

MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
September 22, 2008

Members present: Chairman Tom Baptist, Vice Chairman Lawrence Perry, Secretary Martin Kagan, Matt Popp (*arrived at 7:05 p.m.*), John Conte, Garrett Dietz, Bill Galvin

Alternate present: Elliot Benton

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

Others present: Craig Flaherty, Bill Kenny, Larry Liebman, Chris Bristol, John Tesei, Bruce Cohen, Tony and Lisa Bienstock, Bob Richardson, Carol McIvor, Vin DiMarco, Lynn Morse, John Hamilton, John Wetmore, Ron Sentman, Michele Albonizio, Chris von Keyserling, Jerry Davis, Elizabeth Merrihew, Steve Danzer, Fred Groen, Frank Napolitano, Melissa Klauberg, Nancy Marshall, Michael Benjamin Pinchuk, Curtis Wood, Peter Finkbeiner, Tony D'Andrea, Len Szczesny, Jeffrey Lombardi, Keith Wilberg, Rob Frangione, Jaime Eisner, Debora Rogan

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 Tom Baptist to seat Elliot Benton, in the absence of Matt Popp or any member recused for a matter. (Matt Popp arrived at 7:05 p.m.)

Review and approval of draft minutes of August 25, 2008 Meeting

A motion to approve the draft minutes of August 25, 2008 without correction was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

Review and approval of draft minutes of August 25, 2008 Public Hearing

A motion to accept the draft minutes of August 25, 2008 without correction was made by John Conte, second Bill Galvin. The motion carried 7-0.

Review and approval of draft minutes of September 15, 2008 Public Hearing

A motion to accept the draft minutes of September 15, 2008 without correction was made by Lawrence Perry, second John Conte. The motion carried 7-0.

Director's Report

The Agency was provided two summary reports of projects affecting wetland and watercourse areas. The first involved Application #2005-185 – Lot B Cliffdale Road. The Agency authorized activities on site included the construction of a new single-family home with related site work. Since commencing development in January 2006, the property has experienced a number of sedimentation and erosion control failures which have resulted in direct impacts to wetland and watercourse areas on properties far beyond the subject parcel. Despite numerous attempts to correct and modify on-site erosion control measures, impacts to the downstream pond remain constant. The Agency was advised that impacts were also the result of an unknown source; however, attempts to locate the origin would prove difficult until extended projects, such as the subject parcel, were completed/stabilized. The permittee and contractor Lynn Morse appeared before the Agency and advised members that the site owner, Allan M. Dubav, was willing to implement any necessary measures to control impacts created on site. This included accelerating the installation of the drainage design. Chairman Tom Baptist shared his disappointment with the condition of the site, and stated significant changes were necessary without further delay to ensure the protection of wetland and watercourse areas. At the recommendation of the Chair, the permittee was instructed to hydroseed the property within seven days of the evening meeting. Failure to comply with the request will result in an immediate Stop Work Order for all activities on site. A motion to accept the Chairman's recommendation was made by Lawrence Perry, second Martin Kagan. The motion carried 7-0.

The second project brought to the attention of the Agency involved 137 Round Hill Road, property of Steve and Roberta Denning. The project which has not been subject to the review of the Agency, due to the absence of wetland and watercourse areas, has allowed for extensive removal of trees and understory vegetation. Scarification of upland areas over steep gradients has allowed for noticeable changes to the site runoff coefficient, which as a direct consequence has produced flooding and siltation on roadways, neighboring properties and wetland/watercourse areas. Because this property has appeared before the Agency on several occasions to address similar impacts to off-site areas, it is now the conclusion of the Director that a permit shall be required to correct site conditions. The owner has been informed that site activities shall be limited to stabilizing disturbed surfaces on the property.

Agent Approvals

There were no Agent Approvals issued since the date of the last monthly meeting.

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 (20 requested, 7 initiated by Staff, 23 released), Stop Work Orders issued (4) and lifted (1), and deadlines set by the Agency that are upcoming or have passed.

Public Discussion Session

Executive Session

An Executive Session was held to allow for attorney/client communication regarding legal matters affecting the Agency. A motion to go into Executive Session was made by Martin Kagan, second

Lawrence Perry. The motion carried 7-0. A motion to end the Executive Session was made by Martin Kagan, second Garrett Dietz. The motion carried 7-0. No action was taken in Executive Session.

