

**MINUTES  
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY  
PUBLIC HEARINGS  
November 10, 2008**

Members present: Chairman Tom Baptist, John Conte

Alternates present: Stephan Skoufalos, Robert Sisca, 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 7:10 p.m. in the Cone Room on the second floor of the Greenwich Town Hall and opened the review of Application #2008-92. He inquired whether Alternate Sisca had familiarized himself with the record by reviewing the transcript of the previous public hearing session at which his application was heard. Upon the affirmative reply from Mr. Sisca, The Chair seated Mr. Sisca on this application.

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

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

The Agency Hearing began with summary comments provided by Aleksandra Moch. Amongst comments provided by Agency staff were an overview of the Staff Report dated November 4, 2008, as well as all contents of the application file and related Denial file #2008-40. Ms. Moch’s report stated that the revised plan reduced fill gradients, repositioned the proposed residence and, therefore, was seen as an improvement when compared to the prior submission. Despite the noted gains, lingering concerns called attention to site challenges which required additional consideration prior to acting on the proposal.

Supplemental materials presented by the applicant in support of the proposal were presented by Atty. Tom Heagney. Mr. Heagney reminded the Agency of the earlier blasting report and conclusions made by Russell Slayback of Leggett Brashears and Graham. The Agency was walked through the design changes made to address concerns noted during the October 6, 2008 Hearing. These changes included repositioning the residence, which resulted in the house being lowered an additional 4 feet, and reduction of fill gradients. Elliot Benton questioned why outstanding blasting information had not been provided for Agency consideration. This information was intended to compare and contrast blasting-related disturbance between the current proposal and the earlier Denied application. Details related to the project phasing plan and project engineering were presented by Tony D’Andrea. Mr. D’Andrea advised the Agency that he was retained as a consultant to assist the project engineer.

Mr. D’Andrea further advised the Agency that the site design was not likely to affect wetland and watercourse systems on or beyond the parcel boundary due the berm along the west side of Zaccheus Mead Lane, along with extra efforts taken to minimize the import of fill.

**Exhibits submitted by the applicant:**

Exhibit 8 - Site Plan dated November 7, 2008

Exhibit 9 - Site Plan depicting adjusted retaining walls dated November 7, 2008

Comments from neighbor, Bill Harrison, began the Public Comment segment. Mr. Harrison challenged the distance of disturbance, as was suggested by the applicant's agent, and further stated that his concerns regarding the suitability of existing drainage systems and the likely effect of runoff discharge to his property had not been adequately addressed. Atty. James Fulton of Whitman Breed Abbott & Morgan offered opposing comment in support of concerned residents. Mr. Fulton encouraged the Agency to not consider whether the plan was an improvement over prior submittals or presented less of an impact, but rather whether the overall development would have an effect on wetland or watercourse systems. Joe Risoli, P.E. of Joseph F. Risoli Planning and Engineering offered opposing comments relating to the hydrologic and hydraulic effect the development would have on the surrounding watershed. Mr. Risoli did not provide any suggestions of direct impact which would result to wetland or watercourse areas, however, stated that his client, Mr. and Mrs. Harrison, would receive runoff discharge in a period of time less than currently experienced. Environmental concerns were offered by Jay Fain of Jay Fain & Associates. Mr. Fain provided a written narrative that maintained many of the sedimentation and erosion control issues created by the development project remained a concern despite the many changes made by the applicant. Both Mr. Fain and Joe Risoli presented an alternative development design which reduced fill gradients, repositioned the residence, and minimized overall site disturbance.

**Exhibit provided by the opposition:**

Exhibit 10 – Joseph F. Risoli Plan, dated November 7, 2008, Sheet 1 of 2 and Sheet 2 of 2

After hearing opposing comments, Atty. Tom Heagney and Tony D'Andrea were provided an opportunity to address concerns presented by neighbors and their representatives. Mr. D'Andrea noted that the alternative plan presented to the Agency made no consideration of FAR requirements or provided any realistic recreational area for the residents. For this reason, the applicant's consultants concluded that the plan was not practical or seen as a viable alternative.

After careful consideration of all information established on the record, the Agency determined that the plan unreasonably altered the landscape of the site and, therefore, was likely to affect significant wetland and watercourse systems off site. A motion to Deny was made by John Conte, second Elliot Benton. The motion carried 4-1, with Stephan Skoufalos not in support of the motion.

**Reasons for Denial:**

1. It was the determination of the Agency that the need for extensive retaining walls was a symptom of a greater problem, i.e., the proposed development will significantly alter at least 1.2 acres of the property with consequential changes in topography and stormwater runoff, and an increase in sedimentation and erosion from the site that will adversely affect nearby wetlands and watercourses.
2. It was the determination of the Agency that greater effort was required to protect the more significant wetland system located adjacent to Zaccheus Mead Lane. If approved and

constructed, it was the majority opinion of Agency members that site sediments and similar erodible materials are likely to enter the wetland and watercourse systems, which would result in an irreversible impact on said area.

