

MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
April 27, 2009

Members present: Chairman Lawrence Perry, Vice Chairman John Conte, Stephan Skoufalos, Bill Galvin (arrived at 7:05)

Alternate present: Elliot Benton

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

Others present: Tony D'Andrea, Larry Liebman, Melissa Klauberg, Frank Petise, Bill Kenny, Tom Heagney, Vin DeFina, Sandro Malagisi, Gabriella Circosta Cohee, Peter Grunow, Bruce Cohen, Tom Homlicki, Aubrey Mead, Dave Binter, Len Szczesny, Dinyar Wadia, Greg Mercurio, Tom Hartch, Louis Fusco, Peter Marchetti, Norma Roehlke

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

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

Review and approval of draft minutes of March 23, 2009

A motion to approve the draft minutes of March 23, 2009 without correction was made by John Conte, second Stephan Skoufalos. The motion carried 5-0.

Director's Report

Agency Appointments -

Members of the Agency were informed by the Director that the Agency currently has two vacant seats, one of which is the process of being filled, and is expected to be completed by June 2009. For the one member, Elliot Benton, whose term has expired as of March 31, 2009, it is expected that he also will be reappointed by the RTM in June. The Chairman was informed that members with expired terms are not disqualified or prevented from participating.

Monthly Summary –

Figures summarizing Agency operations beginning with Green Sheets received between the dates of March 23 and April 27, 2009 were also provided for Agency review. Staff processed a total of 45 Green

Sheets, of which 42 were determined to require no formal submission to staff and/or Agency consideration. The summary noted only 11 of those 45 projects included sites with wetlands or watercourses. The Agency was also informed of the 17 new applications received during the April 22, 2009 deadline. The 17 submissions included 11 new applications, 4 modifications to existing permits and 2 projects for Agent approval. Finally, the Director shared that the stepped up compliance program has continued with great success. During the month of April, 100 compliance-related inspections were carried out. The increased presence on project sites has allowed for better monitoring of conditions and approved areas of disturbance. These inspections included all activities except bond releases. The aggressive program will continue, and it is expected that the number of visits shall increase to meet goals and objectives spelled out in the Agency's 2009/2010 operations plan.

Agent Approvals

The Agency was provided with Legal Notices for two Agent Approvals issued during the period following the last regularly scheduled meeting. The activities were both minor and were not likely to affect wetland and watercourse areas. No questions were taken from members of the Agency.

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 (15 requested, 14 initiated by Staff, 25 released), Stop Work Orders issued (3) and deadlines set by the Agency that are upcoming or have passed.

There was a discussion regarding 87 Dingtowntown Road. The Agency voted to maintain the Stop Work Order but lift the current deadline for the submission of an application until the violation with the Zoning Enforcement Officer has been satisfied.

The Agency moved to schedule a Public Hearing in the event the permittee at 112 Cat Rock Road should fail to meet the deadline of May 15, 2009, submit the required bond, Declaration, and restore the wetland and its bordering areas.

A brief update regarding 152 Zaccheus Mead Lane addressed the issue of the root systems of several trees that were severely damaged while digging the foundation for the retaining wall at the front of the property. The applicant provided a report from a Licensed Arborist stating that the trees can be saved and provided the means by which this was to occur. No Agency action was required.

Public Discussion Session

Town of Greenwich Projects

#2009-39 – Ridgeview Avenue Bridge – Town of Greenwich DPW

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf the Town of Greenwich was Frank Petise. Frank offered no objections to the Staff Report as presented. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-40 – Lake Avenue Bridge – Town of Greenwich DPW

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the Town of Greenwich was Frank Petise. Mr. Petise offered no objections to the staff comments. A motion to approve was made by Elliot Benton, second Stephan Skoufalos. The motion carried 5-0.

