

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
JUNE 22, 2009**

Members present: John Conte, Garrett Dietz, Elliot Benton, Martin Kagan (7:05 p.m.)

Alternates present: Brian Harris

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

Others present: Tony D'Andrea, Larry Liebman, Vin DiMarco, Barry Montgomery, Brian McMahon, Mr. Diels, John Tesei, Debra Jackson, Peter Finkbeiner, Katherine and Frank Sebestyen, Tom Heagney, Esq., Jim McTigue

PUBLIC MEETING

Vice Chairman John Conte 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 the Chair, John Conte, to seat Brian Harris in the absence of Lawrence Perry.

Review and approval of draft minutes of May 18, 2009

A motion to approve the draft Minutes of May 18, 2009 without correction was made by Garrett Dietz, second Elliot Benton. The motion carried 5-0

Review and approval of draft minutes of June 15, 2009

A motion to approve the draft minutes of June 15, 2009, with the correction that Stephan Skoufalos is a regular member, was made by Elliott Benton, second Brian Harris. The motion carried 5-0.

Director's Report

June brings the close of fiscal year 2008-2009. As reported last month, it also establishes the appropriate time to evaluate the success of operation goals set for the current year, as well as implementation of strategies set for the incoming fiscal year 2009-10. Study of the closing year operation goals finds the Bond Reduction Program to be one specific area of success. The program was developed after many years of scrutiny from elected officials who expressed concern with regards to the increasing project totals and overall monies in the account. During fiscal year 2008-09, the Director reports that a total of \$1,000,900 in total bond funds were returned to 263 closed projects (this includes \$80,500 in returned funds during the June meeting). The total improved upon the \$733,750 released in the previous fiscal year. This brings the remaining bond account total to \$3,249,950, which is far below the \$4,009,150

total recorded in October 2007. The Director advised the Agency that the strategy has been adopted as part of the compliance program, and all available efforts will continue to solicit assistance from the public and their representatives to identify bond owners no longer residing on the subject property.

Study of year-end totals further finds that the Agency received \$322,455 in revenue. These fees are primarily generated through the receipt of applications and additional fees associated with activities that have commenced prior to Agency approval. While the total dollars received covers the salaries of the Agency's technical staff, it falls short of the \$521,675 projected totals for the closing fiscal year. The Agency is advised that this is the first recorded shortfall since fiscal year 2003-04. The Director is confident that the amended Schedule of Fees, adopted in December 2008, is an appropriate response to account for staff hours spent on aggressive building development. Revenue gained through the new schedule of fees is anticipated to cover monies lost through the reduction in applications for permit.

During the June meeting cycle, Agency staff remained busy carrying out site compliance. A total of 112 sites received compliance inspections (not including bond releases), while an additional 56 green sheets were evaluated both in the office as well as in the field. After conducting an evaluation of proposed work, Agency staff found 46 projects required no further action and determined that 9 projects presented potential impacts to wetland and watercourse areas. Additionally, the Applications Coordinator reports that a total of 22 projects were received during the June deadline. This total includes 15 new applications, 6 modifications, and one Agent Approval.

Agent Approvals

The Agency was presented with a Legal Notice for an Agent Approval issued during the period following the last regularly scheduled meeting. No questions or comments were taken from Agency members.

Compliance Report

Bond Releases

- Total reviewed: 27
- Subtotal that were requested: 22
- Subtotal that were initiated by staff: 5
- Number released: 22

Deadlines Passed

5/31/09 30 Round Hill Road - Installation of Mitigation Plantings - Complied
25 Fox Run - Installation of Mitigation Plantings – Complied
527 Stanwich Road – Installation of Mitigation Plantings - Complied
65 Dandy Drive - Installation of Mitigation Plantings - Complied
6/1/09 138 Taconic Road – Removal of Debris - Complied
863 Lake Avenue – Application Submission – Received
6/5/09 45 Close Road – Install Mitigation Plantings – Completed 6/18/09
6/12/09 84 Brookside Drive - Installation of Mitigation Plantings
6/17/09 22 Cary Road – Application Submission
25 Richmond Hill Road – Application received
888 North Street – Application Submission

Stop Work Orders

5/26/09 SWO - 8 Corrigan Lane
(SWO has been lifted based on compliance with Staff instructions)

Deadlines Upcoming

7/1/09 6 Golf Club Road – Application Submission
7/15/09 11 Kenilworth Terrace – Satisfy Outstanding Conditions/Raise Deer Fence
7/22/09 422 Riversville Road – Application Submission
790/792 North Street - Satisfy Outstanding Conditions/Demarcation/Plantings
11/15/09 28 Dairy Road - Install Mitigation Plantings

Update: 87 Dingtletown Road – Application Submission pending resolution with Zoning Enforcement. Currently unresolved.

Public Discussion Session

Town of Greenwich Projects

#2006-191 – 381 North Street – Town of Greenwich DPW – Tax #11-4510

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. No representative appeared before the Agency in support of the application, or in opposition to its development. Hearing no objections, a motion to approve was made by Martin Kagan, second Elliot Benton. The motion carried 5-0.