#2008-36 - 1081 King Street – Shemin Nurseries, Inc. – Tax #10-2997

Following the August 25, 2008 Public Hearing, the Agency elected to close the Hearing and defer action to allow for members to carefully study the record. Before entertaining a motion, the Chairman invited members to present comments and positions regarding the subdivision and related aspects of the development plan. Chairman Tom Baptist suggested staff conditions include additional requirements which included increasing the bond to \$50,000, the completion of the habitat enhancement plan prior to the release of the cash performance bond, and the implementation of Alternate Mitigation Drawing Plan #3, which depicted planting south of Lot 5 (adjacent to King Street). Conceptual conditions were also added to require acceptance of the 5-lot subdivision as presented, and the submission of an annual report prepared by a licensed professional engineer in the State of Connecticut. The engineering report shall study the stormwater drainage system and certify that it complies with the standards of the approved drawing. A motion to approve was made by Lawrence Perry, second Garrett Dietz. The motion carried 5-2. The motion was not supported by Bill Galvin and Elliot Benton. *Martin Kagan was not seated.*

Consent Approval Items

#2008-105 – 373 Stanwich Road – John and Deborah Hamilton – Tax #8-3547

The Staff Report prepared by Bob Clausi recommended approving the proposed residential addition. No representatives appeared before the Agency on behalf of the applicant. No public comment was offered. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

#2008-107 – 76 Glenville Street – Phil Laponte – Tax #9-2558

The Staff Report prepared by Bob Clausi recommended the approval of a retaining wall. No representatives appeared before the Agency on behalf of the applicant. No public comment was offered. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

Pending Applications

#2008-80 – 6 Castle Court – Robert Bradley – Tax #8-3881 - *DELAYED*

The Staff Report prepared by Michael Chambers recommended the Delay of the application, pending the submission of outstanding information. Larry Liebman of S.E. Minor & Co. appeared before the Agency on behalf of the applicant and presented revised drawings depicting the outstanding cross section. The Director noted that the plan had not been studied prior to the meeting, and also indicated that additional concerns were not reflected on the drawing. In the absence of this information, a motion to Delay was made by John Conte, second Martin Kagan. The motion carried 7-0.

#2008-81 – 19 Heronvue – Marian Duke – Tax #10-3171

The Staff Report prepared by Bob Clausi recommended the issuance of a permit to modify a driveway. Larry Liebman appeared before the Agency and offered no objections to the Staff Report as presented. A motion to approve was made by Garrett Dietz, second Bill Galvin. The motion carried 7-0.

#2007-86 – 297 Cognewaugh Road – Jamie and Alice Eisner – Tax #8a-1059

The Staff Report prepared by Doreen Carroll Andrews recommended the Delay of the matter, pending additional information. The owner, Jamie Eisner, appeared before the Agency to discuss the application. Mr. Eisner stated that additional information was submitted to the Agency office. It was the request of Mr. Eisner that the deer fence remain in its current location. After Agency deliberation, it was suggested that the fence be raised 6” in all areas, a condition Mr. Eisner was willing to accept. The Agency further conditioned a \$700 bond, and allowed for the pool fence to be permitted no further than 10’ from the pool without the submission of a Modification to the Agency. A motion to approve the recommendation was made by Lawrence Perry, second Martin Kagan. The motion carried 6-1. The motion was not supported by Matt Popp.

New Applications

#2007-142 – 5 Pheasant Lane Spur – John and Debora Rogan – Tax #11-1393

The Staff Report prepared by Bob Clausi recommended Delay of the proposal. Architect Fred Groen and owner Debora Rogan were present to address staff comments and Agency concerns. Mr. Groen shared design constraints associated with the parcel and requested relief from the guideline setbacks. Lawrence Perry suggested that the pool decking be minimized to allow for at least 30 feet separation from the off-site wetland. The recommendation was accepted by the applicant. A motion to approve the proposal with the added condition was made by Martin Kagan, second Lawrence Perry. The motion carried 6-0-1. Matt Popp abstained.

#2008-103 – 174 Byram Shore Road – Rose Pinchuk – Tax #4-2306 - **DELAYED**

The application began with a legal summary provided by the Agency Director. Members were informed of the pending Court action and Order requiring the applicant to satisfy specific instructions agreed upon by all parties on June 10, 2008. The report prepared by Bob Clausi stated that the applicant had satisfied several conditions of the Order, however, recommended Delay since all matters were not satisfactorily resolved. The owner’s son, Michael Benjamin Pinchuk, appeared before the Agency in support of the application’s submission. Mr. Pinchuk stated that his mother was not willing to provide a drainage plan, since it was his belief similar improvements were required up gradient to resolve matters affecting the property of 174 Byram Shore Road. Atty. Melissa Klauberg provided comment to the Agency on behalf of her client, Martin Hyman, an abutting neighbor. It was the wish of Atty. Klauberg that no action be taken on the proposal until all pending matters of compliance be resolved by all regulatory agencies. Lawrence Perry requested a planting plan for the property, along with an invasive species removal scheme. The Agency also requested that all the additional information be provided within two weeks of the next regularly scheduled meeting. A motion to Delay was made by Lawrence Perry, second Bill Galvin. The motion carried 7-0. *Elliot Benton left for the evening at 9:20 p.m.*