#2009-41 – Brookridge Drive Bridge – Town of Greenwich DPW

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the Town of Greenwich was Frank Petise. Mr. Petise offered no objections to the staff recommendations. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-42 – Lake Avenue Bridge – Town of Greenwich DPW

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Gabriella Circosta Cohee. No objections were shared regarding staff comments and recommendations. John Conte noted that a stretch of roadway proximate to this location has been stripped of biofilters and riparian vegetation. For this reason, Mr. Conte suggested the buffer be reestablished as a condition of approval. Michael Chambers noted that the mitigation measures suggested must be necessary to offset potential effects associated with the bridge, especially since State funds would be used to repair and improve the roadway. Hearing the Director's guidance, Mr. Conte revised his comments to only require plantings in the immediate areas surrounding the bridge and its abutments. The plan should later be reviewed and approved by staff prior to implementation. A motion to approve with the added condition was made by John Conte, second Bill Galvin. The motion carried 5-0.

Consent Approvals

#2009-11 – 7 Partridge Hollow Road – Ella Razmovskaya – Tax #10-3453

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Atty. Melissa Klauberg was present and offered no comment. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-27 – 12 Northridge Road – Ellen K. Hannan – Tax #12-1293

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. The applicant was not present to discuss details of the proposal. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-28 – 58 Brookridge Drive – Adam Stanislavski – Tax #7-2189

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. After concerns regarding the development of the parcel were raised by John Conte, the matter was discussed in detail. Mr. Conte raised concerns regarding the amount of clearing, cutting and filling on site and the absence of erosion control measures. Appearing before the Agency to address concerns were Tom Homicki and Peter Grunow of Gro Pro. After careful deliberation, it was decided that a supplemental drawing must be

submitted to staff locating trees to be removed. The plan should include a cross section along with erosion control measures to be implemented on the property. A motion to approve with the added conditions was made by John Conte, second Stephan Skoufalos. The motion carried 5-0.

Mianus Pond Applications

#2009-30 – 36 Cary Road – Lynne Stewart - Tax #12-1488

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit to maintain a dock. The applicant was not present. No public comment was offered. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-38 – 42 Cary Road – William and Hazel Jarvis – Tax #12-1490

The Staff Report prepared by Aleksandra Moch and presented by Doreen Carroll-Andrews recommended the issuance of a permit to maintain a dock. No comment was offered by the applicant or the public; however, the Agency did take an opportunity to commend the homeowner for preserving trees adjacent to the dock area. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 5-0.

Pending 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 pending receipt of outstanding information. Appearing before the Agency on behalf of the applicant was Tony D’Andrea, P.E. of Rocco V. D’Andrea, Inc. Mr. D’Andrea shared details of the plans as well as several mitigation measures considered. The Agency was informed by Mr. D’Andrea that similar measures could not be explored on the property due to the restricted layers which prevent permeability. Although the applicant has exceeded the 130-day review period, both the Agency and the applicant jointly agreed to allow for the decision period to continue, after being presented with a written extension approval. A motion to Delay was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-10 – 33 Scott Road – Sandro and Claudia Malagisi – Tax #11-1928

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 provided summary details of the project and informed the Agency that his client was willing to resolve outstanding issues of non compliance created by the prior land owner. After short deliberation, a motion to approve was made by Bill Galvin, second Stephan Skoufalos. The motion carried 5-0.

#2009-22 – Lots 21-1/2 and Lot 22 Scott Road – Joseph and Mary Huley – Tax #11-1435 – *POSTPONED*

The application was postponed at the request of the applicant. No Agency action was required.

Pending Modifications

#2001-187 – 3 Carriage Road – Edward and Margaret Martino – Tax #8-3478 – DELAYED

Bob Clausi informed the Agency that additional information was anticipated prior to the May meeting. No persons appeared before the Agency on behalf of the applicant. A motion to Delay was made by John Conte, second Stephan Skoufalos. The motion carried 5-0.

