

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
November 17, 2008**

Members present: Lawrence Perry (seated as Chair), Secretary Martin Kagan (arrived at 8:15 p.m.), John Conte, 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: Dave Thompson, Jenifer Bologna, Keith Wilberg, John Tesei, Jay Halverson, Larry Liebman, Rob Frangione, Sarah Porier, Tony D'Andrea, Craig Rowe, Margaret Conboy, Kate Throckmorton, Nancy Marshall, John Giancola, Lisa Beinstock, Candide Valadares, Mark Kornhaas, Joe Risoli, Deborah Sterling, Jim McTigue, Donna Kelly

PUBLIC MEETING

Acting Chairman Lawrence Perry called the meeting to order at 7:10 p.m. in the Cone Room on the second floor of Greenwich Town Hall.

Agency Session

Seating of alternates

It was the decision of Lawrence Perry to seat Elliot Benton in the absence of Garrett Dietz.

Review and approval of draft minutes of October 27, 2008

A motion to approve the draft minutes of October 27, 2008 without correction was made by Bill Galvin, second Elliot Benton. The motion carried 4-0.

Review and approval of draft minutes of November 10, 2008 Public Hearing

A motion to accept the draft minutes of November 10, 2008 without correction was made by Elliot Benton, second John Conte. The motion carried 4-0.

Director's Report

Budget Report –

Agency members were provided a copy of the Agency's 2009-2010 Budget, along with the related Operations Plan. The plan highlights accomplishments and achievements carried out by the Agency during the prior fiscal year, along with goals and strategies to be met going forward. The goals are

largely based on public outreach and compliance-related programs which have been designed to build upon the Agency's service to the regulated community. Agency discussion relating to the operations plan focused largely on the digital submission policy which the Director has been seeking to implement. Members questioned why land use professionals were resisting the request to provide digital copies of application materials and what measures could be taken to quell the concern. After lengthy debate, it was determined that a meeting with the Town Law Department and I.T. personnel was necessary to better study the digital program.

Monthly Summary Report –

A review of monthly reporting records finds that operations have slowed dramatically. During the past month, the Agency took in 25 Green Sheets, which is down from an average of 62. Members were further advised that only 5 new applications were received for the December submission deadline. This total was also short of the 13 projects the Agency averages per month. The Director noted that reduced number of projects would allow staff the ability to concentrate on the compliance program, as well as the effort to legitimize structures on Mianus Pond.

Agent Approvals

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

Compliance Report

Doreen Carroll-Andrews, Wetlands Compliance Officer, informed the Agency that staff and Agency members had attended Session III of the DEP Training Seminar within the past month. The Compliance Summary sheet informed the Agency that a total of 19 bonds were requested to be released, zero were initiated by staff, and only 15 were released. One Stop Work Order was issued to 9 Roberta Lane for excavation and installation of drainage and sewer pipes in and adjacent to wetlands and watercourses.

Public Discussion Session

Town of Greenwich Projects

#2008-131 – Palmer Hill Road Bridge – Town of Greenwich

The Staff Report prepared by Michael Chambers recommended the issuance of a permit for the repair and improvement of an existing roadway bridge. Appearing before the Agency on behalf of the Town was Dave Thompson, P.E., Chief Engineer for the Town of Greenwich, Division of Engineering. Mr. Thompson summarized the project schedule and noted that he was in agreement with staff recommendations. Agency members questioned whether the watercourse would be affected by the removal of grout and other debris from the joints of the stone bridge façade. Mr. Thompson stated that all details of the project including debris collection would be addressed with Agency staff during the required pre-construction project meeting. After hearing no objections from the public, a motion to approve was made by John Conte, second Bill Galvin. The motion carried 4-0.

Pending Applications

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

The Staff Report prepared by Bob Clausi recommended the issuance of an after-the-fact permit to legitimize site retaining walls and the placement of fill. The Agency was advised that a professional engineer had provided a written statement that addressed all concerns associated with the Court Order. Although no persons appeared before the Agency on behalf of the applicant, the applicant's son, Michael Benjamin, was in attendance during the Agency's deliberations. A motion to approve was made by John Conte, second Elliot Benton. The motion carried 4-0.