#2008-104 – 112 Cat Rock Road – Jeffrey Lombardi and Shawn Byles – Tax #8-1231

The Staff Report prepared by Bob Clausi recommended the issuance of a permit to restore clearing adjacent to a wetland and watercourse area. The owner, Jeffrey Lombardi, appeared before the Agency to discuss the unauthorized clearing and provide a plan to restore affected areas. The Agency stated that they were not inclined to delay the activity since prolonging action would shorten the available planting season. For this reason, the applicant was instructed to submit a meadow planting plan within two weeks of the evening's meeting. The applicant agreed to the added condition. A motion to approve was made by John Conte, second Matt Popp. The motion carried 6-0. *Tom Baptist recused due to abutting land owned by his employer. Lawrence Perry was seated as Chair.*

#2008-106 – 121 Woodside Drive – Sara Rawson and Eugene Nowak – Tax #1-2392

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for a residential addition and retaining wall. Appearing before the Agency on behalf of the applicant was Peter Finkbeiner, P.E. of Sound View Engineers & Land Surveyors. Mr. Finkbeiner agreed to the conditions of the permit, however, requested that the retaining wall be shifted 5 feet, rather than 10 as suggested in the Staff Report. The Agency was informed that the 42" oak would not be removed as a consequence of the wall development. With this assurance, a motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

#2008-108 – 56 Rockwood Lane – Nisha Arora - Tax #11-1556 - **DELAYED**

The Staff Report prepared by Bob Clausi recommended the Delay of the applicant's proposal. The Agency was encouraged to visit the site so they could better understand potential impacts created by site development. Appearing before the Agency on behalf of the applicant was Keith Wilberg, P.E. of Sound View Engineers & Land Surveyors. Mr. Wilberg was informed by the Agency that the plan should be reduced in scale. A motion to Delay was made by Martin Kagan, second Lawrence Perry. The motion carried 7-0.

#2008-109 – 8 Grove Lane – Curtis Wood – Tax #7-1045

The Staff Report prepared by Michael Chambers recommended accepting the two-lot subdivision. Larry Liebman of S.E. Minor & Co. offered no comment or objections to the report as presented. Hearing no objections or neighborhood comment, a motion to accept the subdivision was made by Martin Kagan, second Matt Popp. The motion carried 7-0.

#2008-110 – 1 Loch Lane – Michael and Anna Sofia Rocco – Tax #11-1622

The Staff Report prepared by Michael Chambers recommended the issuance of a permit without a sports court. Tony D'Andrea, P.E. of Rocco V. D'Andrea, Inc. appeared before the Agency on behalf of the applicant and agreed to the conditions stated in the Staff Report. A motion to approve was made by Lawrence Perry, second Martin Kagan. The motion carried 7-0.

#2008-111 – 427 Taconic Road - Silver Centaurian Taconic Estates, LLC – Tax #11-1488 - **DELAYED**

The Staff Report prepared by Bob Clausi recommended the Delay of the proposed new residence. Rob Frangione, P.E. of Frangione Engineering provided a history of the site dating back to the approved subdivision. It was the request of Mr. Frangione to obtain relief from the subdivision conditions. Tom Baptist informed the Agency that the condition requiring a 75-foot setback was likely due to the quality of the existing pond, as well as wetlands located south of the site. The applicant was instructed to reduce

the scale of the residence in an attempt to better conform to the subdivision conditions. A motion to Delay was made by Martin Kagan, second Lawrence Perry. The motion carried 7-0.

