

**MINUTES**  
**GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY**  
**December 15, 2008**

Members present: Chairman Tom Baptist, Vice Chairman Lawrence Perry, John Conte, Garrett Dietz, Matt Popp (*arrived at 7:20 p.m.*), Martin Kagan (*arrived at 7:10 p.m.*)

Alternate present: Stephan Skoufalos, Robert Sisca, Elliot Benton

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

Others present: Tony D'Andrea, Margaret Conboy, John Giancola, Andy Fox, Larry Liebman, Arnold Stancell, Brian Harris, Milton Sender, Victoria Landau

**PUBLIC MEETING**

Chairman Tom Baptist called the meeting to order at 7:05 p.m. in the Cone Room on the second floor of Greenwich Town Hall.

**Agency Session**

**Seating of alternates**

It was the decision of Chairman Tom Baptist to seat Stephan Skoufalos in the absence of Bill Galvin, Elliot Benton in the temporary absence of Matt Popp, and Rob Sisca in the temporary absence of Martin Kagan. Alternates Elliot Benton and Rob Sisca will not be seated upon arrival of the noted members, unless otherwise indicated.

**Review and approval of draft minutes of November 17, 2008**

A motion to approve the draft minutes without correction was made by Lawrence Perry, second John Conte. The motion carried 7-0.

**Director's Report**

*a. December Summary -*

During the period between November 13 and December 10, Agency staff received 13 applications for the December deadline. The total includes 11 new projects, 1 Modification, and for the first time in three months, an activity that qualifies for Agent Approval. Unchanged is the noticeable decline in applications for new single-family homes, tennis courts, pools, and similar large disturbance projects. This pattern will undoubtedly affect projected revenue, since application totals are at their lowest in recent memory.

Green Sheet questionnaires remain one reliable source of gauging development over the coming months. While the total green sheets received exceeded the 25 submissions for the month of October, it continues to fall far short of the 64 Agency staff processed on average during the past fiscal year. Staff evaluated 37 green sheet submissions, of which only 3 were determined to require a permit to conduct activities.

Collectively, these figures support the earlier claim that the Agency is likely to see a dramatic decrease in revenue, since less than 13% of all green sheet submissions result in a license to conduct work from the Agency.

b. *Schedule of Fees -*

Although not entirely intended to correct for the current economic state, a change to the Agency’s schedule of fees has been put forth for consideration in December. The fee schedule is the product of an extended evaluation of staff hours, project trends, and operation costs. The revenue analysis encouraged by the First Selectman is not only fiscally responsible, but also necessary to adjust for salary increases, outside services, and most notably, the rising complexity of projects and their associated development constraints. After careful analysis, it was determined that the current schedule of fees reasonably recoups costs associated with the daily operation of the Agency. The exception to the finding is the growing number of projects that present proposals designed to the residential activity, as opposed to the limitations of the parcel. These sites often reshape existing topography, scarify valuable upland cover, and place undue reliance on engineered structures and other artificial features in lieu of land preservation. Such designs demand detailed scrutiny and increased staff hours, since their potential effect on the landscape and neighboring wetlands are proportional to the level of disturbance proposed across the building site. The Schedule of Fees has, therefore, been adjusted to account for the direct correlation between the number of meetings for Agency action and the amount of site disturbance. The additional fee accounts for any site with a disturbance envelope that exceeds 50% of the total lot area, or similarly affects an area equal to, or greater than, one acre of existing cover.

**SCHEDULE OF FEES**  
**Effective as of December 16, 2008**

Each applicant shall pay the minimum filing fee, and where appropriate, the additional fees indicated in Table I, at the time of an application being filed.

**TABLE I**

TYPE OF ACTIVITY	MINIMUM FEE	ADDITIONAL FEE
Subdivision, site plan, 11 lots or greater in size	\$2,000/lot	\$2,000*
Subdivision, site plan, 5 - 10 lots	\$2,000/lot	\$2,000*
Subdivision, site plan, less than 5 lots	\$2,000/lot	\$1,000*
Condominium, or attached unit development, 20 units or greater	\$2,000/unit	\$2,000* \$8,000**
Condominium, or attached unit development, less than 20 units	\$2,000/unit	\$1,000* \$4,000**
All other commercial, educational, institutional or non-residential activities not covered above	\$4,000	\$2,000* \$4,000**

\*Additional fee based upon each additional acre, or portion thereof, over one acre of wetlands and watercourses on the property.

