

**NORWALK CONSERVATION COMMISSION MINUTES**

**CITY OF NORWALK  
CONSERVATION COMMISSION  
January 8, 2008**

**ATTENDANCE:** Andrew Kydes; Chris Handrinis; Matt Caputo; Emily Wilson; Ed Holowinko

**STAFF:** Alexis Cherichetti, Senior Environmental Officer

**CALL TO ORDER**

Mr. Caputo called the meeting to order at 6:33 p.m.

**ROLL CALL**

Ms. Cherichetti called the roll.

**RECEIPT AND DISCUSSION**

a) #S07-303 – 246 West Norwalk Road – Edgerton – Construction of a new single family residence in and adjacent to a wetland and watercourse

Ms. Cherichetti explained that the Commission had somewhat recently reviewed this property when it was before them as a subdivision application. She added that the property owner is now seeking a permit to construct a new residence on the vacant lot created by the subdivision.

Mr. Edgerton, who identified himself as the owner, developer and eventual resident of the subject property, continued with an explanation of his proposal. He focused on describing the topography of the parcel and the design of the residence. He noted that the wetland began at the former edge of the pond.

Ms Cherichetti inquired if the Commissioners felt the applicant warranted a Significant Regulated Activity Permit. There was consensus that it did not.

b) #S07-304 – 770 Connecticut Avenue – Alyssa Holdings LLC – Renovation and expansion of existing building and construction of new parking garage adjacent to a wetland and watercourse

Mr. Cermele of Site Design Consultants provided an overview of the proposed project. He noted that the configuration of the proposed parking garage had been altered since the initial application submission and gave a summary of the proposed work.

Mr. Cermele expressed the applicant's desire to schedule the public hearing. Ms. Cherichetti noted that the application was still incomplete and suggested that the missing components of the application be submitted prior to the scheduling of the hearing.

## PUBLIC HEARING

a) #S07-298 – 166 Fallow Street – Ceja – Continuation of Public Hearing - Corrective Action stabilization, restoration and planting in a pond

Ms. Cherichetti called the roll.

Ms. Cherichetti noted that the applicant was not present. She reminded the Commission that the hearing was continued because of the submission of new material by the applicant at the commencement of the hearing during the previous meeting. She recalled that no members of the public appeared at the initial opening of the hearing to speak.

Mr. Caputo confirmed that there were no members of the public in the audience that wished to speak on the application.

**\*\* MR. KYDES MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR APPLICATION #S07-298.**

**\*\* MS. WILSON SECONDED THE MOTION.**

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

b) #S07-301 – 14 Hunters Lane – Su – Commencement of Public Hearing - Dredging of pond, with associated excavation and filling, in and adjacent to a wetland and watercourse

Ms. Cherichetti provided a brief description of the proposed work. Mr. Su, property owner, further explained the reasons for his request to dredge the pond.

Ms. Cherichetti noted the lack of a clear dewatering plan and any buffer between the lawn area and the pond.

**\*\* MS. WILSON MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR APPLICATION #S07-301.**

**\*\* MR. HOLOWINO SECONDED THE MOTION.**

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

## PERMIT MODIFICATION

a) #S06-252A – 25 Huckleberry Drive South – Tarala III – Permit Modification to allow expanded foundation footprint adjacent to a watercourse

Mr. Caputo announced that he would be recusing himself from discussion of this application and left the room.

Ms. Cherichetti reminded the Commission of the activities approved in the original 2006 permit. She noted that the applicant now sought to extend the house footprint into an area that was approved for a rear deck.

Various Commissioners noted that they had no issues with the request and asked that Ms. Cherichetti draft a possible resolution for approval of the change at the next meeting.

## DISCUSSION &/or DECISION I

a) #S07-294 – 76 West Norwalk Road – Lato – Corrective Action restoration of watercourse and riparian wetlands along the Five Mile River

Ms. Cherichetti provided a very brief chronological overview of the application while Commissioners reviewed their notes.

