

**MINUTES
GREENWICH INLAND WETLANDS AND WATERCOURSES AGENCY
AUGUST 24, 2009**

Members present: Chairman Lawrence Perry, John Conte, Martin Kagan, Bill Galvin, Elliot Benton

Alternates present: Robert Sisca

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

Others present: Peter Finkbeiner, Arthur Riel, Rich Regan, Jane Hogeman, Jim McManus, Tom Heagney, Tony D'Andrea, Livvy Floren, Joe Risoli, James Fulton, Margaret Conboy, Eric Brower, Andy Toth, John Servidio, Anne Stolley, Brian McMahon, Dan and Alison Costarene, Toan Nguyen, Jo Conboy, Ed Martino, Dan Sherman

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 Robert Sisca in the absence of Garrett Dietz.

Review and approval of draft minutes of July 27, 2009

A motion to approve the draft minutes of July 27, 2009 without correction was made by Martin Kagan, second Bill Galvin. The motion carried 6-0.

Review and approval of draft Public Hearing minutes of July 27, 2009

A motion to approve the draft Public Hearing minutes of July 27, 2009 without correction was made by Martin Kagan, second Bill Galvin. The motion carried 4-0. Rob Sisca and Elliot Benton were not present during the vote.

Director's Report

The August Director's Report was limited to a summary of staff activities during the period following the July 27, 2009 meeting. During this period Agency compliance staff performed a total of 127 site inspections. These inspections were related to general monitoring of site development, permit extensions, violations and public inquiries. The increased total following the July meeting is believed largely to be related to increased rainfall creating sedimentation and erosion control issues on neighbors

abutting active development sites. In addition to the inspection totals, the compliance staff also focused its energy on 50 Green Sheets which were submitted between July 23 and August 20, 2009. Of the 50 submitted projects, the Agency staff determined only 10 required permits for activities. The Agency members were informed that approximately 11 of the 40 projects that required no formal Agency review, contained wetland and watercourse areas that were not likely to be affected by the proposed activities. Finally, new activities submitted for review in the ensuing month totaled 16 projects, 14 of which were new sites not previously acted upon by this Agency, 2 were determined to be Modifications, while one met the criteria for Agent Approval.

Agent Approvals

Three Agent Approvals were issued during the period following the last regularly scheduled meeting. The Agency was presented with three 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 (13 requested, 15 initiated by Staff, 17 released), Stop Work Orders issued (1) and deadlines set by the Agency that are upcoming or have passed.

An update was given for the 87 Dingtowntown Road violation. The violation with the Building Department has been remedied, and a Building Permit has been issued. Staff is awaiting the submission of an IWWA application to resolve matters subject to this Agency purview.

152 Zaccheus Mead Lane was discussed regarding letters that were submitted by the Applicant's Agent to address complaints issued by the neighbors. The neighbors' council, Mr. James Fulton, addressed the Agency regarding alleged erosion control problems originating from the subject site.

The Permittee's agents discussed additional point sources of erosion coming from surrounding properties and reminded the Agency that the pond is a release point for a large watershed with multiple discharge pipes from various sources.

A letter from the environmental consultant hired by the Permittee will be issued documenting the installation date and dimensions of the two detention basins installed on site. The work on site was otherwise authorized by the Agency to continue.

The Agency concluded that no action was necessary.

Executive Session

A motion to go into Executive Session regarding a pending legal matter was made by Martin Kagan, second John Conte. The motion carried 5-0. *Rob Sisca recused due to personal involvement.*

A motion to come out of Executive Session was made by Martin Kagan, second Bill Galvin. The motion carried 5-0. *Rob Sisca recused due to personal involvement.*

Public Discussion Session

Consent Approvals

#2009-75 – 211 River Road Extension – Kim Coppola – Tax #8-1182

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. No objections to the staff recommendations were heard. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-0. *Elliot Benton was not present.*

#2009-76 – 213 River Road Extension – James J. Capparelle – Tax #8A-1761

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. No objections to the report were heard. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-0. *Elliot Benton was not present.*

#2009-81 – 26 Cary Road Jeanette M. Ogilvy – Tax #12-1484

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit. No objections to the staff recommendations were heard. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-0. *Elliot Benton was not present.*

#2009-83 – 25 Birch Lane – Daniel Costarene – Tax #11-2092

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. No objections to the staff recommendations were heard. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-0. *Elliot Benton was not present.*

#2009-208 Sheephill Road – Alexandra Guest and Christopher Perez – Tax #12-2229

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of permit. No objections to the staff recommendations were heard. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-0. *Elliot Benton was not present.*

