

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
PUBLIC HEARINGS
September 15, 2008**

Members present: Lawrence Perry (seated as Chair), Matthew Popp, John Conte
Alternates present: Stephan Skoufalos, Robert Sisca, Elliot Benton
Staff present: Michael Chambers, Wetlands Director; Robert Clausi, Senior Wetlands Analyst

PUBLIC HEARING:

Acting Chairman Lawrence Perry called the Public Hearing to order at 7:00 p.m. in the Town Hall Meeting Room on the first floor of the Greenwich Town Hall.

Application #2008-90 – Louis, Judith and Randy Caravella – 96 Orchard Street and 22 Osee Place

Present on behalf of the applicant were Tony D’Andrea, P.E. of Rocco V. D’Andrea, Inc., Atty. Joseph Capalbo, as well as the owners, Louis and Randy Caravella.

The Hearing began with a Summary Record of File #2008-90. This Record included resumes of each member of the Agency. After hearing no objections to the Record as entered, the Director began to summarize staff comments stated in the September 9, 2009 Report. Agency members were advised that the scope of their review was limited to a 4-lot subdivision, and not the demolition and construction of three single-family homes. The Director’s comments focused attention on the plan’s significant removal of ledge and overlying vegetated cover. The Agency was cautioned that denuding the undisturbed tract to make way for roadways and building parcels was likely to result in reduced surface renovation which would degrade water quality entering the wetland basin. It was, therefore, the opinion of the Director that the site was more suitable for three building parcels, rather than four, as proposed. The recommendation encouraged delay, pending the receipt of a drawing that better considered site development in relation to the adjacent wetland.

Tony D’Andrea presented an overview of the subdivision proposal and provided support testimony for the acceptance of the project unchanged. Mr. D’Andrea noted that the plan’s placement of the shoulder retaining wall along a prominent ledge formation ensured the long-term protection of the adjacent system. The Agency was also advised that the basin and overflow structures shown within the wetland were placed at the existing outlet elevation, and, therefore, it was the opinion of the engineer that the wetland would not be adversely affected by the creation of two additional building lots. Photographs taken by Rocco V. D’Andrea, Inc. were provided to the file to illustrate the stormwater burden caused by adjoining landowners. John Conte and Robert Sisca questioned why rip-rap was required within the wetland. Mr. Conte also suggested that relocating the driveway wall would result in the preservation of at least two significant trees. Mr. D’Andrea noted that he was agreeable to considering changes associated with the wall and the rip-rap pad.

Exhibits Submitted by the Applicant

Exhibit #1 – Photo taken by Tony D’Andrea dated September 2008.

Opposing comment on behalf of concerned neighbors was provided by Christie Coon of Wetland Resource, LLC. Ms. Coon provided a written narrative along with a related map to demonstrate impacts on the system. Ms. Coon noted that the need to establish a footing for the driveway wall would result in the complete removal of ledge, which was contrary to statements offered by the applicant’s agent. The Agency was informed that suspected wetland areas were observed just beyond the parcel boundary of 22 Osee Place and 96 Orchard Street. Using Section 10.2 of the of the Agency’s Regulations, Ms. Coon provided detailed statements suggesting why the Agency should be compelled to Deny the application. An oral CV which included education and work experience was provided by Ms. Coon.

After hearing expert comments, an opportunity for neighborhood input was opened. Discussion began with Bruce Martin of 32 Osee Place. Mr. Martin raised concern with the plan’s potential effect on wildlife. Abutting neighbor Tom Dianis of 96 Valleywood Road provided a narrative and photographs of the ledge formation found between his property and the property of 22 Osee Place. Mr. Dianis stated his fear that drainage and his house foundation would be affected by blasting and site clearing.

John Timm of 78 Orchard Street also submitted a narrative dated September 15, 2008, which included photographs taken in August 2008 and April 2007. The pictures depict flooding on his property suffered as a result of overdevelopment in the neighborhood. Mr. Timm informed the Agency that drainage from this site would ultimately flow through his property and cause additional flood concerns.

Adjoining neighbor Akiko Jacobson of 20 Osee Place informed the Agency that the rear of her site was also experiencing flooding during small storms as a result of ledge and surrounding development. Ms. Jacobson shared concern that the use of the wetland basin as a detention feature would result in overflow spilling onto her parcel and causing additional flood impacts.