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

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the proposed plan to demolish and construct a new single-family residence. Appearing before the Agency on behalf of the applicant was Keith Wilberg, P.E. of Sound View Engineers & Land Surveyors. Mr. Wilberg had no objections to the Staff Report. During the Agency's deliberations, it was determined that the split rail fence shown on the landscape plan should remain as a feature to be installed on site. This condition included areas behind the stone retaining wall. After hearing no opposition to the change, a motion to approve was made by John Conte, second Bill Galvin. The motion carried 4-0.

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

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the construction of a single-family residence. The Staff Report noted areas of proposed encroachment and the related mitigation offered by the applicant. Appearing before the Agency on behalf of the applicant was Rob Frangione, P.E. of Frangione Engineering, LLC. Mr. Frangione offered no objections to the Staff Report. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 4-0.

#2008-116 – 69 Rockwood Lane – Stone Harbor Land Company IX, LLC – Tax #11-1578 - **DELAYED**

Bob Clausi advised the Agency that additional information provided by the applicant had not been properly considered, and further noted that engineering comments were outstanding. For this reason, the staff recommendation was to Delay. In the absence of a report, the Agency agreed. A motion to delay was made by Bill Galvin, second Elliot Benton. The motion carried 4-0.

#2008-117 – 265 Riversville Road – Martin and Nancy Diamond – Tax #10-2548 - **DELAYED**

Michael Chambers advised the Agency that no additional information has been received, and that the applicant has failed to provide an extension of the first 65-day review period. The Agency acted to Delay the matter with the understanding that an extension of the 65-day review period must be received prior to November 25, 2008. In the event the applicant should fail to provide such extension, a Denial would be issued to the site. A motion to accept this action was made by Elliot Benton, second Bill Galvin. The motion carried 4-0.

#2008-118 – 221 Round Hill Road – Timothy O'Neill – Tax #10-1410 - **DELAYED**

Bob Clausi advised the Agency that no additional information had been received. In the absence of this information and related Staff Report, a motion to Delay was made by John Conte, second Bill Galvin. The motion carried 4-0.

Pending Modifications

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

The Staff Report prepared by Michael Chambers recommended a Delay until the applicant better considered alternatives to reducing site clearing and grading. Proposed design changes were presented to the Agency by Rob Frangione, P.E. of Frangione Engineering, Craig Rowe, Landscape Architect with Tramatano & Rowe, and Kate Throckmorton, Landscape Architect with Environmental Land Solutions. Also addressing staff and Agency concerns was the property owner, Mr. Leonard Shavel. The agents provided additional project materials which included a detailed sequencing and phasing plan, and volunteered to retain the services of an environmental professional to monitor project development. Monitoring reports would be provided to the Agency biweekly during the first phase of development, and monthly thereafter. Agency members questioned why large caliper maples west of the existing fieldstone wall would be uprooted. Agents were also asked to explain why the court could not be shifted further east toward the residence in an effort to reduce the removal of site hardwoods and overall land disturbance. Comments directed to the Agency were also taken from concerned neighbors, Nancy Marshall and Lisa Beinstock. Both Ms. Marshall and Ms. Beinstock requested that the Agency seek improved alternatives that maintained upland forest and considered the site's stormwater impact on the adjacent cove. After lengthy deliberation, a motion to approve was made by John Conte, second Lawrence Perry. The motion carried 4-0-1. Martin Kagan abstained.

Martin Kagan arrived at 8:15 p.m.

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

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for site activities. Appearing before the Agency on behalf of the applicant was Candide Valadares and Mark Kornhaus, P.E. of Artel Engineering. The agents offered no objections to the staff comments. After hearing no objections from the applicant or the public, a motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-0.

