

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
PUBLIC HEARINGS
October 6, 2008**

Members present: Chairman Tom Baptist, John Conte

Alternates present: Stephan Skoufalos, Elliot Benton

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

PUBLIC HEARING:

Chairman Tom Baptist called the Public Hearing to order at 8:05 p.m. in the Town Hall Meeting Room on the first floor of the Greenwich Town Hall.

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

Present on behalf of the applicant were Atty. Chip Haslun, Ivey Barnum & O’Mara; David Medd, Facility Manager, Aquarion Water Company of Connecticut; Peter Galant, Tighe & Bond; George Logan, Director of Capital & Planning for Aquarion Water Company of Connecticut; Carlos Chaves, P.E., Tighe & Bond; and Kate Throckmorton, Environmental Land Solutions.

The Agency commenced discussion of activities on the property owned by Aquarion Water Company of Connecticut which involved the construction of a chemical storage building, clearwell and detention basin. The evening discussion began with a statement from John Conte acknowledging his past personal involvement with Ted O’Hanlan of Robinson & Cole on a matter no longer pending before the Greenwich Inland Wetlands & Watercourses Agency. Atty. Chip Haslun, representing Aquarion Water Company of Connecticut, acknowledged the relationship and waived any conflict or concerns involving John Conte’s participation.

After hearing no further objections, Bob Clausi, Senior Wetlands Analyst, began discussion of the matter by entering all contents of Application #2008-94 into the Record, along with Resumes of seated Agency members. The Summary Report provided an overview of the proposed development area and stated concerns regarding maintenance of stormwater control structures, lack of distances to wetlands observed on and off site, need for improvement to the landscape planting plan, revisions to the stormwater retention system, and the absence of a project phasing plan.

Project introduction to the Agency was presented by the applicant’s Attorney, Chip Haslun. Mr. Haslun informed the Agency that the water company was willing to consider all additional items requested by staff. George Logan, Director of Capital & Planning for Aquarion Water Company of Connecticut, provided a background summary of the plant’s current operation and mandated needs for improvements and upgrades. Peter Galant of Tighe & Bond summarized aspects of the engineering design, and responded to Agency concerns regarding the overflow valve. Additional engineering comment was provided by Carlos Chaves. At the close of testimony, project engineers were asked to better explain the three-way drainage control system, along with the design capacity of the retention basin and placement of energy dissipaters within a mapped wetland area. The

Agency also asked whether alternatives to the design layout had been considered, and whether Aquarion Water Company owned or operated lands equally suited for the capital improvement.

Exhibits submitted by the applicant

No Exhibits were submitted.

Atty. Ted O’Hanlan of Robinson & Cole appeared before the Agency on behalf of the neighbor Steve and Terri Gelbstein. Atty. O’Hanlan informed the Agency that the activities proposed required a Variance and, therefore, believed that the Agency should suspend its review of the matter. Atty. O’Hanlan also informed the Board of an issue on his client’s property that resulted from a ruptured water line owned and operated by Aquarion Water Company. Mr. O’Hanlan noted the extended period of time between the break and the response by the Water Company. For this reason Mr. O’Hanlan challenged the legitimacy and effectiveness of the company’s operating procedures and maintenance protocols. Mr. O’Hanlan’s third and final point related to his inability to obtain information regarding structural aspects of the proposed improvement plan. Mr. O’Hanlan stated that his engineer, Joseph Risoli, was unable to consider potential impacts on surrounding properties and, therefore, requested assistance from the Agency to obtain such information.

Neighborhood comment was taken from Charles Cortese and Robert Maddux.

Exhibits submitted by the opposition

There were no Exhibits submitted by neighbors.

After hearing all comments from representatives of the applicant, as well as concerned neighbors, the Chairman solicited comment from Agency members. The consensus reached during member deliberation was that additional information was required before a final action could be taken on activities proposed. The applicant was asked to redesign the overflow valve so that it was less dependent on manual correction. The applicant was further requested to reduce the building design, or increase separation to adjacent neighbors and wetland systems, to provide a detail study of the clearwells structural integrity and potential for wetland impact in the event of a failure, and the submission of alternatives to the drainage basin and roadway delivery pad. Additionally, staff was requested to study elevation on Mr. Cortese’s property and evaluate possible property impacts.

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

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

Members present: Chairman Tom Baptist, John Conte

Alternates present: Stephan Skoufalos, Elliot Benton

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

Present on behalf of the applicant were Atty. Tom Heagney, Heagney Lennon & Slane; Toan Nguyen, TDN Engineering, LLC; Tony D’Andrea, P.E., Rocco V. D’Andrea, Inc.; and Jonathan Sparks, owner’s representative.

