

MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
May 18, 2009

Members present: Chairman Lawrence Perry, Vice Chairman John Conte, Secretary Martin Kagan, Bill Galvin, Stephan Skoufalos

Alternates present: Elliot Benton, Robert Sisca

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

Others present: Tony D'Andrea, Larry Liebman, Vin DeFina, Marie Roberts, Dennis & Karen Keegan, Bryan Smith, Chris Bristol, Cormac Byrne, Sue Baker, Jeff Lombardi, Peter Finkbeiner, Barry Montgomery, Megan Raymond, Roy Brown, Mike Jones, Penelope Johnston, Kamal Browning, Juan Ferrara, Tom Duffy

PUBLIC MEETING

Chairman Lawrence Perry 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 Lawrence Perry to seat both Elliot Benton and Robert Sisca.

Review and approval of draft minutes of April 27, 2009

A motion to approve the draft minutes of April 27, 2009 without correction was made by Bill Galvin, second John Conte. The motion carried 7-0.

Director's Report

May 2009 Summary Report -

With the end of the fiscal year fast approaching, the Director has concentrated energy on administrative evaluations of staff and reflecting on goals established in the operations plan. Review of the Operations Plan for fiscal year 2008-2009 finds procedures and programs have been put in place to comply with the goals set by the Director for the Department. These goals include refining and improving the Agency's "Green Sheet" questionnaire program, expanding the compliance program, and reducing the total number of projects and monies associated with the bond account

The Director and the Senior Wetlands Analyst have met on several occasions with the Commissioner of Public Works and her staff to tighten procedural loopholes which have allowed for the issuance of Building or Demolition Permits in advance of action by Agency staff. Although the attempt to insert the

Agency into the building approval process was not entirely successful, the improved communication has resulted in a noticeable reduction of regulated activities commencing without the prior consent of staff. The Director anticipates added success following the introduction of the City View permit tracking software program.

The two other areas of interest, expanding the compliance program, and reducing the bond account, are closely related programs that invariably ensure mirrored results. While the Director continues to focus on the success of the Bond Release Program (over \$260,000 released in the past three months), such gains are clearly the product of a focused compliance effort that now emphasizes consistent inspections and continued communication with the permittee and their paid professionals throughout the project.

During the abbreviated May submission period, the application submission total fell to a total of 8 projects (5 New Applications, 2 Modifications and 1 Agent Approval). This total falls short of the modest increase the Agency has witnessed since the beginning of the calendar year. Because the total number of Green Sheets (49) remains high, the Director believes a steady application submission total should be sustained throughout the building season. The Director will continue to evaluate the building climate and make budgetary suggestions to the Executive Committee, as deemed necessary.

As previously stated, staff received and processed a total of 49 Green Sheet submittals for development. Of the 49 projects considered, staff determined only 2 required formal submission to the Agency, while one required additional soils analysis. The Agency is advised that only 13 of the projects requiring no permit included areas where wetland or watercourse areas were noted. Staff cited reasons such as extended distances to wetlands or interior improvements requiring no exterior upgrades amongst other reasons why further Agency consideration was not required. The Agency was further advised that a total of 69 compliance inspections were carried out during this same period of time. This total does not include visits for bond release or application analysis.

Agent Approvals

The Agency was presented with Legal Notices for two Agent Approvals issued during the period following the last regularly scheduled meeting. 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 (12 requested, 10 initiated by Staff, 18 released), Stop Work Orders issued (2) and deadlines set by the Agency that are upcoming or have passed.

Doreen informed Agency members that the restoration plantings for 14 Dwight Lane had not been installed by the required May 15, 2009 deadline. Pursuant to the conditions of the Order, the Agency agreed to refer the matter to the Law Department for the initiation of action in the Connecticut Superior Court.

Bob Clausi discussed the extension date for 45 Close Road for the submission of the mitigation plantings.