New Modifications

#2006-177 – 530 Indian Field Road – Leonard and Stefani Shavel – Tax #2-1077 - DELAYED

The Staff Report prepared by Michael Chambers recommended the Delay of the proposed tennis court. Appearing before the Agency on behalf of the applicant was Rob Frangione, P.E. of Frangione Engineering. Mr. Frangione stated that his client was not willing to relocate the court and shared an overview of surrounding development and the increased separation to on-site inland wetlands and coastal bodies. Comment provided by concerned neighbors was shared by Lisa Bienstock, Tony Bienstock, Nancy Marshall and Phillip Ness. After consideration of the matter, it was the collective opinion of the Agency to delay action, pending revisions and additional information. A motion to Delay was made by Martin Kagan, second Lawrence Perry. The motion carried 5-0. *Matt Popp recused due to professional conflicts. Garret Dietz recused due to a personal conflict.*

#2007-84 – 754 Lake Avenue – Robert and Kristy Hartveldt – Tax #10-1567

The Staff Report prepared by Robert Clausi recommended the issuance of a permit. Larry Liebman of S.E. Minor & Co. appeared before the Agency on behalf of the applicant. Mr. Liebman informed the Agency that the failure to satisfy past conditions was a misunderstanding, and that it was his client's intention to fully comply. Martin Kagan suggested that a condition be added to prohibit new activities until all outstanding requirements have been satisfied. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

#2007-181 – 630 Lake Avenue – 630 Lake Avenue, LLC – Tax #10-2966

The Staff Report prepared by Bob Clausi recommended the approval of the request to demolish and construct a new single family residence. Tony D'Andrea, P.E. of Rocco V. D'Andrea, Inc. appeared before the Agency on behalf of the applicant. Mr. D'Andrea acknowledged the outstanding conditions, however, stated that it was his client's intention to satisfy all outstanding matters imposed by the Agency. No objection to the added staff conditions was offered. Martin Kagan suggested that the bond not be released until the prior restoration requirement is fulfilled. A motion to approve was made by Lawrence Perry, second Garrett Dietz. The motion carried 7-0. The bond amount was increased to \$5,000.

#2007-187 – 7 Ricki-Beth Lane – Elizabeth Newman and Thomas Silberstein – Tax #12-3070

The Staff Report prepared by Bob Clausi recommended the issuance of a permit modification. Len Szczesny, P.E. of S.E. Minor & Co. appeared before the Agency and offered no objections to the Staff Report. A motion to approve was made by Garrett Dietz, second Martin Kagan. The motion carried 7-0.

#2008-64 - 27 Clapboard Ridge Road – George and Elisabeth Taylor – Tax #11-1488 – DELAYED

The Staff Report prepared by Bob Clausi recommended issuing a permit modification for the pond dredging. Representing the permittee was Elizabeth Merrihew and Jerry Davis. The agents provided an oral summary of the dredging procedure and equipment used to perform the project. After hearing all

information, members of the Agency expressed concern that an additional study may be necessary to ensure proper conditions are established for the overall protection of wetland and watercourse areas. John Conte and Garrett Dietz requested details associated with the silt sack, as well as the location of the dewatering area. Chairman Tom Baptist further requested that a licensed professional engineer be consulted to study the downstream effects associated with the pond drawdown prior to dredging. A motion to Delay was made by John Conte, second Matt Popp. The motion carried 7-0.

Violations

527 Stanwich Road – Victor and Viorica Belcic – Tax #11-1704

The Wetlands Compliance Officer, Doreen Carroll Andrews, provided the Agency with a summary of activities that have occurred on the property without the prior consent of the Board. Members were informed that an estimated 30 trees had been removed and understory vegetation stripped from the property. Erosion controls have not been installed, and the owner at this time has not responded to the Stop Work Order which was received by Certified Mail. An October deadline has been established for the submission of an application to immediately correct the condition of the site. Failure to meet the established deadline shall result in a recommendation to issue a Notice of Violation on the Land Records and proceed with additional enforcement action. No Agency action was required.

4 Alden Road – Charles Santora – Tax #7-1026

The Wetlands Compliance Officer, Doreen Carroll Andrews, informed the Agency that recurring impacts to wetland and watercourse areas contained on the property of Georgetowne North had been witnessed as a result of activities on the property identified as 4 Alden Road. Since the property did not contain wetland and watercourse areas, the clearing operation which had extended to steep gradients was not originally subject to the review and approval of this Agency; however, sediment loading has been detected within off-site water bodies due to the excessive removal of vegetation over the hillside. Consequently, it is now the opinion of staff that a permit is necessary to correct the situation. The land owner has not accepted responsibility for the sediment loading, but has stated that an application will be submitted timely. No Agency action was required.

Application #2007-61 – 15 Wynnwood Road – Joseph Melendez – Tax #11-1874

Bob Clausi informed the Agency that the permittee had satisfied outstanding conditions of Permit #2007-51. It was, therefore, the recommendation of staff to remove the Notice of Violation from the Town Land Records. A motion to approve the recommendation was made by Martin Kagan, second Lawrence Perry. The motion carried 6-0. *Matt Popp recused due to a professional conflict.*

Chairman Announcement

The Agency Chairman, Tom Baptist, informed the Agency of his intention not to seek reappointment to the Agency once his term expires on March 31, 2009. The Chairman shared his pleasure to serve the Town and members of the Agency for the last 12 years, 5 of which included a position of leadership as the Agency Chair. Members were further informed that Matt Popp would also be resigning his seat on the Agency following the expiration of his term on March 31, 2009.

