

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
JULY 27, 2009**

Members present: Chairman Lawrence Perry, John Conte, Stephan Skoufalos, Elliot Benton, Martin Kagan (7:05 p.m.)

Alternates present: None

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

Others present: Larry Liebman, Peter Finkbeiner, Jim McTigue, Bruce Cohen, Dinyar Wadia, James Fulton, Margaret Conboy, Jane Hogeman, Bill Kenny, Barry Montgomery, Tom Hartch, George & Claire Flouty, Tom Ryder, Ken & Suzanne Hopson, Arthur Riel, Rich Regan, Jean Pierre Diels, Anne Stolley, Kathryn Kuhns, Nora Giovati, Chris LaVigna, Chris Bristol, Jim & Jennifer McCarroll, John Giancola, Sam Northrop

PUBLIC MEETING

Chairman Lawrence Perry 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

No alternates were present.

Review and approval of draft minutes of June 22, 2009

A motion to approve the draft minutes of June 22, 2009 without correction was made by John Conte, second Elliot Benton. The motion carried 5-0.

Review and approval of draft minutes of July 13, 2009

A motion to approve the draft minutes of July 13, 2009 without correction was made by John Conte, second Elliot Benton. The motion carried 5-0.

Director's Report

Monthly Summary -

The Agency Director Michael Chambers provided a summary of operations between the dates of June 18, 2009 and July 22, 2009. Agency members were informed that a total of 75 Green Sheets were submitted

during this period, of which 68 required no further action from the Agency or its staff. A total of 6 projects required the submission of a permit application, and one remains pending due to required soil analysis. The Agency was further informed that a total of 23 projects that were signed off contained wetlands; however, the activities were determined to not have a potential and/or likely impact on wetland and watercourse systems.

In accordance with the objectives of the Director, Agency staff continues to perform an increased amount of inspections on active project sites. Compliance logs following the last regularly scheduled meeting indicate that a total of 104 projects received an on-site evaluation from the Agency compliance staff. The total includes 65 inspections related to active permits, one final inspection, 15 permit extensions, 4 violations, and a number of unspecified visits. The increase in site inspections have improved staff communication with permittees, which has had a positive impact on the number of violations issued to sites with permits as well as sediment and erosion related complaints.

In addition to the Green Sheet and inspection summary, Agency members were further advised that Agency staff remains busy with a steady increase in new projects received for permit. During the period following the last regularly scheduled meeting, the Agency received 21 new projects, 18 of which were new development sites, while 3 were determined to be Agent Approvals.

Authorized Agent –

Agency members were informed that Tina Hartley has completed her municipal training and, therefore, was a Certified Municipal Agent. A motion to recognize Ms. Hartley as an authorized agent was made by Martin Kagan, second John Conte. The motion carried 5-0.

152 Zaccheus Mead Lane –

The Director provided an oral summary of the Agency's more recent involvement with 152 Zaccheus Mead Lane. The site currently has a permit from the Agency as well as two pending administrative appeals, one for prior Denials, the second by the neighborhood for the issuance of a permit which is now under way. Atty. James Fulton has notified the Agency of specific violations on the subject property and requested an opportunity to address the Agency with regard to impacts to wetland and watercourse areas and failure to comply with established permit conditions. Members were advised that a two-thirds vote was required before the Agency could consider this matter. After careful deliberation, members concluded that formal discussion should not occur in the absence of the permittee and, therefore, motioned to hear this matter during the August 24, 2009 meeting. A motion to accept the recommendation was made by Martin Kagan, second Stephan Skoufalos. The motion carried 3-2. The motion was not supported by Elliot Benton and Lawrence Perry.

Agent Approvals

Two Agent Approvals were issued during the period following the last regularly scheduled meeting. The Agency was presented with legal notices. No questions or comments were taken from Agency members.

Compliance Report

Doreen Carroll-Andrews referred to the Compliance Summary sheet that was distributed in the meeting packets, which included a breakdown of bond releases (24 requested, 4 initiated by staff, 26 released), Stop Work Orders issued (2) and deadlines set by the Agency that are upcoming or have passed.