New Applications

#2008-122 – 644 West Putnam Avenue – 644 West Putnam Associates, LLC – Tax #3-1409 - DELAYED

The Staff Report prepared by Bob Clausi recommended a Delay until the applicant had better addressed the site's drainage impact on the lower reach of this flood-prone area. Appearing before the Agency on behalf of the applicant was Tony D'Andrea, P.E. of Rocco V. D'Andrea, Inc. and Atty. John Tesei of Gilbride, Tusa, Last & Spellane. Mr. D'Andrea summarized aspects of the proposed development and stated that the small area associated with the development site was not likely to have a significant effect on neighborhood flow rates. The agents also resisted staff efforts to include smart growth or low impact development concepts within the design plan. Staff maintained that the applicant should be required to at least detain the two-year storm on site, as encouraged by the 2004 Connecticut Storm Water Manual. In the absence of engineering comments, and a Staff Report which included permit conditions, a motion to Delay was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2008-123 – 126 Butternut Hollow Road - Hope Knight – Tax #11-2511

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Co., Inc. Mr. Liebman offered no objections to the staff recommendation. During the Agency's deliberations, the Director suggested that the proposed as-built condition be amended to state that any relocated field drains on site should be shown in the event they are moved during construction. A motion to approve staff recommendation was made by Martin Kagan, second Bill Galvin. The motion carried 4-0. *Elliot Benton was not present during the discussion of this matter.*

#2008-124 – 527 Stanwich Road – Victor and Viorica Belcic – Tax #11-1704 - **DELAYED**

The Staff Report prepared by Doreen Carroll-Andrews recommended Delay of the application submitted to resolve an outstanding violation. Appearing before the Agency on behalf of the applicant was John Giancola, P.E. of Ahneman Kirby, LLC. Mr. Giancola advised the Agency that the clearing violation was the result of the homeowner's attempt to manicure areas surrounding the property. Mr. Giancola agreed with the staff recommendation to Delay and stated that a landscape architect had been consulted to better address restoration requirements. The Agency granted permission to remove felled trees and woodchip deposits left on the property. A motion to Delay was made by Martin Kagan, second Elliot Benton. The motion carried 5-0.

#2008-127 – 31 Dunwoodie Place – Peter and Jenifer Bologna – Tax #11-2674

The Staff Report prepared by Bob Clausi recommended Delay; however, the Agency was advised that the applicant had provided a supplemental narrative which addressed comments noted in the file. Appearing before the Agency was owner Jenifer Bologna. Ms. Bologna acknowledged the conditions provided by staff and offered no objections. A motion to approve staff recommendations was made by Martin Kagan, second Bill Galvin. The motion carried 5-0.

#2008-128 – 480 Cognewaugh Road – Lars Nielsen – Tax #8-3458

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for a residential addition and construction of an in-ground pool. Appearing before the Agency on behalf of the applicant was Kate Throckmorton, Landscape Architect with Environmental Land Solutions. Ms. Throckmorton summarized proposed site changes and noted no objections to the Staff Report as presented. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0.

#2008-129 – 16 Pheasant Lane – Deborah Sterling – Tax #11-1381

The Staff Report prepared by Bob Clausi recommended the issuance of a permit, pending satisfactory responses to several drainage-related concerns. Appearing before the Agency on behalf of the applicant was Joe Risoli, P.E. of Risoli Planning & Engineering. Mr. Risoli summarized the site drainage plan and stated that downstream recipients would not be affected since the pipe would result in a negligible increase in flow rates. Also providing comment was the applicant, Deborah Sterling. After lengthy debate, it was determined that the site plan should include a rain garden or similar impoundment prior to being intercepted by the proposed drainage system. A motion to approve, with the added condition, was made by John Conte, second Bill Galvin. The motion carried 5-0.

Application #2008-130 – 139 & 141 Round Hill Road – Khakum Properties, LLC – Tax #10-1060 – DELAYED

The Staff Report prepared by Michael Chambers recommended Delay, pending the submission of outstanding information and updates to the drainage summary report. Appearing before the Agency on behalf of the applicant was Project Engineer John Giancola of Ahneman Kirby, LLC, and Atty. Margaret Conboy of Whitman Breed Abbott & Morgan. Mr. Giancola stated that he had received the required additional information request and was working to provide updates timely. A motion to Delay was made by Elliot Benton, second Bill Galvin. The motion carried 5-0.