New Applications

#2009-24 – 60 Winding Lane – Andrea Jovine Coopersmith – Tax #10-2428

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the emergency repair of a failing embankment. The applicant was not present to respond to staff or Agency comments. A motion to approve was made by Stephan Skoufalos, second Elliot Benton. The motion carried 5-0.

#2009-25 – 1109 Lake Avenue – Deep Creek LLC, Michael Rubinoff – Tax #11-3071

The Staff Report prepared by Aleksandra Moch and presented by Doreen Carroll-Andrews recommended the issuance of a permit. Greg Mercurio, ALA, of Daniel Sherman Landscape Architect P.C. was present to respond to questions and comments. No objection to the proposal was heard. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-31 – 411 Riversville Road – Greenwich Council Boy Scouts – Tax #10-4036

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant were Aubrey Mead, P.E. and Dave Ginter, P.E. of Redniss & Mead, Inc. Neither representative offered any objection to the staff comments. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-32 – 595 Indian Field Road – Michael and Valerie McKeever – Tax #2-1143

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit. Tony D’Andrea, P.E. of Rocco V. D’Andrea was present to discuss details of the application and offered no objection to the staff comments. Michael Chambers questioned why the pipe was required to remain within the watercourse and what its effect would be on the wetland area. Mr. D’Andrea was also questioned why the original planting plan could not be installed. After short deliberation, it was determined that a revised planting plan was required in addition to the conditions provided by the reviewing member of staff. A motion to approve with conditions was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-33 – 23 Smith Road – Peter and Laura Grauer – Tax #2-1336

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the agency on behalf of the applicant was Tony D’Andrea, P.E. of Rocco V. D’Andrea, Inc. Mr. D’Andrea offered no objections to the staff comments. A motion to approve was made by John Conte, second Stephan Skoufalos. The motion carried 5-0.

#2009-34 – 7 Oakwood Lane - Michael and Conor Flynn – Tax #11-1601

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, LLC. Mr. Finkbeiner offered no objections to the staff comments and summarized details of the development plan. Mr. Conte questioned why the water quality basin could not be excavated beyond one foot, and was informed that the intent was not to create a pond. Elliot Benton noted that the work within the wetland required a larger bond and, therefore, requested the bond amount be set at \$15,000. A motion to approve with said change was made by John Conte, second Elliot Benton. The motion carried 5-0.

#2009-35 – 30 Field Point Drive – Sachiko Goodman – Tax #2-1360

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Peter Finkbeiner, P.E. of Sound View Engineers and Land Surveyors, LLC was present and offered to objections to staff comments. A motion to approve was made by John Conte, second Stephan Skoufalos. The motion carried 5-0.

#2009-36 – 211 West Putnam Avenue – Country Realty Company – Tax #7-1791

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. Larry Liebman of S.E. Minor & Co., Inc. was present and offered no objection to the staff comments. A motion to approve was made by Bill Galvin, second John Conte. The motion carried 5-0.

#2009-37 – 20 Deerpark Meadow Road – Mountain Glen Capital, LLC – Tax #7-1041s - **DELAYED**

The Staff Report prepared by Bob Clausi recommended a Delay, pending the submission of additional information and responses to concerns raised in the Staff Report. Appearing before the Agency on behalf of this application were Larry Liebman and Len Szczesny of S.E. Minor & Co., Inc. Dinyar Wadia, owner, Bill Kenny of William Kenny Associates, and Bruce Cohen of Fogarty Cohen Selby & Nemiroff. Details of the development plan were presented by Mr. Liebman, while issues relating to legal matters were addressed by Atty. Cohen. Comments presented by concerned neighbors were voiced by Atty. Tom Hartch of Whitman Breed Abbott & Morgan. Atty. Hartch, working on behalf of the Deerpark Association, suggested that the Agency schedule a Public Hearing to better address the concerns of the neighborhood and staff. Director Michael Chambers noted, due to the amount of activities occurring in site wetlands and the extensive development covering the property, that a Public Hearing was in order. After careful deliberation, a motion to Delay the matter pending a scheduled Public Hearing was made by Elliot Benton, second Bill Galvin. The motion carried 5-0. The date of the Public Hearing will be announced after the meeting.