An update was given for 3 Carriage Road under Deadlines Passed by Doreen Carroll-Andrews. The Declaration had not been submitted, although the applicant was given two deadlines to comply. The applicant has additional deadlines of July 30 to remove fill and October 31 to install mitigation plantings. The Stop Work Order on 21 Birch Lane resulted from removal of mature trees in a regulated area. A plan will be submitted to mitigate the area and to manage invasive species.

The 87 Dingtletown Road Violation is being followed by staff. Current violation with the Zoning Enforcement Officer is still pending.

Public Discussion Session

Town of Greenwich Projects

#2009-82 – North Street Bridge – Town of Greenwich DPW

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Frank Petise of the Town Department of Public Works, Division of Engineering. Mr. Petise had no objections to the staff comments. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0.

Consent Approvals

#2004-130 – 857 Lake Avenue – Edward Raboy – Tax #11-2428

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. No comment was received by the applicant and/or members of the public. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0.

#2009-62 – 863 Lake Avenue – Edward Raboy – Tax #11-1259

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. No comment was received by the applicant and/or members of the public. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0.

#2009-63 – 107 Parsonage Road – Ken and Suzanne Hopson – Tax #11-1305

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. No comments were received by the applicant or members of the public. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0.

#2009-64 – 85 Valley Road – Marc and Gretchen Lupinacci – Tax #8-2662

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit. No comment was received by the applicant or members of the public. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0.

#2009-68 – 28 Cary Road – George Flouty – Tax #12-1485

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. No comment was received by the applicant or members of the public. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0.

#2009-70 – 63 Birch Lane – Michael and Barbara Murray – Tax #11-1949

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. No comment was received by the applicant or members of the public. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0.

#2009-77 – 40 Hearthstone Drive – Ruth Kukat – Tax #5-2637s

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. No comment was received by the applicant or members of the public. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0.

Pending Applications

#2009-51 – 560 North Street – John and Kathryn Kuhns – Tax #11-1274

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Lawrence Liebman of S.E. Minor & Co., Inc. Mr. Liebman offered no objection to the staff recommendations. A motion to approve was made by Martin Kagan, second Stephan Skoufalos. The motion carried 5-0.

#2009-53 – Richmond Hill Road – Christopher Lok – Tax #10-3629 – **DELAYED**

The Staff Report prepared by Bob Clausi recommended Delay of the applicant's request to construct a single-family residence pending submission of drawings that increase separation distances to wetland and watercourse areas. Appearing before the Agency on behalf of the applicant was Rich Regan, P.E. of Rocco V. D'Andrea, Inc. Mr. Regan provided a summary overview of the project and informed the Agency that it was his client's wish to both develop the property as well as maintain privacy to his adjoining lot. Members of the Agency stressed the importance of maintaining the functional quality of the wetland system and encouraged Mr. Regan to preserve critical buffers between the area of development and the adjacent wetland and watercourse system. Neighbor, Mr. John Pierre Diels, also provided comment with regards to the topographic challenges on the property and need to preserve as much of the site green space. A motion to Delay was made by Martin Kagan, second Stephan Skoufalos. The motion carried 5-0.

New Applications

#2009-66 – 7 Lighthouse Lane – Arthur Riel – Tax #6-3055 – **DELAYED**

The Staff Report prepared by Michael Chambers recommended Delay for lack of information and incompleteness. Present were Arthur Riel, Jane Hogeman, Esq. Anne Stolley, neighbor, and Nova Giovati of 18 Ballwood Road. A motion to Delay was made by Martin Kagan, second Stephan Skoufalos. The motion carried 5-0.

#2009-67 – 44 Cutler Road – MCJB, LLC – Tax #10-1860

The Staff Report prepared by Bob Clausi recommended the issuance of a permit with conditions. Appearing before the Agency on behalf of the applicant was Tom Ryder of Land Tech Consultants, Inc. Also in attendance were owners, Jim and Jennifer McCarroll. Mr. Ryder summarized aspects of the project and informed the Agency that it was his client's intention to withdraw the pedestrian bridge. It was also the applicant's wish to remove the as-built requirement for topographic changes following the placement of fill. However, after careful deliberation, the Agency determined the condition was required.