Public Discussion Session

Mianus Pond Applications

#2009-44 – 24 Cary Road – Theodore and Marie Roberts – Tax #12-1483

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit. Marie Roberts appeared before the Agency to address any questions, comments or concerns, however, offered no objections to the Staff Report as entered. A motion to approve without change was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

#2009-47 – 22 Lakeview Drive – Karen S. Keegan – Tax #12-1398

The Staff Report prepared by Aleksandra Moch, and presented by Doreen Carroll-Andrews, recommended the issuance of a permit with additional fees to address the commencement of regulated activities without prior Agency approval. Appearing before the Agency were owners Dennis and Karen Keegan and Atty. Vin DeFina, President of the Mianus Pond Community Group. Mr. Keegan stated that he and his wife were new owners of the property and were not aware of when the stone wall was built. The Agency was advised that the owner was willing to remove the wall if necessary. It was John Conte's suggestion that the wall be removed from high water edge of the pond to the adjacent tree. This recommendation was accepted by the applicant. Michael Chambers noted that the stepping stones were minor activities which likely fell under the recreational exemption and, therefore, encouraged the Agency not to require the removal of the path in the field. Chairman Lawrence Perry advised the Agency was not approving any walls or similar structures on Town-owned land, and that the action was limited to the dock. A motion to approve with the stated changes was made by Martin Kagan, second John Conte. The motion carried 7-0.

Pending Applications

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

Bob Clausi advised the Agency that no additional information had been received; therefore, a report was not prepared. Tony D'Andrea of Rocco V. D'Andrea, Inc. was in attendance to present a concept drawing to the Agency. The concept drawing shows on-site storage along the western edge of the property. While Agency members noted that the revision was seen as an improvement, no official confirmation of whether the plan was acceptable was made, since a formal submission and review had not been completed. Michael Chambers advised the applicant's agent that the Agency would be required to take an action during the June 22, 2009 meeting. At the request of the applicant, the matter was postponed. No Agency action was required.

#2009-22 – Lot #21 and 1/2 of Lot #22 Scott Road – Joseph and Mary Huley – Tax #11-1435 –
DELAYED

Bob Clausi advised the Agency that no additional information had been received prior to the Agency's meeting. Appearing before the Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Co., Inc. Mr. Liebman provided the Agency with approval to extend the 65-day review period. Members were advised that the applicant had been made aware of the issues related to their project and

were exploring options and alternatives aimed at addressing staff concerns. A motion to Delay was made by John Conte, second Bill Galvin. The motion carried 7-0.

Pending Modifications

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

The Staff Report prepared by Bob Clausi recommended the issuance of a permit to restore areas adjacent to a wetland and watercourse affected by the unauthorized removal of vegetation and placement of fill. Appearing before the Agency on behalf of the applicant was Bryan Smith, P.E. of Ahneman Kirby, LLC. Mr. Smith offered no objections to the staff comments. John Conte noted that the caliber of tree required to address the loss of any large mixed deciduous cover was not acceptable and, therefore, suggested the condition be modified to state that no replacement tree should be less than 3” caliber. Hearing no objection, a motion was made by John Conte, second Stephan Skoufalos. The motion carried 7-0.

New Applications

#2009-46 – Sterling Road – Sterling Road Association, Inc. – Tax # N/A

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Tony D’Andrea of Rocco V. D’Andrea, Inc. Mr. D’Andrea addressed staff questions and concerns and further assured members of the Agency that later maintenance improvements would not alter the road improvements proposed at this time. Mr. D’Andrea also noted that Deed Restrictions prevented the road from being paved; therefore, placement of gravel was the only practical solution. Barry Montgomery appeared before the Agency to share his support of the plan developed by Rocco V. D’Andrea, Inc. After short deliberation, a motion to approve was made by Elliot Benton, second Bill Galvin. The motion carried 7-0. The motion included a \$25,000 bond, as recommended by Elliot Benton.

#2009-48 – 181 Weaver Street – Roy and Marilynne Brown – Tax #7-1028

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency were Peter Finkbeiner, P.E. of Sound View Engineers & Land Surveyors, and the applicant, Roy Brown. Mr. Brown provided the Agency with background regarding the development layout and requested staff reconsider efforts to modify the garage and driveway. At the recommendation of John Conte, the Agency agreed that an alternate driveway surface that allowed for increased permeability could be substituted within middle sections of the drive. The plan requires staff’s prior review and approval. A motion to accept the staff recommendation with the added revision was made by Bill Galvin, second Rob Sisca. The motion carried 7-0.