\*\*Additional fee for disturbance envelope of at least 50% lot area, or disturbance equal to or greater than one acre.

TYPE OF ACTIVITY	MINIMUM FEE	ADDITIONAL FEE
Single family residence	Fee is equal to original application fee, or minimum fee for specific activity, including any additional fees, whichever is greater	\$3,000*
Permit Modification		\$500
Residential additions with greater than 50% footprint expansion	\$2,500	\$2,500*
<b>Additional fees for all above activities:</b>		
Residential additions with 25-50% footprint expansion, pool, tennis court and pond dredging	\$1,500	\$1,500*
Public Hearing Fee		\$250**
Residential additions with less than 25% footprint addition, septic system expansion and repair (including pond or river docks)	\$1,000	\$1,000*
First Permit Renewal		\$250**
Demolition of residence or garage without replacement of structure	\$1,000	\$250**
Second and Subsequent Permit Renewals		\$500*
Decks and all other minor activities	\$500	\$100**
Compliance Inspections (per visit)		\$300
Review of permitted activities and non regulated uses issued under section 4.4	\$250	\$250*
		\$100**
<b>If activities commenced prior to obtaining a permit the minimum fee is tripled.</b>		
*Additional fee for disturbance envelope of at least 50% lot area, or disturbance equal to or greater than one acre.		

\*\*Additional fee based upon each additional acre, or portion thereof, over one acre of wetlands and watercourses on the property.

The fee schedule may be established annually by the agency in December or when the regulations are amended.

#### State Filing Fee

An additional State Filing Fee of \$30.00 to be paid on all new applications (pursuant to CGS22a-27j amended by PA00-102, PA00-196, PA03-06 & P04-0144).

This State Fee of \$30.00 applies to NEW applications only.

A motion to revise the Schedule of Fees with correction requiring both subdivision and condominiums to be charged \$2,000 per lot or unit, and an additional statement requiring additional fees based upon each additional lot, unit, or portion thereof, over one acre of wetlands and watercourses on the property was made by Lawrence Perry, second Martin Kagan. The motion carried 7-0.

The Agency also entertained discussion regarding an appropriate fee for demolition. After great debate, it was determined that a fee should be assessed for demolition of a residence or garage without replacement of a structure. The suggested fee is \$1,000. A motion to approve the recommendation was made by Lawrence Perry, second Garret Dietz. The motion carried 6-1. The motion was not supported by Matt Popp.

Finally, Martin Kagan introduced a third motion to require an additional fee for demolition, which results in more than 50% of the existing structure to be removed. The motion was unsupported and, therefore, not moved to a vote.

#### c. Selection Committee –

Chairman Tom Baptist informed the Agency that a Selection Committee had been gathered to prepare a recommendation regarding the Agency’s next Chairman. This Chairman would begin his responsibilities in April 2009, following the term of the current Chair. Members and Alternate Members selected to the Selection Committee include Bill Galvin, Stephan Skoufalos and Garret Dietz.

#### Compliance Report

In the Absence of Doreen Carroll Andrews, Michael Chambers informed the Agency that a total of 36 projects were reviewed for bond release. After field inspection, it was determined that only 22 sites had satisfactorily resolved conditions required before the release of the performance bond. Members were further advised that only one Stop Work Order was issued by staff over the past month to the property of 7 Partridge Hollow Road. It is not clear whether additional follow-up action is necessary. Finally, due to the failure to satisfy specific conditions of their respective Orders, both 27 Vineyard Lane and 1093 King Street have been referred to the Law Department with a request to initiate court action.

**Public Discussion Session**

**Consent Approvals**

#2008-134 – 5 Partridge Hollow Road – Milton Sender – Tax #10-3454

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the installation of a deer fence. Mr. Sender was present during Agency deliberations and offered no comment. A motion to approve was made by Martin Kagan, second Lawrence Perry. The motion carried 7-0.