#2009-45 - #0 Deerpark Meadow Road – Mountain Vale Capital, LLC - Tax #7-3281s - **DELAYED**

The Staff Report prepared by Bob Clausi recommended a Delay, pending the submission of additional information and responses to concerns raised in the Staff Report. Appearing before the Agency on behalf of this application were Larry Liebman and Len Szczesny of S.E. Minor & Co., Inc. Dinyar Wadia, owner, Bill Kenny of William Kenny Associates, and Bruce Cohen of Fogarty Cohen Selby & Nemiroff. Details of the development plan were presented by Mr. Liebman, while issues relating to legal matters were addressed by Atty. Cohen. Comments presented by concerned neighbors were voiced by Atty. Tom Hartch of Whitman Breed Abbott & Morgan. Atty. Hartch, working on behalf of the Deerpark Association, suggested that the Agency schedule a Public Hearing to better address the concerns of the neighborhood and staff. Director Michael Chambers noted, due to the amount of activities occurring in site wetlands and the extensive development covering the property, that a Public

Hearing was in order. After careful deliberation, a motion to Delay the matter pending a scheduled Public Hearing was made by Elliot Benton, second Bill Galvin. The motion carried 5-0. The date of the Public Hearing will be announced after the meeting.

New Modifications

#2007-20 – 20 Sherwood Avenue – Adam and Malgorzata Skarzynski – Tax #10-1749

The Staff Report prepared by Michael Chambers recommended the issuance of a Delay pending satisfactory responses to the concerns raised in the Staff Report. Appearing before the Agency on behalf of the permittee were Louis Fusco, Landscape Architect, and Peter Marchetti, P.E. Mr. Fusco presented an updated plan which combined information found both on the landscape architect's drawing and engineer's drawing, that responded to staff concerns. Neighbor, Norma Roehlke, also appeared before the Agency to provide concerns regarding removal of trees proximate to the wetland and the ongoing development's potential effect on neighborhood flooding. After careful deliberation, the concerns of Ms. Roehlke, as well as Michael Chambers, were addressed. A motion to approve was made by John Conte, second Bill Galvin. The motion carried 5-0.

#2009-05 – 34 Nearwater Lane – Joern Repenning – Tax #12-2034 - DENIED

The oral report provided by Doreen Carroll-Andrews noted that the request to modify a permit was due to two conditions attached to the approval that the permittee was seeking to have revised and/or eliminated. Appearing before the Agency were the owner, Mr. Joern Repenning, and Vin DeFina. Mr. Repenning shared concerns with regards to the language of the permit. Agency members found that the suggested changes were likely to create greater ambiguity that would create additional concerns and confusion. A motion to Deny the request was made by Elliot Benton, second Bill Galvin. The motion carried 5-0.

Violations

#2006-123, Cease & Correct Order #2009-04 – 28 Dairy Road – Ronnie Shemesh

Bob Clausi noted that a landscape professional had been retained to address the concerns stated in the Agency's Order. A request to suspend further action was made by Bob Clausi, pending submission of this material. The Agency agreed. No action was taken.

Bond Releases

1. Application #98-131 - Permit # 98-110 for Yasuko Mayuzumi - 10 Sawmill Terrace. \$2,000 bond to be released to Yang Sung Chung and Yasuko Mayu Zumi.
2. Application #98-222 - Permit #98-174 for Robert and Gayle Greenhill - 433 Riversville Road, Lot #1. \$9,000 bond to be released to Gayle Greenhill.
3. Application #99-11- Agent Approval #99-14 for Amy and Dan Jurkowitz – 16 Rockwood Lane. \$500 bond to be released to Amy and Dan Jurkowitz.
4. Application #99-60, Permit #99-70 for David Liebowitz - 36 West Brother Drive. \$500 bond to be released to David Liebowitz.
5. Application #99-166 – Permit #00-02 for Frank and Kathleen Setian – 19 Khakum Drive. \$8,000 bond to be released to Frank and Kathleen Setian.