#2009-49 – 139 Meadow Road – Rutherford R. Romaine – Tax #5-2714

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant were Tony D’Andrea, P.E. of Rocco V. D’Andrea, Inc., Chris Bristol, Esq. of Gilbride Tusa Last & Spellane, and Cormac Byrne, Architect, with Jones Byrne Margeotes Partners. Mr. D’Andrea summarized the project and informed the Agency that no impacts to the adjacent wetlands would result from the project development. Mr. D’Andrea stated that construction access would not be gained from Thrushwood Drive, and assured members that additional approvals would be sought from the Agency if upgrades to the private road were necessary. Neighbors appearing in opposition to the development included Mike Jones, Sue Baker, and Penelope Johnston. Neighbors

questioned the absence of wetlands on the subject property and noted increased vehicle traffic was likely to have impacts to wetlands and watercourses bordering the private roadway. After fully considering all comments, the Agency agreed that the activity was not likely to affect wetland and watercourse areas, but did condition that no construction vehicles were to access the site from Thrushwood. A motion to approve was made by John Conte, second Stephan Skoufalos. The motion carried 7-0.

#2009-50 – 50 Vineyard Lane – Christian and Liliane Haub - Tax #10-3533

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Megan Raymond, Sr. Ecologist with William Kenny Associates. Ms. Raymond offered no objections to the staff comments. A motion to approve was made by Martin Kagan, second Rob Sisca. The motion carried 7-0.

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

The Staff Report prepared by Bob Clausi recommended delaying the proposed activity. Appearing before

The Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Co., Inc. Mr. Liebman stated that he was aware of the staff concerns and was working to address the comments prior to the Agency's next regularly scheduled meeting. Also in attendance were neighbors Kamal Browning and Juan Ferrara. The neighbors raised concerns with the aesthetic nature of the parcel as well as potential drainage hazards that could result from the proposed activities. A motion to Delay was made by Martin Kagan, second Elliot Benton. The motion carried 7-0.

#2009-52 – 129 Clapboard Ridge Road – J. Daniel and Hannah S. Hicks – Tax #11-2115 - DELAYED

The Staff Report prepared by Michael Chambers recommended Delay. Appearing before the Agency on behalf of the applicant was Larry Liebman of S.E. Minor & Co., Inc. Mr. Liebman stated that the concerns in the report had been addressed and provided supplemental materials during the meeting. After short deliberation, the Agency decided additional time to review the information was necessary. A motion to Delay was made by Martin Kagan, second Rob Sisca. The motion carried 7-0.

New Modifications

#2004-138 – #0 Valley Drive – Georgetowne North Tax District

The staff recommendation prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency was Association President Tom Duffy. Mr. Duffy offered no objection to the staff comments. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 7-0.

Violations

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

The Staff Report prepared by Bob Clausi recommended the issuance of a permit to correct unauthorized removal of vegetation adjacent to wetland and watercourse areas. Appearing before the Agency on behalf of the property owner was Megan Raymond, Sr. Ecologist with William Kenny Associates. Ms. Raymond offered no objections to the staff comments. John Conte noted that additional plantings were required along the northern border of the property, and further stated that he was not comfortable with

the stone walking path shown as a demarcation feature. After careful deliberation, Agency members found that a revised planting plan was required showing at least one third more restoration plantings in areas along the northern border, and further required that the demarcation feature include sunken boulders, stone wall and/or a similar permanent feature. A motion to approve with said changes was made by John Conte, second Rob Sisca. The motion carried 7-0.