**Pending Applications**

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

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the demolition and construction of a new single-family residence. Appearing before the Agency on behalf of the applicant was Tony D’Andrea, P.E. of Rocco V. D’Andrea, Inc. Principal owner, Andy Fox, was also present during the Agency’s deliberation of this matter. No objections were offered to staff comments. A motion to approve was made by Lawrence Perry, second Martin Kagan. The motion carried 7-0.

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

The Staff Report prepared by Doreen Carroll Andrews recommended the issuance of a permit for the restoration of a cleared wetland and watercourse area. Appearing before the Agency on behalf of the applicant were John Giancola, P.E. of Ahneman Kirby, LLC, and Victoria Landau of Jay Fain & Associates. Ms. Landau described in detail the oversight which resulted in the removal of wetland vegetation and the lengths taken to restore affected areas. John Conte suggested understory plantings be increased in number from 9 large shrubs to a total of no less than 18 of equal size to those proposed on the planting plan. A motion to approve the recommendation with the suggested change was made by Martin Kagan, second Matt Popp. The motion carried 7-0.

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

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant were Margaret Conboy, Esq., Whitman Breed Abbott & Morgan, and John Giancola, P.E., Ahneman Kirby, LLC. No objections were offered to most of staff’s recommendations; however, Atty. Conboy requested relief from the cash performance bond requirement. Michael Chambers suggested the bond was necessary, as the long-term success of the drainage and erosion control plan is predicated on the survival of installed plantings which require monitoring for two years. Following short deliberation, it was the determination of the Agency to accept the staff recommendations. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 7-0. *Lawrence Perry was seated as Chair in the absence of Tom Baptist, who recused due to a personal conflict.*

**New Applications**

#2008-132 – 3 Woodside Drive – David Zadik – Tax #1-1347

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the removal of spoils within a small pond. Appearing before the Agency on behalf of the applicant was Arnold Stancell, President of the Milbrook Owners' Association. Mr. Stancell suggested the pond serves as a forebay to larger ponds within the Milbrook community and, therefore, requested permission to remove sediments on a continued basis to ensure the over-all success of the more viable systems down gradient. Although members did not object to the request of the continued maintenance dredge, it was determined that the blanket approval could only last for a period no longer than 10 years, as required by State Statute. Mr. Stancell was also advised that at no time shall dredging occur without the prior written approval from Agency staff during this 10-year period. Hearing no objection, a motion to approve was made by Martin Kagan, second Matt Popp. The motion carried 7-0. *Garrett Dietz was out. Elliot Benton was seated.*

#2008-133 – 27 Pecksland Road – Thomas Wasson and Ruth Fattori – Tax #10-3659

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the construction of a new single-family home. 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, however, noted that the wetland at the frontage of this site was a hydric condition created by a prior Agency action. John Conte requested that the size of enhancement plantings be increased to a height capable of surviving deer foraging. A motion to approve the staff recommendation with the added change was made by Martin Kagan, second Matt Popp. The motion carried 7-0.

#2008-135 – 50 Husted Lane – Norris Judd Family Trust – Tax #11-1362

The staff report prepared by Doreen Carroll Andrews recommended the issuance of an Emergency Permit for the replacement of a failing septic system. No representatives appeared before the Agency regarding this matter. A motion to approve was made by Martin Kagan, second Garrett Dietz. The motion carried 7-0.

#2008-136 – 38 Byfield Lane – Angelique and James Bell – Tax #11-2362

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the replacement of a failing septic system. No representatives appeared before the Agency regarding this matter. A motion to approve staff's recommendation was made by Martin Kagan, second Rob Sisca. The motion carried 7-0.

#2008-139 – 499 Indian Field Road – Copper Beech Farm, Inc. – Tax #2-1183

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the replacement of a failing water line and the installation of underground utilities, and further requested additional information regarding landscape debris areas proximate to suspected wetlands. Appearing before the Agency on behalf of the applicant was Tony D'Andrea, P.E. of Rocco V. D'Andrea, Inc. Mr. D'Andrea advised the Agency that installing the water line and utilities within the driveway was not practical; therefore, the plan depicts a utility trench path that provides the least amount of impact to wetland and watercourse areas. After careful deliberation, it was determined that a survey for areas affected by the landscape activities should be received in the Agency office at a date no later than June 30, 2009. The survey which shall include wetland and watercourse areas on site must also provide a detailed plan for

the management of landscape dumping and the control of site invasives. Members further determined that the suggested bond amount should be increased to \$16,000. A motion to accept the staff recommendations with the added changes was made by Lawrence Perry, second Martin Kagan. The motion carried 7-0.