Finally, Ms. Deborah Armstrong of 8 Bote Court encouraged the Agency to consider the wildlife that would be directly affected by the development of the parcel. Acting Chair Lawrence Perry reminded neighbors that the Agency’s charge was not specifically to protect wildlife and, therefore, asked that comments focus on matters that were subject to Agency consideration. After providing this guidance, no additional comment was received.

Exhibits Submitted by the Opposition

Exhibit #2 – Report from Wetland Resource LLC

Exhibit #3 – Map prepared by Christie Coon of Wetland Resource LLC

Exhibit #4 - Timm photos taken August 2008 and April 2007

Prior to the Agency’s deliberations, Tony D’Andrea was provided an opportunity to respond to staff and neighborhood comments. Mr. D’Andrea restated that the plan would not lower the ponding elevation of the wetland. Both Matt Popp and John Conte questioned whether the applicant would be willing to consider alternatives reflective of the evening’s comments. After conferring with the

applicant and his attorney, Mr. D'Andrea reported that they were not willing to provide revisions reflecting a material change in the development plan for review.

A motion to close the Hearing was made by Matt Popp, second Stephan Skoufalos. The motion carried 6-0.

During the Agency's deliberation, the Director stated that conditions of approval were necessary if the proposal should be accepted. Members were similarly advised that a clear explanation would be required for any motion to Deny. Matt Popp noted that it was his hope to see alternatives which minimized disturbance around the wetland, along with considering flood storage within the upland areas of 96 Orchard Street. Similar views were expressed by John Conte. Mr. Conte noted his wish to motion for a Delay, however, in the absence of open dialogue, felt compelled to oppose the project as presented. The Chair noted any changes which required Town Engineering review and approval would not be acceptable since the Hearing was closed, and no additional information could then be considered. Mr. Perry stated that the subdivision could be reasonably constructed without significant effect on wetland and watercourse systems.

After careful consideration, a motion was made by Matt Popp to Deny since the subdivision was likely to degrade water quality, unnecessarily alter and eliminate an intermittent watercourse, and greatly reduce vegetative buffers required for renovation. The motion was supported by Elliot Benton. The motion carried 5-1. Rob Sisca opposed.

Cease & Correct Order #2008-05 – 1093 King Street - Ernest Rosato, Jr.

Members present: Lawrence Perry (seated as Chair), John Conte
Matt Popp was out at 9:20 p.m.

Alternates present: Stephan Skoufalos, Elliot Benton
Rob Sisca recused for professional conflict

Staff present: Michael Chambers, Wetlands Director; Robert Clausi, Senior
Wetlands Analyst

The Public Hearing was convened as an Enforcement Action since the homeowner had repeatedly failed to meet established deadlines and respond to staff attempts to resolve outstanding violations on the property of 1093 King Street. Bob Clausi, Senior Wetlands Analyst, presented a Summary Statement informing the Agency of activities to date. The Sr. Analyst noted that the applicant now appeared willing to comply with the Order imposed by the Agency. The Agency was informed that a compromise allowing for a combination of meadow and the installation of woody and mixed deciduous plantings was mutually agreed upon. These plantings would be installed in various locations of the property. Members further agreed that the installation of demarcation stakes and wetland markers was an appropriate feature that could be installed in lieu of fencing, sunken boulders and/or stone walls as is commonly required.

Mr. Ernest Rosato, Jr. was present to respond to staff and Agency comments. Mr. Rosato informed the Agency that the delay was associated with financial hardships that he and his wife were currently suffering. Mr. Rosato agreed to implement the plan if accepted by the Agency. Stephan Skoufalos questioned why the record indicated a lack of response to Agency Order and staff communication. Mr. Skoufalos pointed out the severity of the enforcement action, and informed Mr. Rosato that a

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continued failure to respond would result in court action. Mr. Rosato acknowledged the comment and stated that it was now his request to fully comply with the orders of the Agency.

A motion to close the Hearing was made by Stephan Skoufalos, second Elliot Benton. The motion carried 4-0.

It was the decision of the Agency to require the implementation of a planting plan by December 1, 2008, and to require the submission of the \$750.00 Public Hearing Fee by the same date. Failure to fully comply shall result in an immediate referral to the Law Department to initiate action with the State Superior Court.

A motion to accept the recommendation was made by John Conte, second Stephan Skoufalos. The motion carried 4-0.

The meeting was adjourned at 10:02 p.m.

Michael N. Chambers
Wetlands Director