A motion to approve was made by Stephan Skoufalos, second John Conte. The motion carried 5-0.

#2009-69 – 35 Lakewood Circle North – Tracy Brymer – Tax #2-1033

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Jim McTigue of Risoli Planning & Engineering. Mr. McTigue offered no objections to the staff recommendations. A motion to approve was made by Elliot Benton, second Martin Kagan. The motion carried 5-0.

#2009-71 – 1 Butternut Hollow Road – One Butternut Hollow Road, LLC – Tax #11-2099 – DELAYED

The Staff Report prepared by Bob Clausi recommended Delaying action. Appearing before the Agency on behalf of the applicant was Peter Finkbeiner, P.E. of Sound View Engineers & Land Surveyors. Mr. Finkbeiner suggested the requested changes were minor and should be dealt with as specific conditions of approval. The Chair informed Mr. Finkbeiner that conditions had not been provided and that the outstanding issues required attention prior to moving forward. After short deliberation, a motion to Delay was made by Martin Kagan, second John Conte. The motion carried 5-0.

#2009-72 – 32 Deep Gorge Road – Benjamin Kriegler and Vonda LePage – Tax #9-2909

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Peter Finkbeiner, P.E. of Sound View Engineers & Land Surveyors. Also in attendance were owners Benjamin Kriegler and Vonda LePage. Mr. Finkbeiner offered no objections to the staff recommendations. Martin Kagan requested details on how the wall would be constructed and where stock pile locations would be placed on site. Agency members were assured that the work would be done with minimal impact to the landscape. A motion to approve was made by Martin Kagan, second Stephan Skoufalos. The motion carried 5-0.

#2009-73 – 25 Richmond Hill Road – Frank Vataj – Tax #10-2502

The Staff Report prepared by Bob Clausi recommended the issuance of a permit with conditions. Appearing before the Agency on behalf of the applicant were Bill Kenny of William Kenny Associates and Peter Finkbeiner of Sound View Engineers. Mr. Kenny summarized portions of the landscape plan as well as aspects of the building layout. Director Michael Chambers informed the Agency that a delay was necessary since required engineering comments had not been received and were deemed necessary in order for the Agency to fully assess the potential impact of the project. Agency members were further advised that the violation associated with site clearing should be dealt with as a separate matter. After lengthy deliberation, Mr. Kenny agreed to submit a modification for the residential development. After agreeing to separate the two activities, Bob Clausi amended his report to recommend the approval of the restoration plan with Conditions 1, 2, 4, 8, 10, 11, 12, 13 and 14 of the stated Staff Report to be included as conditions of approval. A motion to accept the amended recommendation was made by Martin Kagan, second Stephan Skoufalos. The motion carried 5-0.

#2009-74 – 531 Indian Field Road – Mary Carpenter – Tax #2-1182

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Larry Liebman, S.E. Minor & Co., Inc. Mr. Liebman accepted the staff recommendations, however, requested relief from the \$15,000 performance bond. After short deliberation, a motion to approve the staff recommendation unchanged was made by Martin Kagan, second John Conte. The motion carried 5-0.

#2009-85 – 65 Rockwood Lane – Julie and John Burke – Tax #11-1577

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. No persons appeared before the Agency on behalf of the applicant. Hearing no objections to the staff recommendations, a motion to approve the application was made by Martin Kagan, second Stephan Skoufalos. The motion carried 4-0-1. *John Conte abstained due to absence during discussion.*

#2009-90 – 15 Peepers Hollow Road – Stuart and Alicia Orrick – Tax #10-1264

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the replacement of the failed septic system. Appearing before the Agency on behalf of the applicant was Sam Northrop, P.E. Mr. Northrop had no objections to the staff recommendations. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 4-0. *Elliot Benton was out during discussion of the application.*

#2009-93 – 25 Cedarwood Drive – Ruth Schreiber – Tax #11-1192

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Peter Finkbeiner, P.E. of Sound View Engineers & Land Surveyors. Mr. Finkbeiner offered no objection to the staff recommendation. A motion to approve was made by Martin Kagan, second Stephan Skoufalos. The motion carried 5-0.

