

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
April 23, 2019**

I. CALL TO ORDER

Mr. Verel called the meeting to order at 6:00 p.m.

II. ROLL CALL

Ms. Cherichetti took the roll call.

PRESENT: John Verel, Chair; Karen Destefanis, Vice Chair; Ed Holowinko; John Moeling; Robert Mercurio; Lisa Shanahan; and Thomas Keegan

III. RECEIPT & DISCUSSION

- a) **#S19-531 – 230 West Norwalk Road – Morain** – Construction of a single family dwelling with associated driveway, septic system and stormwater management system within the upland review area of a watercourse

Ms. Cherichetti described the location of the subject property. She pointed out the location of the Five Mile River and associated wetlands at the rear of the property. It was noted that the applicant did not have any proposed regulated activities within the upland review area of these resources. However, there is also an intermittent watercourse on the northern side yard of the property and, due to the narrowness of the lot, most activity proposed is within the upland review area of this watercourse.

The origin of the lot was discussed, as well as the Subdivision Regulations and ‘free cuts’ of land.

Ms. Cherichetti noted the applicant was not present.

Ms. Destefanis asked how close the proposed building corner was to the watercourse. Ms. Cherichetti measured on the site plan and indicated the rear corner would be about eleven (11) feet and the front corner would be approximately twelve (12) feet from the top of the bank.

Mr. Holowinko asked if the applicant had submitted any alternatives to the proposal. He expressed concern regarding the proximity to the watercourse and the amount of activity within the upland review area. Ms. Cherichetti noted no alternatives were submitted.

Ms. Shanahan concurred with the concern about the proximity to the watercourse and further noted there was no vegetated buffer proposed. There was a discussion regarding the site development layout and whether the house could be rotated to increase the distance from the watercourse. There was a discussion regarding the septic fields and the percolation rate of the soils in that area.

Mr. Moeling asked if the application warranted a Significant Permit. Ms. Cherichetti suggested the Agency first relay their concerns to the applicant and then see if components of the application are amended prior to making that determination.

IV. DISCUSSION AND/OR DECISION

- a) **#S18-529 – 405 Rowayton Avenue – Vega** – Corrective Action work following filling and wall construction in and adjacent to a watercourse (Keelers Brook)

Ms. Cherichetti noted the public hearing for this application has been scheduled for the May 14, 2019 meeting.

Ms. Cherichetti distributed an email from Richard Roina, the applicant's attorney. She indicated she had encouraged the applicants to attend tonight's meeting so they could receive feedback and direction. It was noted they were not in attendance. There was a discussion regarding the Zoning Regulations and its section on work in Flood Hazard Zones.

Ms. Cherichetti reviewed the engineering study from Dean Martin, Grumman Engineering, which indicated none of the proposed scenarios meet the Zoning requirements for zero impact on the base flood elevation.

There was discussion regarding the rest of the application. Photographs of the property were reviewed. It was noted that the unpermitted work resulted in a significant amount of siltation within the watercourse and the proposed plan must include more detail, including the need for a property sedimentation & erosion control plan and a landscaping plan.

V. BOND RELEASE

- a) **#S15-472 – 6 Cayrns Way - DiScala** – Release of bond held (\$5,167.50) for construction of new two-family residence adjacent to a wetland and watercourse

Ms. Cherichetti noted a portion of the bond had already been released. The remaining portion was covering the wetland enhancement plantings. Ms. Hrtanek had recently completed a site inspection and noted the site and the planted area looked good and was in full compliance.

***** MS. DESTEFANIS MADE A MOTION TO RELEASE THE BOND.**

***** MR. MERCURIO SECONDED THE MOTION.**

***** THE MOTION PASSED UNANIMOUSLY.**

VI. PUBLIC HEARINGS (begin at 7:00PM)

- a) **#A19-068 – 10 Norden Place – Norwalk Center LLC** – Petition for Wetland Map amendment to remove previously delineated wetlands and watercourse at the southwestern corner of the property

Mr. Verel opened the public hearing. He explained the public hearing process to the audience members. Ms. Cherichetti took the roll call and then indicated that notice of the hearing had been published in The Hour and she had also received Certificates of Mailing from the applicant's representative, who had mailed notice to adjacent property owners.

