

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
PUBLIC HEARINGS
July 13, 2009**

Members present: Chairman Lawrence Perry, Garret Dietz, Elliot Benton

Alternates present: Brian Harris

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

PUBLIC HEARING:

Chairman Lawrence Perry called the Public Hearing to order at 7:10 p.m. in the Town Hall Meeting Room on the first floor of the Greenwich Town Hall.

Application #2009-37 – Mountain Glen Capital, LLC – 20 Deerpark Meadow Road

The continued Hearing began with Bob Clausi, Senior Wetlands Analyst, entering all contents and information following the June 15th Hearing into the record. Mr. Clausi advised the Agency that plan revisions include slight modifications to the house, driveway and terrace, as well as changes to the grading scheme and disturbance edge bordering wetland and watercourse areas. Staff comments took issue with a discrepancy in the construction sequence shown on Sheets 5 and 7, and, therefore, requested the sequence be reviewed and corrected to eliminate the error and clearly define phasing stages necessary to minimize the development's effect on wetland and watercourse systems. Additionally, staff requested improvements to the sedimentation and erosion control design, which was also deemed necessary before a recommendation could be provided to the Agency for consideration.

Appearing before the Agency on behalf of the applicant were Larry Liebman of S.E. Minor & Co., Inc., Bruce Cohen, Esq., of Fogarty Cohen Selby & Nemiroff, Dinyar Wadia, Architect, Wadia & Associates, and Bill Kenny, Landscape Architect, of William Kenny Associates.

The opening presentation on behalf of the applicant was provided by Atty. Bruce Cohen. Mr. Cohen noted that he and his client found the staff comments and engineering comments acceptable and suggested that changes could be made without delay. In response to staff concerns regarding the drilling required for the geothermal wells, Mr. Liebman explained the process, and stated proper erosion and sedimentation control measures would be employed to minimize the activity's effect on the landscape. The Agency was advised by Mr. Liebman that the control plan along with the construction sequencing plan would be developed in conformance with the 2002 Connecticut Erosion & Sedimentation Control Guidelines. Mr. Liebman assured the Agency that minimal overlapping would occur during each stage of the phasing process. No exhibits were presented.

Comments received from neighbors began with a statement provided by Mr. Louis Duff. Mr. Duff stated the large-scale development was disrupting the ecological system within the community and implored the Agency to consider the adequacy of the existing drainage system, since the site overflow would be directed to the dated system. Atty. Tom Hartch of Whitman Breed Abbott &

Morgan, again shared concerns on behalf of the Deerpark Association. Atty. Hartch stated that the project was out of scale and likely to create an adverse drainage impact on the neighborhood, and requested time to study the Town of Greenwich Engineering Department comments, as well as any recently received materials included in the file. Deerpark Association President Richard Reynolds also shared concern with the scale of the project and its drainage effect on the neighborhood, while down-stream neighbor Martin Jacobson of 10 Deerpark Court stated the project was massive and an experimental undertaking that could result in significant losses and property damage should the dam associated with the wet basin fail. Mr. Jacobson encouraged the Agency to carefully consider options beyond the easement language to ensure the safety and protection of the private Association. Finally, Mr. Maxfield Gibbons expressed concern that the runoff from the site would aggravate current surface drainage issues occurring on his contiguous property. Mr. Gibbons requested the Agency require reduced building coverage and relocate the proposed pool complex.

After receiving all public comment, the Chair advised the public that any project that could potentially have a material adverse impact can result in the Agency requesting alternatives designed to eliminate or reduce the development's effect on wetland and watercourse areas. The public was further informed that many of their concerns were issues that could later be addressed by the Planning & Zoning Commission, but not the Inland Wetlands & Watercourses Agency, since they were not activities that had a direct effect on wetland and watercourse areas. At the close of discussion, it was decided that additional information would be required before an action could be taken. The Agency would continue its Hearing on July 27, 2009, before the regularly scheduled meeting. A motion to Delay was made by Elliot Benton, second Brian Harris. The motion carried 4-0.

Application #2009-45 – Mountain Vale Capital, LLC - #0 Deerpark Meadow Road

Members present: Chairman Lawrence Perry, Garret Dietz, Elliot Benton

Alternates present: Brian Harris

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

Chairman Lawrence Perry called the Public Hearing to order at 8:20 p.m. in the Town Hall Meeting Room on the first floor of Greenwich Town Hall.

Bob Clausi, Senior Wetlands Analyst, provided a brief summary of materials and information obtained following the June 15, 2009 Public Hearing. Staff comments noted changes to the guest house and tennis court location along with the proposed demarcation feature. Agency members were informed that the pool house was larger than the structure previously approved and that the plan included a reduction of mitigation and enhancement shrubs to be placed within the wetland basin. Additionally, staff reiterated that the activity would result in significant changes to the lot layout, thus creating a drainage burden not previously observed on site. The concern required careful scrutiny and study by the Town's Engineering Department, which has not been completed; therefore, it was staff's recommendation to delay action pending receipt of Engineering comments.

After receiving staff testimony, Bill Kenny of William Kenny Associates shared that he personally studied surface flows following a recent short duration, high intensity storm event, and found that no water was observed leaving the site. The storm was determined to be just short of a 2-year storm. Based on this observation, Mr. Kenny concluded that it would be unlikely that any off-site wetlands

would be deprived of surface flows necessary to maintain their function. No exhibits were presented.

Comments received from concerned neighbors began with Atty. Tom Hartch of Whitman Breed Abbott & Morgan. Mr. Hartch appeared in support of the Deepark Association and reiterated statements made during the earlier matter for 20 Deepark Meadow Road. Mr. Hartch noted that in total the project results in the site being an auxiliary parcel, which in his opinion had not necessarily met the burden as an individual stand-alone lot with minimal effect to wetland and watercourse areas. Mr. Hartch again asked for additional time to study Engineering comments, as well as any new materials presented to the file.

After short deliberation, the Agency decided additional information was necessary; therefore, Elliot Benton motioned for Delay, second Brian Harris. The motion carried 4-0.

The sessions ended at 8:36 p.m.

Michael N. Chambers
Wetlands Director