**Bond Releases**

1. Application #86-197 – Permit #86-167 for William J. DeMarkey, Jr. – 11 Edgewood Drive. \$250 to be released to William J. DeMarkey, Jr.
2. Application #94-129 – Permit #95-6 for Michael and Rose Pinchuk – 174 Byram Shore Road. \$5,000 to be released to Rose and Michael Pinchuk.
3. Application #96-64 – Permit #96-82 for the Convent of the Sacred Heart of Greenwich, Inc. – 1177 King Street. \$5,000 bond to be released to the Convent of the Sacred Heart.
4. Application #98-246 – Permit #99-16 for Steven Hindman – 59 Hillcrest Park Road. \$1,000 to be released to Steven and Barbara Hindman.
5. Application #99-169 – Permit #99-155 for Peter and Eleni Henkel – 34 Byfield Lane. \$2,000 bond to be released to Peter and Eleni Henkel.
6. Application #02-131 – Permit #02-129 for James and Pamela Chapman – 14 Alpine Road. \$1,000 bond to be released to James and Pamela Chapman.
7. Application #02-189 - Permit #03-10 for Steven and Lisa LoParco - 25 Thunder Mountain Road. \$2,000 bond to be released to LoParco Construction, Inc.
8. Application #04-64 – Permit #04-54 for Robert Andreasen – 7 Gaston Farm Road. \$10,000 bond to be released to Robert and Carole Andreasen.
9. Application #04-180 – Permit #04-134 for the Convent of the Sacred Heart of Greenwich, Inc. – 1177 King Street - \$10,000 of the \$15,000 bond to be released to the Convent of the Sacred Heart.
10. Application #05-50 – Permit #05-74 for Interstate Lumber Company – 184 South Water Street. \$15,000 bond to be released to Interstate Lumber & Mill Corporation.
11. Application #05-108 - Agent Approval #05-27 for Robert Stevens Development, LLC – 504 North Street. \$6,000 bond to be released to 504 North Street LLC.
12. Application #06-02 – Permit #06-15 for Trevor Flouty – 28 Powell Street. \$2,000 bond to be released to George and Claire Flouty.
13. Application #06-106 – Permit #06-79 for Cyril Moulle-Berteaux – 17 Skyridge Road. \$4,000 bond to be released to Cyril Moulle-Berteaux and Olivia Graham.
14. Application #06-140 – Permit #06-120 for Nurallah Nazerali – 71 Mary Lane. \$6,000 bond to be released to Nurallah Nazerali and Zulekha Nazerali-Mansoorali.
15. Application #07-14 - Permit #07-20 for Pasquale M. Cecio III - 17 Candlelight Place. \$8,000 bond to be released to Pasquale M. Cecio III.
16. Application #07-51 – Permit #07-78 for Dr. Richard Velaj – 30 Burning Tree Road. \$5,000 bond to be released to Richard Velaj.

17. Application #07-82 – Permit #07-68 for Thomas and Laura Feda – 2 Birch Lane. \$3,000 bond to be released to Thomas and Laura Feda.
18. Application #07-116 - Agent Approval #07-28 for Timothy and Shelley Jones - 2 Dartmouth Road. \$2,000 bond to be released to Timothy and Shelley Jones.
19. Application #08-08 – Agent Approval #08-03 for Helen Stark – 110 Hunting Ridge Road. \$1,000 bond to be released to Helen Stark.
20. Application #08-75 – Permit #08-65 for Michael and Joanne Masin – 144 Khakum Wood Road. \$4,000 bond to be released to Joanne Masin.
21. Application #08-83 – Permit #08-67 for Grant Stinchfield – 269 Riversville Road. \$4,000 bond to be released to H.V. Construction, Inc.
22. Application #08-107 – Permit #08-82 for Phil Laponte – 76 Glenville Street. \$1,000 bond to be released to Valy and Felix Laponte.

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

The meeting adjourned at 9:10 p.m.

Michael N. Chambers,  
Wetlands Director