#2009-91 – 14 Wooddale Road – Mark Bryant and Verena DeCholnoky – Tax #11-2027

The Staff Report prepared by Michael Chambers recommended the issuance of permit. No objections to the staff recommendations were heard. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-0. *Elliot Benton was not present.*

#2009-94 – 23 Pierce Road – David and Robin Elliott – Tax #5-1022

The Staff Report prepared by Michael Chambers recommended the issuance of permit. No objections to the staff recommendations were heard. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-0. *Elliot Benton was not present.*

Pending Applications

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

The oral staff comments prepared by Michael Chambers advised the Agency that no additional information had been received, and, therefore, no evaluation of site activities had been performed. An extension of the 65-day review period was submitted to the file, since the next regularly scheduled meeting would fall on September 28, 2009, one day following the first review period. Michael Chambers' recommendation was to Delay pending receipt of additional information; however, the Agency was later encouraged to deny the application and proceed with enforcement action after hearing the applicant's unwillingness to restore or mimic hydraulic conditions consistent with the pre-disturbance drainage storage area. Appearing before the Agency was the applicant, Arthur Riel. Mr. Riel provided a topographic survey of the property and noted that the swale was unable to convey flows due to the flat elevation extending across the rear yards of the abutting sites. The Agency also received comment from a neighbor, Anne Stolley, as well as Atty. Jane Hogeman of Johnson, Kristoff, Hogeman & Perelli-Minetti. Atty. Hogeman objected to Mr. Riel's position regarding historic neighborhood drainage patterns, and encouraged the Agency to establish a firm deadline as to when a design plan should be submitted and ultimately acted upon by the Agency. Chairman Lawrence Perry advised Mr. Riel that the Agency would only entertain an application that either reestablished the intermittent channel and/or develop a drainage system which both conveyed flows to alleviate surrounding flooding and did not displace discharge onto residents down gradient. Mr. Riel was advised that such plan was required in advance of the next regularly scheduled meeting in September. A motion to Delay was made by John Conte, second Rob Sisca. The motion carried 6-0.

Pending Modifications

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

The Staff Report prepared by Aleksandra Moch recommended the issuance of a permit. Appearing before the Agency on behalf of the applicant was Daniel Sherman. Mr. Sherman advised the Agency that he had no objections to the staff recommendations. John Conte questioned why the tennis court could not be placed over the septic system as an attempt to minimize site clearing. After short deliberation, a motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 5-1. *Rob Sisca did not support the recommendation.*

New Applications

#2009-80 – 865 Lake Avenue – Lawrence C. Liebers – Tax #11-2854 - DELAYED

The Staff Report prepared by Aleksandra Moch recommended a Delay. Appearing before the Agency on behalf of the applicant was Andy Toth. Also present were owner Larry Liebers and Gregory Pidluski, P.E. of Fuller Engineering & Land Surveyors. Mr. Toth summarized site activities and shared the difficulties related to entertaining and ultimately developing a tennis court in other areas of the property. Agency Director Michael Chambers advised that the site frontage was not a viable alternative, since it was associated with the subdivision set-aside area, and that the extreme rear of the property also was not ideal, as it bordered a large vernal pool system. Elliot Benton questioned whether a roadway would be constructed to gain access to the tennis court due to its extended distance to the residence. As a result of the many questions which remained, a motion to Delay was made by Martin Kagan, second Elliot Benton. The motion carried 6-0.

#2009-84 – 21 Norton Lane – Rajashrie and S. Bhasker – Tax #12-2539

The Staff Report prepared by Michael Chambers recommended the issuance of a permit. Appearing before the Agency was the owner, Rajashrie Bhasker. Mr. Bhasker noted that the construction plans were being updated to reflect staff comments, and further noted that he had no objections to the staff recommendations. A motion to approve was made by Martin Kagan, second Bill Galvin. The motion carried 6-0.

#2009-87 – 12 Guinea Road – Valentina Prouty – Tax #8-1860

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit. Ms. Andrews also requested that a condition be included to require the removal of stored materials within and adjacent to the wetland proper prior to the release of the cash performance bond. Tony D’Andrea of Rocco V. D’Andrea, Inc. was present and offered no objections to the staff recommendations. A motion to approve was made by Elliot Benton, second Bill Galvin. The motion carried 6-0.

