Pending Applications

#2008-72 – 41 Lismore Lane – Evelyn Lorentzen Bell – Tax #10-3460

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the construction of an in-ground pool with drainage. Appearing before the Agency on behalf of the applicant was Bruce Reinheimer of Tate & Associates. Mr. Reinheimer shared that no feasible alternative existed on site and encouraged the Agency to support the Staff recommendation. Hearing no objections, a motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 6-0.

#2008-73 – 19 Limerick Place – Charles and Rita Magyar - Tax #8a-1137

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for a deck and generator. Appearing before the Agency was the owner, Charles Magyar. Mr. Magyar provided the Agency with documents showing site constrictions and limitations and, therefore, requested relief from the previously established setback distances. After short discussion, a motion to approve was made by Martin Kagan, second Matt Popp. The motion carried 6-0.

#2008-74 – 16 Lia Fail Way – Mark and Gwen O'Donnell – Tax #8a-1811

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the construction of a new single-family residence. Peter Finkbeiner, P.E. of Sound View Engineers & Land Surveyors was present to respond to questions and comments presented by the Agency. Hearing no objections, a motion to approve the application with an added condition requiring the removal invasives was made by Matt Popp, second Martin Kagan. The motion carried 6-0.

#2008-85 – 16 Desiree Drive – Jose Otero – Tax #8a-3656

The Staff Report prepared by Aleksandra Moch and presented by Robert Clausi recommended the issuance of a permit with required restoration plantings. Jeff Kaufman of JMK Architects appeared before the Agency to respond to comments in the report. Mr. Kaufman requested relief from the planting requirement, since his client was not responsible for the clearing detected by Staff. After short deliberation, the Agency agreed that 20 trees and/or woody shrubs were reasonable and would not severely restrict the usage of the property. A motion to approve was made by Matt Popp, second Martin Kagan. The motion carried 6-0.

Pending Modifications

#2007-81 – 41 Hurlingham Drive – Xand Corporation – Tax #11-3086

The Staff Report prepared by Michael Chambers recommended delay and requiring increased distances to site wetlands beyond those shown on the drawing. Appearing before the Agency on behalf of the applicant were Jay Fain of Jay Fain & Associates, Atty. John Tesei and Atty. Chris Bristol of Gilbride, Tusa, Last & Spellane, as well as the owner, Mark Weinstein. The presentation offered by Mr. Fain suggested that his client was in agreement with the Staff recommendations, however, requested distances not be extended beyond the 50 feet to wetlands and 100 feet to watercourses as required by the Deed of Restrictions for Conyers Farm. Members of the Agency questioned the overall disturbance envelope and related impervious coverage. After great debate, it was determined that the driveway coverage should be reduced from 17,000 to 15,000 sq. ft., that the patio coverage should be reduced to 7,000 sq. ft., distances to wetlands should be increased to 60 ft., and that the total bond balance shall be set at \$50,000.

A motion to approve the development with the added conditions was made by Tom Baptist, second Matt Popp. The motion carried 6-0.

New Applications

#2008-86 – 297 Cognewaugh Road – Jamie and Alice Eisner – Tax #8a-1059 - DELAYED

The Staff Report prepared by Doreen Carroll Andrews recommended the removal of the deer fence from areas within the wetland and watercourse area. Owners Jamie and Alice Eisner appeared before the Agency to defend the fence location. After careful consideration, the Agency agreed that the fence in its present location was likely to affect wetland and watercourse systems, while failing to prevent the movement of deer from the parcel. A motion to Delay was made by Martin Kagan, second Elliot Benton. The motion carried 6-0.

#2008-88 – 20 Scott Road – Richard and Elisabeth Rogers – Tax #11-1436

The Staff Report prepared by Bob Clausi recommended the issuance of a permit with two additional conditions requiring alternate septic areas to be explored before approving the current location, and that roof leader discharge be installed to dissipate by means of overland flow. Chairman Tom Baptist also questioned the owner, Richard Rogers, as to why hazardous materials were being stored on the property. The owner was informed that proper containment receptacles were necessary to ensure that groundwater and wetlands were not affected by the storage of these materials. The motion to approve was made by Martin Kagan, second Matt Popp. The motion carried 6-0.