Attorney Elizabeth Suchy, representing the applicant, gave a brief introduction. She described the general location of the property and the subject area. She gave an overview of the proposed change. She reviewed a brief history of the Inland Wetland Act and the definitions of wetlands and watercourses. She introduced Christopher Allan, soil scientist and professional wetland scientist with Land Tech.

Mr. Allan explained the location of the features. He was asked by the owners to verify the wetlands on the property. He noted there remain three wetlands on the property and there are no proposed changes to those. He described the history of the mapping of these features and then described the conditions he had observed. He distributed and pointed to photographs of the site that he had taken during various dates.

Mr. Allan discussed the criteria, as defined in the statutes, for intermittent watercourses. He noted it does not see the criteria necessary for calling the swale an intermittent watercourse. He noted the swale has no apparent connection, neither above nor below, to any other wetland or watercourse system.

Ms. Destefanis asked about the timing of rain events relative to the days the photos were taken.

Mr. Verel opened the hearing to public comment.

Mr. Holowinko asked if a second opinion was warranted.

Ms. Cherichetti encouraged the Agency members to go out to the site and look at the area in question.

John Carvajal spoke regarding the petition. He stated he has lived in the condominiums across the street for 13 years and he has never seen the swale carry water for longer than a storm event.

Alice Ramirez spoke. She stated she was president of the condominium association. She stated she had no problem with the proposed map amendment, but wanted to know why the property owners were doing this and what they were going to do with the property in the future.

Finding no other members of the public wishing to speak, Mr. Verel concluded the public comment period.

Mr. Keegan noted the Regulations requires that the petitioner state in writing the reason why the proposed change is being petitioned for. He asked the applicant why did they made this application.

Attorney Suchy stated the property owners simply want to update the map because new and additional information regarding the extent of wetlands has arisen.

Mr. Moeling had questions regarding the submitted map. He stated that they did not know the impact on other wetlands. Mr. Allan noted the areas in question have no apparent connection to any other wetlands or watercourses.

Ms. Cherichetti stated that she wanted to return to Mr. Holowinko's comment regarding getting a second opinion. She referenced the section in the regulations that discusses third-party review by an outside expert. She discussed the delineation and determination of wetlands and of watercourses. She noted she is not a soil scientist, and therefore cannot speak to whether or not these areas are underlain by soils that would define them as a wetland. She added that she is qualified to make the determination whether the features are an intermittent watercourse and read the definition aloud. She stated she concurred that the area's features do not meet the criteria for being defined as a watercourse. Therefore, if they were to require another outside expert, it would be to solely determine presence of wetland soils.

Mr. Allan discussed the previous delineation by AEI in the 1970's, who identified it as a watercourse, but not as wetland.

There was discussion regarding the swale and the evidence provided.

*** **MS. DESTEFANIS MADE A MOTION TO CONTINUE THE HEARING TO THE NEXT MEETING SO THAT ALL AGENCY MEMBERS HAVE THE OPPURTUNITY TO VISIT THE SITE.**

*** **MR. KEEGAN SECONDED THE MOTION.**

*** **THE MOTION PASSED UNANIMOUSLY.**

VII. APPROVAL OF MINUTES

a) April 9, 2019 meeting minutes

Decision on the minutes was tabled to the next meeting.

VIII. PUBLIC COMMENTS

There were none.

IX. COMMENTS OF STAFF

Ms. Cherichetti had no comments.

X. COMMENTS OF COMMISSIONERS

There were none.

XI. ADJOURNMENT

***** MS. DESTEFANIS MADE A MOTION TO ADJOURN.**

***** MR. HOLOWINKO SECONDED THE MOTION.**

***** THE MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 7:32PM.