New Modifications

#2005-73 – 888 North Street – The Stanwich Club – Tax #11-1156 - **DELAYED**

The Staff Report prepared by Bob Clausi recommended Delay. Appearing before the Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Co., Inc. Mr. Liebman stated that revisions were being considered. In the absence of the required information, a motion to Delay was made by Martin Kagan, second Stephan Skoufalos. The motion carried 5-0.

#2007-105 – 301 Valley Road – Valley Stone Partners, LLC – Tax #8-1111

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency were Chris Bristol, Esq., Gilbride Tusa Last & Spellane, and owner, Chris LaVigna. Mr. Bristol summarized the activities and stated additional work behind the retaining wall was done to lower the height of the walls. Director Michael Chambers stated if the wall work was to be performed, that a modification would be necessary since the Agency was clear that the disturbance was to remain up slope of the retaining wall with minimal vegetation removal. A motion to approve the boulder wall was made by John Conte, second Stephan Skoufalos. The motion carried 5-0.

#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. Appearing before the Agency on behalf of the permittee was Rich Regan, P.E. of Rocco V. D’Andrea, Inc., and Bill Kenny of William Kenny Associates. Mr. Regan presented aspects of the wall construction and requested permission to utilize wall foundations in areas along North Street. Both staff and members of the Agency expressed concern with regard to likely impacts of wetland and watercourse areas as a result of foundation development. Elliot Benton questioned why the southern wall boundary was necessary adjacent to the wetland, since the adjoining subdivision had already established a security perimeter. After careful deliberation, the Agency decided to accept the staff recommendation unchanged. A motion to approve the modification was made by Martin Kagan, second John Conte. The motion carried 4-1. *Elliot Benton was not in support of the motion.*

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

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. A motion to approve was made by Martin Kagan, second Elliot Benton. The motion carried 5-0.

#2009-25 – 1109 Lake Avenue – Deep Creek Lake LLC – Tax #11-3071 – **DELAYED**

The Staff Report prepared by Aleksandra Moch recommended approving Option 1. Appearing before the Agency on behalf of the applicant was Greg Mercurio, Landscape Architect with Daniel Sherman Architects. Mr. Mercurio stated that Option 1 allowed for the greatest use of the property. Agency members questioned why the tennis court could not be placed over the septic system as suggested in the staff report, since potential impacts would be greatly minimized. After careful deliberation, Mr. Mercurio requested a Delay to allow for additional time to consider Agency concerns. The initial motion made by John Conte to approve Option 3, which showed the tennis court over the septic system, was not supported. The motion failed. The second motion made by Elliot Benton to Delay was seconded by Martin Kagan. The motion carried 5-0.

Executive Session - Pending Legal Matters

A motion to go into Executive Session was made by Martin Kagan, second John Conte. The motion carried 5-0.

A motion to come out of Executive Session was made by Lawrence Perry, second Martin Kagan. The motion carried 5-0.

Bond Releases

1. Application #98-184 – Permit #99-96 and Agent Approval #98-47 for Lloyd Hascoe – 487 Stanwich Road. \$5,000 bond to be released to Lloyd Hascoe and Abbe Hascoe.
2. Application #98-186 – Agent Approval #98-44 for Edward Reiner – 32 Sherwood Avenue. \$1,000 bond to be released to Edward Reiner.
3. Application #98-212 – Agent Approval #98-52 for Richard Beckman – 100 Husted Lane. \$4,000 of the \$5,000 bond is to be released to Richard Beckman, and \$1,000 is to be released to Windham Properties, Inc.