Consent Approvals

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

The Staff Report prepared by Michael Chambers 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 Garrett Dietz. The motion carried 5-0.

#2009-61 – 272 Round Hill Road – Sherer Family Limited Partnership – Tax #10-1559

The Staff Report prepared by Bob Clausi recommended the issuance of a permit to replace a failing septic system. No comments were presented by the applicant or members of the public. A motion to approve was made by Martin Kagan, second Garrett Dietz. The motion carried 5-0.

#2009-55 – 196 Sheephill Road – Debra Jackson – Tax #12-2038

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. No comments were taken by the applicant or members of the public. A motion to approve was made by Martin Kagan, second Elliott Benton. The motion carried 5-0.

#2009-57 – 207 Valley Road – James and Jennifer Campbell – Tax #8-2460

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. Agency Director Michael Chambers shared a written message with the Agency which was provided by the applicant. The message requested relief from the additional fee, and further requested permission to maintain the picket fence along the waterline as a demarcation feature and a safety measure. After careful deliberation, it was decided that the fence could remain, that no additional fee would be required; however, the action required the applicant to prepare and implement an invasive species management plan for the Japanese knotweed found along the water's edge. A motion to approve with the additional conditions was made by Martin Kagan, second Elliot Benton. The motion carried 3-2. Garrett Dietz and Brian Harris were not in support of the motion.

#2009-58 – 197 Valley Road – Jim and Mary Himes - Tax #3-3229

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit. No comments were taken by the applicant and/or members of the public. A motion to approve was made by Martin Kagan, second Garrett Dietz. The motion carried 5-0.

Pending Applications

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

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for activities at 644 West Putnam Avenue. Appearing before the Agency were Tony D'Andrea P.E. of Rocco V. D'Andrea, Inc. and John Tesei, Esq. of Gilbride Tusa Last & Spellane, as well Pemberwick Association resident Vin DiMarco. Mr. D'Andrea summarized aspects of the development plan, and requested activities associated with the off-site channel improvements be included in the Agency's action. Director Michael Chambers objected to the applicant's request, and informed the Agency that off-site improvements could not be required as a mitigation effort associated with the proposed activities. Atty. John Tesei suggested that the applicant would be willing to accept the staff recommendations and requested the Agency's action approve work off site with the understanding that easements and permission would be required prior to commencing site activities. After a lengthy deliberation, a motion to approve with no activities off site was made by Elliot Benton, second Garrett Dietz. The motion carried 5-0.

#2009-22 – Lot #21 and half of Lot #22 Scott Road – Joseph and Mary Huley – Tax #11-1435 -
DENIED

The Staff Report prepared by Bob Clausi recommended Denial. Mr. Clausi noted that no discussion has ever commenced on this application, despite exhausting the two 65-day review periods. In the absence of additional information, Mr. Clausi recommended the Agency Deny the application for incompleteness and timeliness. The applicant or their representative were not present to address staff comments. A motion to Deny was made by Martin Kagan, second Garrett Dietz. The motion carried 5-0.

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

Bob Clausi informed the Agency that he had received a request to postpone the matter, however, noted that the first 65 days would expire prior to the July meeting. The Agency was further advised that an extension for an additional 65 days had yet to be granted by the applicant. The Agency decided to Delay the matter pending receipt of an extension prior to July 21, 2009. In the event such extension is not received, the permit shall be denied. A motion to accept the recommendation was made by Martin Kagan, second Brian Harris. The motion carried 5-0.

New Applications

#2009-53 – (0) Richmond Hill Road – Christopher Lok, et al – Tax #10-3629 – **POSTPONED**

At the applicant's request, the matter was postponed. No Agency action was required.

#2009-56 – 27 Greenbriar Lane – James Johnston – Tax #10-2477

The Staff Report prepared by Bob Clausi recommended the issuance of a permit with required restoration for buffer disturbance to the adjoining parcel. Appearing before the Agency in support of the application were Jim McTigue of Risoli Planning & Engineering, and owner James Johnston. Mr. McTigue informed the Agency that the activities off site were not performed deliberately, and that it was Mr. Johnston's intention to remove debris piles and unauthorized fencing as requested by Agency staff. Atty. Tom Heagney briefly addressed the Agency on behalf of the adjoining property owner of 221 Round Hill Road, and stated that his client would have no objections to the Johnstons removing debris piles and resolving noted violations on his client's property. Martin Kagan requested that the file be updated, with written permission from the adjoining property owner prior to any restoration efforts commencing off site. The Agency further required that fencing and material be removed within 14 days of the Agency action. A motion to approve with the added conditions was made by Garrett Dietz, second Martin Kagan. The motion carried 5-0.

#2009-59 – 8 Stillman Lane – Bill Gardiner, Inc. – Tax #7-3032

The Staff Report prepared by Bob Clausi recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Brian McMahon P.E. of Redniss & Mead, Inc. Mr. McMahon offered no objections to the staff recommendations. A motion to approve was made by Martin Kagan, second Brian Harris. The motion carried 5-0.