#2008-91 – Echo Lane – Upper West Brook Neighborhood Association – Tax #11-1170s, 11-2129s, 11-2128s, 11-2127s

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the removal of spoils within a pond found on Ridge Brook Road and Echo Lane. The recommendation included a requirement to perform testing to ensure that the spoil material is below minimal standards for heavy metals, pesticides and other hazardous material parameters. Appearing before the Agency on behalf of the Association was Carmine Labriola. Mr. Labriola agreed with the Staff recommendation and confirmed that testing was under way to ensure that the materials were stored at an appropriate upland site. A motion to accept the Staff recommendation was made by Martin Kagan, second Matt Popp. The motion carried 6-0. *Tom Baptist left for the evening at 11:30 p.m. Matt Popp was seated as Chair.*

#2008-97 – 53 West Brother Drive – Daniel and Stephanie Offit – Tax #1-1332

The Staff Report prepared by Bob Clausi recommended the issuance of a permit to restore vegetation and install a play set. Larry Liebman of S.E. Minor & Co., Inc. appeared before the Agency and offered no objections to the Staff recommendation. Bill Galvin questioned the extended period of delay following the violation and encouraged Staff to be diligent in its response to resolving matters of non-compliance. After short deliberation, a motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-0.

#2008-99 – 895 Lake Avenue – BSF Properties – Tax #11-2938 - POSTPONED

At the request of the applicant, this matter was postponed. No Agency action was required.

#2008-100 – 30 Round Hill Club Road – Lise Stolt-Nielsen – Tax #10-1510

The Staff Report prepared by Bob Clausi recommended the issuance of a permit to restore a stream crossing and adjacent riparian area. Representatives appearing before the Agency on behalf of the applicant were Larry Liebman of S.E. Minor & Co., Inc. and Atty. Chris Bristol of Gilbride, Tusa, Last & Spellane. The agents offered no explanation for their client's failure to comply with Agency Regulations, but assured members that the occurrence was an oversight and would not occur again. After hearing that the pipe had been enlarged from 24" to 36," the Agency decided to add a condition requiring that the pipe be replaced or proven to show that the increase would not result in flooding down stream. This must be done with a drainage summary report prepared by a licensed professional engineer. A motion to accept the Staff recommendation with the added condition was made by Martin Kagan, second Bill Galvin. The motion carried 5-0.

#2008-101 – 27 Pecksland Road – Thomas Wasson and Ruth Fattori – Tax #10-3659 - **POSTPONED**

At the request of the applicant, the matter was postponed. No Agency action was required.

#2008-102 – 45 Close Road – Janis and Louis B. Jones, Jr. – Tax #10-1841

The Staff Report prepared by Bob Clausi recommended the issuance of a permit to restore clearing within and adjacent to a wetland area. Appearing before the Agency on behalf of the applicant was Jay Fain of Jay Fain & Associates. A motion to approve the plan was made by Martin Kagan, second Bill Galvin. The motion carried 5-0.

Violations

#2008-05 –969 Lake Avenue – The Whitby School, Inc. – Tax #11-4016

The Staff Report prepared by Aleksandra Moch and presented by Doreen Carroll Andrews recommended the approval of the restoration plan with a deadline of September 2008 for implementation. Ted Milone, P.E. of Redniss & Mead, Inc., Michele Albonizio of Fogarty Cohen Selby & Nemiroff, and Sean Jancski, landscape architect with Inviting Environments, were all on hand to address comments and concerns presented by the Agency. Mr. Jancski discussed the area of non-compliance, and informed the Agency that the oversight would be corrected without delay. Matt Popp suggested that the deadline be pushed back from September to October 21, 2008, since the school reported the violation prior to being detected by Staff or reported by others. Hearing no objections, a motion to approve the drawing was made by Martin Kagan, second Bill Galvin. The motion carried 5-0.

#2008-06 – 23 Bedford Road – Bedford Road, LLC – Tax #10-1758

The Staff Report prepared by Doreen Carroll Andrews originally requested the maintenance of a Cease & Correct Order and issuance of a Notice of Violation; however, staff learned that the restoration plantings had been installed and subsequently inspected, prior to the evening's meeting. For this reason, no Notice of Violation was necessary; however, a two-year growing was placed on the plantings. A motion to accept the Staff recommendation was made by Martin Kagan, second Stephan Skoufalos. The motion carried 5-0.

Old Business

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

The violation summary provided by Bob Clausi included an updated planting plan provided by Mr. and Mrs. Eiges. After reviewing the materials presented, it was the determination of the Agency to establish an October 15, 2008 deadline for the installation of the required restoration plantings. The Agency's actions further included the requirement that the plantings be consistent with the plan previously approved and installed. A motion to approve was made by Martin Kagan, second Elliot Benton. The motion carried 4-0. *Matt Popp recused due to a professional conflict. Martin Kagan was seated as Chair.*

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

The Agency was informed that multiple efforts to reach the homeowner had failed, and that no further contact had occurred since the Agency last discussed the outstanding violations on the property of 1093 King Street. No persons appeared before the Agency on behalf of the landowner. A motion to schedule the matter for a Public Hearing was made by Martin Kagan, second Stephan Skoufalos. The motion carried 5-0.