Bond Releases

1. Application #95-02 – Permit #95-13 for Robert and Jane Calhoun - 50 Zaccheus Mead Lane. \$3,000 bond to be released to Robert and Jean Calhoun.
2. Application #95-37 – Permit #95-46 for Kyriaco Damascus – 425 Taconic Road. \$5,000 bond to be released to Kyriaco Damascus.
3. Application #96-167 – Permit #96-190 for Maureen Gupta – 20 Mohawk Lane. \$3,000 bond to be released to Maureen Gupta.
4. Application #97-03 – Permit #97-16 for Mirek and Mary Ann Klabal – 887 Lake Avenue - \$3,000 bond to be released to Mary Ann Klabal.
5. Application #97-121 – Permit #97-141 for Herbert Ogden – 50 Dingtletown Road. \$1,000 bond to be released to Herbert Ogden.
6. Application #97-215 – Permit #98-11 for Michael Rome - 26 Andrews Farm Road. \$3,000 bond to be released to Michael Rome.
7. Application #01-92 – Permit #01-53 for Thomas Nicolosi - 98 Riversville Road. \$9,000 bond to be released to Thomas Nicolosi.
8. Application #01-143 - Permit #01-93 for Maeve Heath – 752 North Street. \$6,000 bond to be released to Maeve Heath.
9. Application #03-140 – Agent Approval #03-39 for Gilbert and Patricia Klemann – 25 Hope Farm Road. \$2,000 bond to be released to P.J.T. Inc.
10. Application #04-31 – Permit #04-50 for Rhonda Beninati – 44 Mooreland Road. \$8,000 of the \$12,000 bond to be released to Rhonda Beninati.
11. Application #04-112 – Agent Approval #04-32 for Thomas and Sally Neff – 6 Sherwood Farm Lane (Lot #3). \$3,000 bond to be released to Thomas and Sally Neff.
12. Application #04-188 – Permit #04-135 for Alexander Ercklentz – 380 Stanwich Road. \$4,000 bond to be released to Alexander Ercklentz.
13. Application #06-52 - Permit #06-81 for Brunswick School - 100 Maher Avenue. \$10,000 of the \$15,000 bond to be released to Brunswick School.
14. Application #06-68 – Permit #06-65 for 8 Hobart, LLC – 8 Hobart Drive. \$8,000 bond to be released to ABRTDE Inc.
15. Application #06-85 – Agent Approval #06-22 for Thomas and Nina Weld – 59 Ridgeview Avenue. \$1,000 bond to be released to Thomas and Nina Weld.
16. Application #06-150 – Agent Approval #06-41 for Geoffrey and Elizabeth Parkinson – 94 Perkins Road. \$1,000 bond to be released to Geoffrey Parkinson.
17. Application #06-154 – Permit #06-135 for 58 Husted Lane, LLC – 58 Husted Lane. \$10,000 bond to be released to Mark Mariani, Inc.

18. Application #06-168 – Permit #06-139 for Robert and Nagaswami Ranjani Hopkins – 7 Knollwood Drive. \$1,500 of the \$3,000 bond to be released to Robert Hopkins and Ranjani Nagaswami.
19. Application #06-204 – Agent Approval #07-06 for Ronald and David E. Strackbein – 53 Ridgeview Avenue. \$3,000 bond to be released to Ronald and Davidde Strackbein.
20. Application #07-48 – Permit #07-61 for Margaret Morrison and Phil Alexandre – 39 Highview Avenue. \$2,000 bond to be released to RMS Construction, LLC.
21. Application #07-126 – Permit #07-105 for Alan Weissman – 617 North Street. \$2,000 bond to be released to Alan Weissman.
22. Application #07-145 - Agent Approval #07-37 for Thomas and Claire Whelan – 33 Vineyard Lane. \$1,000 bond to be released to Thomas and Claire Whelan.
23. Application #07-186 - Agent Approval #07-49 for Daniel and Lauren O'Keefe – 33 Angelus Drive. \$1,000 bond to be released to Daniel and Lauren O'Keefe.

A motion to release the cash performance bonds was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

The meeting adjourned at 11:45 p.m.

Michael N. Chambers,
Wetlands Director