New Modifications

#2007-111 – 7 Hill Road – Linda Macaulay – Tax #11-1913

The Staff Report prepared by Michael Chambers recommended the issuance of a permit modification. Appearing before the Agency on behalf of the permittee was Jim McTigue of Risoli Planning & Engineering. Mr. McTigue stated that his client was in agreement with the added conditions, however, requested that drainage overflow be allowed to bypass the wetland and connect to the existing field drain. After short deliberation, the Agency decided that an alternate location for the drainage overflow could be approved, but the wetland bypass was not authorized. A motion to approve was made by Martin Kagan, second Elliot Benton. The motion carried 5-0.

New Business

65 Dandy Drive - Donna Kelly

Doreen Carroll-Andrews informed the Agency of an observed violation on the property of 65 Dandy Drive. Doreen noted that a deadline had been established, but the homeowner was requesting relief from application fees and the need for site surveys and wetland boundaries. The homeowner, Donna Kelly, appeared before the Agency to argue the position. After a lengthy debate, it was determined that a complete application would be required within the time frame established by staff. Failure to satisfy staff deadlines would result in the commencement of an enforcement action.

Bond Releases

1. Application #95-114 – Permit #95-120 for Keith Hartley – 14 Wynnwood Road. \$3,000 bond to be released to Keith Hartley.
2. Application #99-154 – Agent Approval #99-49 for Ennio Gallo – 71 Bowman Drive. \$5,000 bond to be released to Michael Pellegrino.
3. Application #02-204 – Permit #03-77 for Andrew Shasha – 9 Highgate Road. \$2,000 bond to be released to Andrew and Carole Shasha.
4. Application #02-221 – Agent Approval #03-03 for Johan and Laura Moolenaar – 335 Valley Road. \$1,000 bond to be released to Laura Moolenaar.
5. Application #03-106 – Permit #03-115 for Volker and Barbara Bahnemann – 90 Porchuck Road. \$2,000 bond to be released to Volker Bahnemann.

6. Application #05-22 – Permit #05-34 for Thomas McCloskey – 21 Birch Lane. \$2,000 bond to be released to Thomas McCloskey and Paula Katz.
7. Application # 05-172 – Permit #05-136 for Richard and Susan Raymond – 47 Will-Merry Lane. \$2,000 bond to be released to Richard and Susan Raymond.
8. Application #06-40 – Agent Approval #06-08 for Linda and Dominic Castriota - 178 Cat Rock Road - \$1,000 bond to be released to Dominic Castriota.
9. Application #06-111 – Agent Approval #06-29 for Mary Jo Riddle – 17 Walsh Lane. \$1,000 bond to be released to Wright Brothers Builders, Inc.
10. Application #06-202 – Permit #07-22 for Michael and Trish Odrich – 44 Harbor Drive. \$5,000 bond to be released to Michael and Trish Odrich.
11. Application #07-19 – Agent Approval #07-08 for Cynthia Chang and Brian Scanlan – 277 Old Church Road. \$1,000 bond to be released to Pecora Brothers, Inc.
12. Application #07-61 - Permit #07-51 for Joseph Melendez - 15 Wynnwood Road. \$4,000 of the \$6,000 bond to be released to Joseph Melendez.
13. Application #07-163 - Permit #07-130 for 26 Circle Drive, LLC, c/o Keith Steinberg - 26 Circle Drive. \$8,000 bond to be released to 26 Circle Drive, LLC.
14. Application #08-86 – Permit #08-84 for Alice and Jamie Eisner – 297 Cognewaugh Road. \$700 bond to be released to Alice and Jamie Eisner.
15. Application #08-91 - Permit #08-76 for Upper West Brook Neighborhood Association - Echo Lane and Ridge Brook Road. \$5,000 bond to be released to Upper West Brook Neighborhood Association.

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

The meeting adjourned at 10:30 p.m.

Michael N. Chambers,
Wetlands Director