Cease & Correct Order #2008-07 – 15 Wynnwood Road – Joseph Melendez - Tax #11-1874

Bob Clausi reported that staff visited 15 Wynnwood Road on August 22, 2008, after learning that the house had been put on the market and found that a majority of the plantings that were supposed to be installed in the northern wetland and buffer by May 31, 2008 per the permit modification had not been completed. The permittee, Joseph Melendez, responded to the Cease & Correct Order staff sent via Certified Mail on August 22nd with an August 25th fax in which he acknowledged this as being an oversight, and pledged to install the missing plants as soon as possible. After some discussion, the Agency voted unanimously to maintain Cease and Correct Order #2008-07, file a Certificate of Violation on the Greenwich Land Records, and set a final deadline of October 31, 2008 by which the wetland and buffer restoration work at 15 Wynnwood Road must be completed.

Bond Releases

1. Application #86-48 – Permit #86-4 for Farwell Perry - 100 Sterling Road. \$3,000 bond to be released to F.W. Perry.
2. Application #92-31 - Permit #92-45 for Richard Belmont, Jr. - 41 Orchard Street. \$500 bond to be released to Richard Belmont, Jr.
3. Application #97-39 - Permit #97-43 for Charles Royce - 120 Dingtletown Road. \$3,000 bond to be released to Charles Royce.
4. Application #97-126 - Permit #97-162, Emergency Permit #01-10, and Agent Approval #01-40 for George Roush - 69 Dingtletown Road. \$500 bond to be released to George Roush.
5. Application #03-91 – Permit #03-96 for Mark and Barbara Seaman – 3 Calhoun Drive. \$1,000 bond to be released to Mark and Barbara Seaman.
6. Application #03-93 – Permit #03-90 for Andre and Robert Pruett - 10 Highview Avenue. \$4,000 of the \$5,000 bond to be released to Robert Pruett.

Page 8 – Minutes – August 25, 2008

7. Application #03-215 - Permit #04-07 for Equestrian Properties, LLC - Lot #7 - Old Round Hill Lane. \$7,000 of a \$10,000 bond to be released to Equestrian Properties, LLC
8. Application #04-138 – Permit #04-133 - Valley Drive Georgetowne North. \$2,000 bond to be released to Georgetowne North Owners, Inc.
9. Application #04-177 - Agent Approval #04-58 for Jeff and Jeanie Rose - 535 Lake Avenue. \$3,000 to be released to Jean Weinberg Rose.
10. Application #04-179 – Permit #04-132 for Scott LeMone - 75 Clapboard Ridge Road. \$6,000 bond to be released to Dibico Construction of Connecticut, Inc.
11. Application #05-159 – Permit #05-125 for Junefield Associates, Inc. - 88 Riversville Road. \$6,000 bond to be released to June and Grant Stinchfield.
12. Application #06-11 – Permit #06-23 for William and Maya Hyland - 89 Dingtletown Road. \$10,000 to be released to William and Maya Hyland.
13. Application #06-23 – Agent Approval #06-02 for Offit Revocable Trust - 53 West Brother Drive. \$1,000 to be released to Daniel and Stefanie Offit.
14. Application #06-89 – Permit #06-90 for 154 Cognewaugh Road, LLC – 154 Cognewaugh Road. \$6,000 to be released to 154 Cognewaugh Road, LLC.
15. Application #07-44 – Permit #07-77 for Peter Wright - 751 Riversville Road. \$5,000 to be released to Peter Wright.
16. Application #07-74 - Permit #07-62 for Manuel and Marietta Vergara - 11 Knollwood Drive. \$4,000 to be released to Manuel and Marietta Vergara.
17. Application #07-76 – Permit #07-64 for Thomas and Janet Sorrell - 65 Ridgeview Avenue. \$1,000 to be released to Thomas and Janet Sorrell.
18. Application #07-136 – Agent Approval #07-36 for Cooper Milledge and Valerie van Ogtrop – 14 Crescent Road. \$2,000 to be released to Cooper Milledge.

A motion to approve the release of bonds was made by Martin Kagan, second Bill Galvin. The motion carried 5-0.

The meeting adjourned at 12:10 a.m.

Michael N. Chambers,
Wetlands Director