Aleksandra Moch, Environmental Analyst, provided a Summary Record of Application #2008-92. All parties were informed that contents of the Record were available and would be considered in the Agency's consideration of the proposed activities. After hearing no objection to the record as entered, Aleksandra Moch commenced discussion of the proposal to construct a single-family residence with driveway, septic system and in-ground pool. Members of the Agency were provided a history of past Agency actions. It was the opinion of Aleksandra that the submitted plan reflected significant improvements when compared to the past Denied proposal presented to the Agency. Consequently, the staff recommendation was to approve the proposed development plan with conditions.

Atty. Tom Heagney introduced the proposal and members of the project team. Atty. Heagney informed the Agency that he and his client had no objection to staff comments and conditions. Details of the Engineering design and phasing plan were discussed by Tony D'Andrea. Mr. D'Andrea concluded that the plan adequately satisfied concerns previously expressed by the Agency during its review of activities on site.

Exhibits submitted by the applicant:

No Exhibits were presented to the Agency by the applicant; however, at the request of Atty. Heagney, all contents of File #2008-40 were included into the current Record.

Appearing before the Agency on behalf of concerned neighbors were Attys. James Fulton and Margaret Conboy of Whitman Breed Abbott & Morgan; Eric Brower, AICP; Joseph Risoli, P.E., Risoli Planning & Engineering; Jay Fain, Environmental Analyst, of Jay Fain & Associates.

Atty. Fulton introduced items associated with Agency Denial #2008-4, Application #2008-40. The material was presented to remind Agency members of their specific language which led to the earlier action. Eric Brower shared deficiencies in the site drawing, which in his opinion, required approval from the Zoning Board of Appeals before being developed on site. For this reason, Mr. Brower stated that the Agency was likely to see modifications which would further alter the landscape of the property and introduce additional impacts not originally evaluated.

Joseph Risoli commented on the stormwater drainage system and structural details of the proposed retaining walls and residence. Mr. Risoli stated while the drainage plan met the Town Stormwater requirements, that an increase in volume would be experienced within the neighborhood as a direct result of the development. Mr. Risoli advised the Agency that additional excavation was necessary for both the house and retaining walls to ensure structural stability. Final comment focused on the septic system, since it was the engineer's opinion that the septic system was not likely to obtain approval from the Town Health Department due to its proximity to drainage structures. Mr. Risoli made no conclusions regarding wetland/watercourse impacts.

Jay Fain was also available to discuss concerns associated with the residential development plan. Mr. Fain stated that the Agency was likely to see future development activities associated with a tennis court. Mr. Fain speculated that the fill gradients associated with the residence could only be explained by the owner's later desire to develop a tennis court. After making the comment, the Chairman encouraged Mr. Fain and other professionals to focus their concerns to activities currently before the Board.

Comment offered by concerned neighbors began with Mr. Bill Harrison of Zaccheus Mead Lane. Mr. Harrison shared photographs of wetland and watercourse systems on his property that had been restored as a result of his past approvals from the Agency. It was the request of Mr. Harrison that the Agency carefully consider all aspects of the design, since neighborhood flows settled on property owned by him and his wife. Abutting neighbor, Susan Boyle, of 158 Zaccheus Mead Lane informed the Agency that the subject wetland on the applicant's property was a functioning system that had recently been drained by the applicant. Mrs. Boyle stated that the wetland appeared to have less ponding following this occurrence. Also addressing the Agency was Mr. David Boyle. Mr. Boyle echoed the comments of his wife, Susan Boyle, and encouraged the Agency to revisit the language of the prior Denial, since he believed that significant gains had not been made in the plan presently submitted for consideration.

Exhibits submitted by the neighbors and their representatives:

Exhibit 1

Eric Brower, AICP - Modified version of the Record drawing

Exhibit 2

Site Plan marked by Joseph F. Risoli

Exhibit 3

Hydrograph prepared by Joseph F. Risoli

Exhibit 4

Risoli Cross Section (2 pages) – dated October 6, 2008

Exhibit 5

Risoli Still Photograph of Site – dated June 2008

Exhibit 6

Risoli Simulation of the proposed residence and walls – dated October 6, 2008

Exhibit 7

Jay Fain Annotation Map (3 sheets)

After hearing all testimony from the applicant and concerned neighbors, the Agency Chairman solicited comment from members. Common opinion determined that additional information was necessary in order to make an informed opinion. The information included a request to the applicant to compare and contrast the blasting requirements between the current submittal and the design previously denied, the amount of fill to be imported on site, detailed responses to the concerns raised by Joseph Risoli and Jay Fain regarding the construction design, and need for variances for retaining walls. The applicant was also asked to improve the sedimentation and erosion control plan. Finally, in an attempt to mitigate the potential effect to wetlands, the Agency requested the submission of a

landscape enhancement plan, and the evaluation of the existing pipe between the subject property and the Harrison site.

A motion to continue the Hearing was made by John Conte, second Elliot Benton. The motion carried 4-0.

The meeting adjourned at 12:45 a.m.

Michael N. Chambers
Wetlands Director