6. Application #01-124 - Permit #01-99 for H. Andrew Fox - 32 Carriglea Drive. \$1,000 bond to be released to H. Andrew and Stacy Fox.
7. Application #02-102 – Permit #02-149 for Pine Creek Partners, LLC – 28 Cliffdale Road. \$4,000 remainder of bond to be released to Pine Creek Partners, LLC.
8. Application #02-140 – Permit #02-154 for Lewis Carran – 26 Cedarwood Drive. \$4,000 remainder of bond to be released to Carran Land Company.
9. Application #03-63 - Permit #03-70, 03-144 for Brad Cohen and Kerry Durels - 142 Cat Rock Road. \$8,000 bond to be released to Brad Cohen and Kerry Durels.
10. Application #03-211 – Permit #04-04 for Daniel O’Brien – 23 West End Avenue. \$5,000 bond to be released to Daniel O’Brien.
11. Application #04-14 - Permit # 04-28 for Stephen and Maria Braccio - 92 Bowman Drive North. \$500 balance of original \$2,000 bond to be released to Stephen and Maria Braccio.
12. Application #04-67 – Permit #04-57 for Castlegate Corporation – 212 Cognewaugh Road. \$4,000 remainder of bond to be released to Castlegate Corporation.
13. Application #04-80 – Agent Approval #04-24 for Frances Brooks – 549 Round Hill Road. \$1,000 bond to be released to the Estate of Fran K. Brooks.
14. Application #04-119 – Permit #04-108 for Breitenbach Investments II, LLC – 625 & 627 North Street. \$2,000 to be released to Breitenbach Investments III, LLC.
15. Application #04-180 - Permit #04-134 for Convent of the Sacred Heart - 1177 King Street. \$2,000 of the \$5,000 bond balance to be released to Convent of the Sacred Heart.
16. Application #04-231 – Permit #05-21 for 76 Doubling Road, LLC - Doubling Road, Lot #0. \$6,000 bond to be released to 76 Doubling Road, LLC.
17. Application #05-12 - Permit #05-30 for William Gardiner, Jr. - 255 Round Hill Road. \$1,000 bond to be released to Bill Gardiner, Inc.
18. Application #05-134 – Permit #05-114 for 26 Taconic Road, LLC - 26 Taconic Road. \$10,000 bond to be released to Alex Kaali-Nagy Development Corporation.
19. Application #05-163 - Permit #05-138 for Convent of the Sacred Heart - 1177 King Street. \$5,000 bond to be released to Convent of the Sacred Heart.
20. Application #06-50 – Permit #06-47 for Shawn and Sherry Parkington – 495 Den Lane. \$1,000 bond to be released to Shawn and Sherry Parkington.
21. Application #06-59 – Permit #06-60 for Charles and Karin Goldstuck – 168 Round Hill Road. \$500 bond to be released to Nordic Custom Builders, Inc.
22. Application #07-131 – Permit #07-109 for Charles Pevsner and Vinita Juneja - 4 Carriglea Drive. \$6,000 bond to be released to Charles Pevsner and Vinita Juneja.
23. Application #07-175 – Agent Approval #07-46 for Lynne Jenkins – 29 Indian Mill Road. \$1,000 bond to be released to Lynne Jenkins.

Page 9 – Minutes – April 27, 2009

24. Application #08-67 – Agent Approval #08-14 for Craig Stevenson – 16 Deer Park Drive. \$1,000 bond to be released to Craig and Adair Stevenson.

25. Application #08-121 - Permit #08-99 for Smokey Hill LLC - 25 Buckfield Lane. \$2,000 bond to be released to AMEC Carting LLC.

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

The meeting adjourned at 10:28 p.m.

Michael N. Chambers,
Wetlands Director