#2009-88 – 31 North Porchuck Road – Hese Limited, Trustee – Tax #10-1931

The Staff Report prepared by Aleksandra Moch 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 offered no objections to the staff recommendations. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 5-0-1. *Elliot Benton abstained.*

#2009-89 – 6 Golf Club Road – Peter Clauson – Tax #11-2866

The Staff Report prepared by Doreen Carroll-Andrews recommended the issuance of a permit to maintain driveway modifications and a stone bridge. Brian McMahon, P.E. of Redniss & Mead, Inc. and owner Peter Clauson were present and offered no objections to the staff recommendations. A motion to approve was made by Martin Kagan, second John Conte. The motion carried 6-0.

Old Business

Application #2001-187 – Permit #2001-145 – 3 Carriage Road – Edward Martino

Bob Clausi provided the Agency with an oral update of activities associated with the resolution of a violation previously acted upon. Mr. Clausi noted that Mr. Martino had failed to complete specific requirements prior to the Agency imposed deadline. Despite the failure, it was Mr. Clausi’s position that the remediation plan was acceptably under way and that an extension was reasonable. Both the permittee, Edward Martino, and the contractor responsible for the violation, John Servidio, were present to address the Agency. Mr. Servidio was warned by the Chairman and Vice Chairman of his responsibility as a contractor carrying out regulated activities on behalf of homeowners. Mr. Servidio acknowledged the oversight and assured Agency members that future projects involving wetland and watercourse areas would involve direct communication with staff. After hearing all testimony, the Agency agreed to extend the deadline. While an extension was granted, a second deadline was not established. Agency staff is asked to closely monitor activities on site and advise the Agency immediately if work is not progressing in a normal and steady pace. No Agency action was taken.

Bond Releases

1. Application #95-172 - Permit #95-175 for Jeremy Kaye, Trustee - 20 Cathlow Drive. \$8,000 bond to be released to Jeremy Kaye, Trustee.

2. Application #98-121 – Permit #98-127 for Eilhys England – 260 Riversville Road. \$5,000 bond to be released to Eilhys England.
3. Application #98-152 - Agent Approval #98-35 for Alan Berlin - 10 Gaston Farm Road. \$500 bond to be released to Alan and Renee Berlin.
4. Application #98-249 - Agent Approval #99-7 for Debra Ciampi - 91 Pecksland Road. \$500 bond to be released to Richard Kolman and Debra Ciampi.
5. Application #98-250 – Agent Approval #99-08 for Regis and Joy Philbin – 38 Meeting House Road. \$500 bond to be released to RDH Contracting, Inc.
6. Application #99-46 – Permit #99-53 for Philip Gunn – 64 Zaccheus Mead Lane. \$500 bond to be released to Philip Gunn.
7. Application #00-114 – Agent Approval #00-50 for Westchester Decorating Company - 19 Sidney Lanier Lane \$500 bond to be released to Westchester Decorating Company.
8. Application #02-60 – Permit #02-75 for Colleen Barnswell – 586 North Street. \$8,000 bond to be released to Colleen Simmons and Carlton Barnswell.
9. Application #03-22 – Permit #03-51 for Bradley Mock – 303 Stanwich Road. \$1,500 of the \$3,000 bond to be released to Bradley Mock.
10. Application #03-30 – Agent Approval #03-12 for Scott and Diana Seaton – 61 Londonderry Drive. \$1,000 bond to be released to Scott and Diana Seaton.
11. Application #04-32 – Permit #04-33 for Alf Aanonsen – 55 Will-Merry Lane. \$2,000 bond to be released to Alf Aanonsen.
12. Application #04-124 – Permit #04-109 for Greenwich Academy, Inc. – 16 Ridgeview Avenue. \$2,000 bond to be released to Greenwich Academy.
13. Application #04-176 - Permit #04-131 for Daniel Mannion - 31 Tomac Avenue. Remaining \$1,000 of the original \$6,000 bond to be released to Daniel Mannion.
14. Application #06-05 – Permit #06-27 for Tobin and Luisa Cobb – 18 Red Top Road. \$6,000 of the \$8,000 bond to be released to Tobin and Luisa Cobb.
15. Application #06-35 – Agent Approval #06-06 for Harry and Cathy Totonis – 14 Chieftans Road. \$1,000 bond to be released to Cathy and Harry Totonis.
16. Application #07-103 – Agent Approval #07-29 for Gregg and Katherine Watner – 27 Orchard Drive. \$1,000 bond to be released to Gregg and Katherine Watner.
17. Application #07-194 - Permit #07-141 for Eric and Trish Lindberg - 11 Buena Vista Drive. \$1,000 bond to be released to Eric and Trish Lindberg.

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A motion to approve the release of the cash performance bonds was made by Martin Kagan, second Bill Galvin. The motion carried 6-0.

The meeting adjourned at 10:20 p.m.

Michael N. Chambers
Wetlands Director