3. It was the determination of the Agency that the gravel driveway was not practical due to the steep gradient required for the roadway. The gravel drive will be difficult to keep in place during rain events and winter-time plowing, due to its composition and the severity of its slope. The Agency, therefore, concluded that the surface of the drive was likely to fail and be changed to a hard, impermeable cover at some point following Agency involvement, with a concomitant increase in stormwater runoff that will adversely affect the nearby wetland and watercourse system.
4. It was the determination of the Agency that the information provided by the applicant's engineering consultant was in conflict with specific statements and design aspects presented on the record drawings. The Agency, therefore, concluded that the information provided was incomplete and likely to require changes not considered at the time of approval.
5. It was the determination of the Agency that a "workable" and feasible alternative existed for the overall development of the parcel. The Agency found the alternate drawing, labeled Exhibit 10, to be a more sensitive design concept for the protection of wetland and watercourse systems neighboring the site.
6. It was the determination of the Agency that the amount of blasting required for the development of the site was unknown and, therefore, its effect on wetland and watercourse systems could not be properly considered. For this reason the Agency found the application to be incomplete.
7. It was the determination of the Agency that the plan as presented required extensive disturbance of native cover, specifically, in areas along the eastern edge of the parcel. For this reason, the Agency found the construction disturbance envelope to be unacceptable and likely to affect wetland and watercourse systems located off site.

**PUBLIC HEARING:**

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

Members present: Chairman Tom Baptist, John Conte

Alternates present: Stephan Skoufalos, Robert Sisca, Elliot Benton

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

Chairman Tom Baptist called the Public Hearing to order at 9:20 p.m. in the Cone Room on the second floor of Greenwich Town Hall. He inquired whether Alternate Sisca had familiarized himself with the record by reviewing the transcript of the previous public hearing session at which this application was heard. Upon the affirmative reply from Mr. Sisca, the Chair seated Mr. Sisca on this application.

Present on behalf of the applicant were Atty. Chip Haslun, Ivey Barnum & O’Mara, Carolyn Giampe, Project Supervisor, Aquarion Water Company of Connecticut, Dave Medd, Facility Manager, Aquarion Water Company of Connecticut, and Peter Galant, P.E. of Tighe & Bond.

The Agency continued 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 Agency was provided a summary report from Bob Clausi, Senior Wetlands Analyst. It was Mr. Clausi’s conclusion that the Water Company had adequately addressed concerns associated with the earlier delay and, therefore, recommended that the Agency issue a permit with conditions as presented in the Staff Report dated November 3, 2008. Appearing before the Agency of behalf of the applicant was Atty. Chip Haslun. Mr. Haslun offered no comment or objection to the recommendations put forth by Staff.

**Exhibits submitted by the applicant:**

No exhibits were submitted.

Atty. Ted O’Hanlan of Robinson & Cole appeared before the Agency on behalf of neighbors Steve and Terri Gelbstein. Atty. O’Hanlan laid out concerns that he believed affected his clients, and had not been satisfied with the supplemental material provided by the applicant. Also providing comment were neighbors Charles Cortese and Donald Landsman. These neighbors shared concerns that the Agency later determined were not directly related to the proposed development’s potential to affect wetland or watercourse areas.

Before closing the Hearing, Carolyn Giampe provided the Agency with a detailed response regarding the three-way valve and related alarm system. Members were assured that many safeguards were in place to ensure chemicals unloaded on site would not be released into the system and ultimately discharged into receiving wetland and watercourse areas.

After hearing all comments from representatives of the applicant and concerned neighbors, the Agency collectively agreed to close the Hearing. After short deliberation, it was the determination of the Agency that the proposed activities were not likely to affect wetland and watercourse areas. A motion to approve the application with the conditions recommended by the staff was made by Elliot Benton, second Rob Sisca. The motion carried 5-0.

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

Members present: Chairman Tom Baptist, John Conte

Alternates present: Stephan Skoufalos, Robert Sisca, Elliot Benton

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

Chairman Tom Baptist called the Hearing to order at 10:10 p.m. in the Cone Room on the second floor of Greenwich Town Hall.

No persons appeared before the Agency on behalf of the parcel owners, Aaron and Alison Eiges.

The Agency was provided a summary of the Violation Notice dated November 6, 2008. The summary report provided a detailed account of activities which dated back to the construction of the existing single-family residence. The Agency was advised that established buffers and wetland systems adjacent to the pond had been cleared by the party in question at least two times prior to the current disturbance. Agency members agreed that a firm deadline requiring the submission of the \$750 Public Hearing fee must be received by November 21, 2008, and that the planting plan approved per Application #2000-139 must be installed no later than May 15, 2009. In the event either deadline is missed, staff is instructed to refer the matter to the Town Law Department to initiate court action. A motion to accept the recommendation was made by Stephan Skoufalos, second John Conte. The motion carried 5-0.

Michael N. Chambers  
Wetlands Director