#2008-104 – 112 Cat Rock Road – Jeffrey Lombardi and Shawn Byles

The Staff Report prepared by Doreen Carroll-Andrews recommended scheduling the violation matter for a Public Hearing due to the permittee's failure to comply. Appearing before the Agency was the permittee, Mr. Jeffrey Lombardi. Agency members were informed by Mr. Lombardi that it was his intent to comply; however, due to financial strains along with poor weather, that the work could not be completed by the established deadline. Mr. Lombardi requested additional time, and also requested relief from the cash performance bond. After careful deliberation, it was decided that the bond could be reduced from \$3,000 to \$2,000. This bond should be submitted within one week of May 19, 2009, and all work is to be completed within 10 days of the date the bond is submitted. A motion to accept these conditions was made by Martin Kagan, second John Conte. The motion carried 7-0.

25 Richmond Hill Road – Frank and Zoe Vataj

Bob Clausi provided the Agency with a summary describing the violation at 25 Richmond Hill Road. Members were informed that roughly 2 acres of the parcel had been clear cut without the prior consent of staff and/or the Agency. The applicant had been provided a deadline as to when application materials are to be provided. No action was taken by the Agency.

Bond Releases

1. Application #95-232 - Permit #96-94 for Bruce Davey and Nigel Sinclair, Trustees - 124 Old Mill Road, \$2,500 bond to be released to Bruce Davey, TTEE.
2. Application #96-171 – Permit #96-175 for Theresa Boyd – 34 Brookridge Drive. \$1,500 bond to be released to Sitta Harris.
3. Application #98-60 – Emergency Permit #98-66 for Mrs. James Warburg – 216 John Street. \$3,000 bond to be released to Joan Warburg.
4. Application #98-119 – Permit #98-107 for Robert Bayer – 503 Riversville Road. \$5,000 bond to be released to Robert Bayer.
5. Application #98-172 - Permit #98-145 for Hiram Bingham, Sr. - 149 Weaver Street. \$3,000 bond to be released to Hiram and Anne Bingham.
6. Application #98-227 – Permit #98-169 for Michael Ainslie – 5 Dingtletown Road. \$1,000 bond to be released to Michael and Suzanne Ainslie.
7. Application #98-256 - Permit #99-20 for Jay and Penny Barr - 61 Porchuck Road. \$7,000 bond to be released to Jay and Penny Barr.
8. Application #00-191 – Permit #01-72, Conceptual Approval #01-3, for Joan Warburg – 214-216 John Street. \$2,000 of the original \$5,000 bond to be released to Joan Warburg.

9. Application #01-42 – Permit #01-101 for Marco Vera and Jill Vera – 26 Stag Lane. \$15,000 bond to be released to Marco and Jill Vera.
10. Application #02-81 – Permit #02-93 for Alliance Energy Corporation – 780 West Putnam Avenue. \$10,000 bond to be released to Alliance Energy Corporation.
11. Application #02-213 – Agent Approval #02-49 and #04-39 for Daniel Rosen – 811 Lake Avenue. \$1,000 bond to be released to Daniel and Gail Rosen.
12. Application #03-213 – Permit #04-05 for Jack Truman, Prutting & Company – 6 West Lane. The remaining \$4,000 bond is to be released to Prutting & Company.
13. Application #04-63 - Agent Approvals #04-23 and 05-01 for Edward Mule -15 Dairy Road. \$3,000 bond to be released to Edward and Marian Mule.
14. Application #04-89 - Permit #04-77 for Elizabeth Schuette - 45 Londonderry Drive. \$8,000 bond to be released to George Washington Mortgage and Investment Corp.
15. Application #05-168 – Permit #05-132 for Stephen Conway – 31 North Porchuck Road. \$8,000 bond to be released to 31 North Porchuck, LLC
16. Application #06-21 – Permit #06-32 for Jae Ok Kim – 10 Deep Gorge Road. \$4,000 bond to be released to Zung Wan Kim.
17. Application #07-127 – Permit #07-126 for Blake and Teresa Delany – 88 Glenville Road. \$6,000 bond to be released to Blake Delany and Teresa Polenz.
18. Application #08-62 – Agent Approval #08-11 for Vincent and Linda McMahon – 14 Hurlingham Drive. \$1,000 bond to be released to Vincent and Linda McMahon.

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 10:10 p.m.

Michael N. Chambers,
Wetlands Director