#2009-65 – 25 Hettiefred Road – Katherine and Frank Sebestyen – Tax #10-2773

The Staff Report prepared by Bob Clausi recommended the issuance of a permit for the replacement of a failing septic system. In attendance, but offering no comment, were Katherine and Frank Sebestyen, property owners. Hearing no objection to the staff recommendation, a motion to approve was made by Martin Kagan, second Elliot Benton. The motion carried 5-0.

New Modifications

#2006-182 – 30 Konittekock Road – KWTK LLC - Tax #10-1151

The Staff Report prepared by Bob Clausi recommended the issuance of a permit modification. Appearing in support of the application were Tom Heagney, Esq., Heagney, Lennon & Slane; Peter Finkbeiner, P.E., Sound View Engineers & Land Surveyors; and Peter Cummins, Landscape Architect with Cummins & Associates. Details of the application were presented by Atty. Heagney, while aspects of the landscape plans were shared by Peter Cummins. No parties present offered any objections to the staff recommendation. A motion to approve was made by Martin Kagan, second Garrett Dietz. The motion carried 5-0.

Bond Releases

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1. Application #98-111 - Permit #98-105 for Robert and Sheri Koonen - 522 North Street. \$1,000 bond to be released to Robert Koonen.
2. Application #98-221 - Permit #99-100 for Joann Alfredo – 20 Carpenters Brook Road. \$5,000 bond to be released to Joseph Alfredo.
3. Application #99-104 - Permit #00-01 for Glazer Builders, Inc. - 39 Calhoun Drive. \$8,000 bond to be released to Glazer Builders, Inc.
4. Application #00-15 – Permit #00-26 for Robert and Elizabeth Kirkpatrick – 23 Pierce Road. \$1,000 bond to be released to Robert and Elizabeth Kirkpatrick.
5. Application #01-169 – Permit #01-159 for Jeffrey Lum – 140 Round Hill Road. \$500 bond to be released to Jeffrey and Lillian Lum.
6. Application #02-133 – Agent Approval #02-29 for Marilyn Bastide – 291 North Street. \$500 bond to be released to DETCO Construction, Inc.
7. Application #03-175 - Permit #03-169 for Mordechai Bashan - 474 North Street. \$10,000 bond to be released to Moti Bashan and Michelle Levi-Bashan.
8. Application #03-181 – Permit #03-159 for Mark Rosen – 363 Cognewaugh Road. \$6,000 bond to be released to Ines and Mark Rosen.
9. Application #04-50 - Permit #04-44 for Jeffrey and Martha Gendell - 9 Perkins Road. \$6,000 bond to be released to Jeffrey and Martha Gendell.
10. Application #04-98 – Agent Approval #04-35 for Henry Lim – 33 Hillcrest Park Road. \$1,000 bond to be released to Siuhan Sung.
11. Application #04-208 – Permit #04-150 for Michael Fitzsimons – 7 Sundance Drive. \$2,000 bond to be released to Michael Fitzsimons.
12. Application #05-182 - Permit #05-142 for Matthew and Courtney Arpano - 113 Orchard Drive. \$3,000 bond to be released to Matthew and Courtney Arpano.
13. Application #06-10 - Permit #06-51 for Steven and Geraldine Evans - 18 Byfield Lane. \$10,000 bond to be released to Steven and Geraldine Evans.
14. Application #06-26 – Permit #06-33 for 351 Round Hill Road, LLC – 351 Round Hill Road. The remaining \$2,000 of the original \$6,000 bond to be released to Carolyn Properties, LLC.
15. Application #06-139 – Permit #06-119 for Vincent and Maria DeVito – 20 Stonehedge Drive South. \$2,000 bond to be released to Vincent and Maria DeVito.
16. Application #06-159 – Permit #06-132 for Michael and Suzanne Hisler – 16 Boulder Brook Road. \$3,000 balance of bond to be released to Michael and Suzanne Hisler.
17. Application #07-42 - Permit #07-41 for Diane Tinto Pignataro - 50 Taconic Road. \$1,000 bond to be released to Renato and Diane Pignataro.
18. Application #07-122 – Permit #07-103 for EJV Development, LLC – 45 Circle Drive. \$6,000 bond to be released to EJV Development, LLC.

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19. Application #08-18 – Permit #08-32 for 83-84 South Water Street Associates, LLC – 83-84 South Water Street. \$8,000 bond to be released to 83-84 South Water Street Associates, LLC
20. Application #08-21 - Agent Approval #08-05 for John Greco - 696 River Road. \$1,000 bond to be released to John and Carol Greco.
21. Application #08-23 - Permit #08-29 for Robert and Sheri Koones - 522 North Street. \$2,500 of the \$5,000 bond to be released to Robert and Sheri Koones.
22. Application #08-129 – Permit #08-109 for Deborah Sterling – 16 Pheasant Lane. \$1,000 bond to be released to Deborah Sterling.

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

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

The meeting adjourned at 8:50 p.m.

Michael N. Chambers,
Wetlands Director