4. Application #98-231 - Permit #98-170 for John and Cecilia Warner - 25 North Porchuck Road. \$3,000 bond to be released to System Maintenance Co., Inc.
5. Application #01-42 – Permit #01-101 for Marco and Jill Vera - 26 Stag Lane. \$3,000 bond to be released to Harris Associates Construction, LLC.
6. Application #02-19 – Permit #02-35 for Robert and Mary Alisa Bernard – 44 Grahampton Lane. \$4,000 bond is to be released to Robert and Mary Alisa Bernard.
7. Application #04-06 – Permit #04-18 for Michael and Cary Keigher – 1 MacPherson Drive. \$1,000 bond to be released to Michael Kiegher.
8. Application #04-23 - Permit #04-66 for Marc and Cindy Heiman - 20 Heronvue Road. \$8,000 bond to be released to Marc Heiman.
9. Application #04-69 – Permit #04-59 for Mario Procida – 12 Taconic Road. \$10,000 bond to be released to Wilshire Partners, LLC.
10. Application #04-91 – Permit #04-79 for Jay Buck – 7 Rockwood Lane Spur. \$6,000 bond to be released to Jay Buck.
11. Application #04-176 - Permit #04-131 for Daniel Mannion - 31 Tomac Avenue. \$5,000 of the \$6,000 bond to be released to Daniel Mannion.
12. Application #05-42 – Permit #05-47 for Timothy and Carol Rattray – 5 Fairchild Lane. \$2,000 bond to be released to Timothy and Carol Rattray.
13. Application #05-96 – Agent Approval #05-29 for Carl Hewitt – 46 Pierson Drive. \$5,000 bond to be released to Carl and Marcia Hewitt.
14. Application #05-100 - Permit #05-89 for Nicholas and Barrie Somers - 68 Rock Maple Road. \$2,000 balance of bond to be released to Nicholas and Barrie Somers.
15. Application #05-189 – Permit #06-04 for John and Carolina Febles – 112 Taconic Road. \$3,000 bond to be released to John and Carolina Febles.
16. Application #05-193 - Permit #06-07 for Greenwich Academy, Inc. - 200 North Maple Avenue. \$1,000 bond to be released to Greenwich Academy.
17. Application #06-164 – Permit #07-04 for James and Michelle Martin – 210-212 Old Mill Road. \$5,000 bond to be released to Mr. and Mrs. James Martin, Jr.
18. Application #06-184 – Permit #06-149 for Maximillian and Lynnette Breier – 11 Harding Road. \$4,000 bond to be released to Maximillian and Lynnette Breier.
19. Application #07-25 – Permit #07-28 for William and Hollis Potter – 52 Dingtletown Road. \$5,000 bond to be released to Hollis Potter, M.D.
20. Application #07-109 – Permit #07-89 for Anthony and Jennifer Frascella – 8 Dingtletown Road. \$1,000 bond to be released to Anthony and Jennifer Frascella.
21. Application #07-118 - Agent Approval #07-31 for Caren Muto - 20 Pheasant Lane. \$500 bond to be released to Gary and Caren Krupnick Muto, Trustees.

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22. Application #07-200 - Permit #08-03 for 38 French Road, LLC - 38 French Road. \$6,000 bond to be released to 38 French Road, LLC.
23. Application #08-102 - Permit #08-79 for Janis and Louis B. Jones, Jr. - 45 Close Road. \$3,500 of the \$4,000 bond to be released to Young's Nurseries.
24. Application #08-106 - Permit #08-88 for Eugene Nowak and Sara Rawson - 121 Woodside Drive. \$2,000 bond to be released to Eugene Nowak and Sara Rawson.
25. Application #09-03 – Permit #09-14 for Doug Marzonie – 94 Rockwood Lane. \$3,000 bond to be released to Douglas Marzonie.
26. Application #09-20 - Permit #09-23 for Richard Santarosa and Donna Hagberg - 59 Rockwood Lane. \$3,000 bond to be released to Richard Santarosa and Donna Hagberg.

A motion to approve the release of the cash performance bonds was made by Martin Kagan, second John Conte. The motion carried 5-0.

The meeting adjourned at 10:30 p.m.

Michael N. Chambers
Wetlands Director