**\*\* MR. KYDES MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL LIKELY MITIGATE THE NEGATIVE IMPACTS ON THE WETLAND OR WATERCOURSE THAT RESULTED FROM THE PREVIOUS NON-PERMITTED ACTIVITIES;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-294, FOR CORRECTIVE ACTION RESTORATION IN AND ADJACENT TO WETLANDS AND A WATERCOURSE, BE GRANTED TO DOMINICK LATO, JR., FOR PROPERTY AT 76 WEST NORWALK ROAD, NORWALK, CT [5-70-24], WITH THE FOLLOWING CONDITIONS:

1. A \$2,840.00 BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS,

AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

2. AS DETAILED IN PROPOSED WORK ITEM #2 OF THE PLAN ENTITLED, "RESTORATION PLAN @ RIVER'S EDGE", DATED NOVEMBER 28, 2007, THE APPLICANT SHALL CAUSE TO HAVE A SOIL SCIENTIST INSPECT THE SITE PRIOR TO COMMENCEMENT OF WORK AND DETERMINE THE AMOUNT OF FILL TO BE REMOVED WITHIN THE FIRST FIFTEEN (15) FEET OF THE RIVER'S EDGE. FOLLOWING COMPLETION OF THE REMOVAL, A SOIL SCIENTIST SHALL CERTIFY THE REMOVAL OF THE NEWLY PLACED MATERIAL IN THIS AREA.

3. WORK ITEM #2 OF THE PLAN ENTITLED, "RESTORATION PLAN @ RIVER'S EDGE", DATED NOVEMBER 28, 2007 BY ENVIRONMENTAL LAND SOLUTIONS, LLC, SHALL BE MODIFIED TO REQUIRE THAT THE FIFTEEN (15) FEET OF LAND ADJACENT TO THE RIVER BE RETURNED TO PRE-DISTURBANCE ELEVATIONS.

4. IMMEDIATELY FOLLOWING COMPLETION OF WORK ITEMS #1 & 2, THE EXISTING COIR LOGS SHALL BE REINSTALLED ON THE SLOPED BANK OF THE RIVER. THE LOGS SHALL BE STAKED IN PLACE WITH WOODEN STAKES.

5. WITHIN FIVE (5) DAYS OF COMPLETING PROPOSED RE-GRADING, THE MITIGATION BUFFER AREA SHALL BE ENHANCED WITH THE PLANTING PLAN DESCRIBED ON THE PLAN ENTITLED, "RESTORATION PLAN @ RIVER'S EDGE", DATED NOVEMBER 28, 2007 BY ENVIRONMENTAL LAND SOLUTIONS LLC. THE MITIGATION AREA IS DEFINED AS THE LAND AREA WITHIN SEVENTY (70) FEET OF THE EDGE OF THE FIVE MILE RIVER. THE AREA WITHIN THE MITIGATION BUFFER AREA SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN. THE "NEW MEADOW" AREA MAY BE MOWED NO MORE THAN TWICE IN ANY CALENDAR YEAR.

6. A PHYSICAL DEMARCATION BETWEEN THE PROPOSED LAWN AND NEW MEADOW SHALL BE INSTALLED. THE DEMARCATION SHALL BE IN THE FORM OF EITHER 30-36" BOULDERS PLACED 8-10 FEET OFF CENTER, TIMBER POSTS, MINIMUM FOUR FEET IN HEIGHT, PLACED 8-10 FEET OFF CENTER, OR OTHER SOLUTION PRESENTED BY THE APPLICANT THAT IS APPROVED BY CONSERVATION STAFF.

7. THE ABOVE-DESCRIBED MITIGATION PLAN, INCLUDING THE REMOVAL OF NEWLY-PLACED MATERIAL, RE-GRADING, AND PLANTING SHALL BE



FULLY IMPLEMENTED WITHIN FIVE (5) MONTHS OF THE ISSUANCE OF THIS PERMIT.

8. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED “RESTORATION PLAN @ RIVER’S EDGE”, DATED NOVEMBER 28,2007 BY ENVIRONMENTAL LAND SOLUTIONS LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

\*\* MR. HANDRINOS SECONDED THE MOTION.

\*\* THE MOTION PASSED UNANIMOUSLY.

b) #S07-295 – 21 Knollwood Road – Cerra – Corrective Action piping and filling of a wetland and watercourse

Ms. Cherichetti reviewed the history behind the filing for this Corrective Action application. She noted that, as requested previously by the Commission, she sent them a memorandum with a draft resolution to approve the application. The resolution, she explained, included two possible modifications to the plan – vegetation of the proposed basin and the establishment of a watercourse buffer.

Mr. Cerra told the Commission that he would rather have a 2 ½ foot wide buffer that would not take up so much of his yard. Mr. Holowinko responded that he though a 5-foot wide buffer was more than fair.

\*\* MS. WILSON MOVED TO APPROVE THE FOLLOWING RESOLUTION:

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK’S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL LIKELY MITIGATE THE NEGATIVE IMPACTS ON THE WETLAND OR WATERCOURSE THAT RESULTED FROM THE PREVIOUS NON-PERMITTED ACTIVITIES;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-295, FOR CORRECTIVE ACTION PIPING OF A WATERCOURSE AND FILLING OF WETLANDS, BE GRANTED TO GIOVANNI AND AMIEE CERRA FOR PROPERTY AT 21 KNOLLWOOD ROAD, NORWALK, CT [5-80-203], WITH THE FOLLOWING CONDITIONS:

1. A \$2,190.00 BOND IS TO BE POSTED PRIOR TO RE-COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON

EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

2. TO PROMOTE THE PROPOSED SPREAD OF CAREX AND IRIS WITHIN THE PROPOSED 'CATCH BASIN', THE EXISTING LAYER OF GRAVEL SHALL BE REMOVED AND THE AREA SEEDED WITH A NATIVE SEED MIX DESIGNED FOR DETENTION BASINS, SUCH AS NEW ENGLAND EROSION CONTROL/RESTORATION MIX BY NEW ENGLAND WETLAND PLANTS, INC OR APPROVED ALTERNATIVE SEED MIX.

3. IN ADDITION TO THE VEGETATION DETAILED ON THE PLAN ENTITLED, "MITIGATION PLANTING PLAN", DATED 12/19/2007 BY WETLAND RESOURCE, LLC, A WATERCOURSE BUFFER, WITH A MINIMUM WIDTH OF FIVE (5) FEET, SHALL BE ESTABLISHED ADJACENT TO THE TWO REMAINING PORTIONS OF THE WATERCOURSE ON THE PROPERTY. THIS WATERCOURSE BUFFER SHALL BE ENHANCED WITH THE PLANTING OF A MINIMUM OF THIRTEEN (13) SHRUBS. THE SHRUBS SHALL BE NATIVE TO CONNECTICUT AND BE AT LEAST THIRTY INCHES (30") IN HEIGHT AT THE TIME OF PLANTING. THE AREA WITHIN THE WATERCOURSE BUFFER AREA SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN OR MANICURED GARDENS.

4. THE ABOVE-DESCRIBED MITIGATION PLAN, INCLUDING THE WORK DETAILED ON THE PLAN ENTITLED, "MITIGATION PLANTING PLAN" DATED 12/19/07 BY WETLAND RESOURCE LLC, "LANDSCAPE PLAN", DATED 12/31/2007 BY GIOVANNI CERRA, AND THE WORK DESCRIBED IN SPECIAL CONDITIONS #2 AND 3 ABOVE, SHALL BE FULLY IMPLEMENTED WITHIN FIVE (5) MONTHS OF THE ISSUANCE OF THIS PERMIT.

\*\* MR. HOLOWINKO SECONDED THE MOTION.

\*\* THE MOTION WAS PASSED UNANIMOUSLY.

c) #S07-299 – 70 Cranbury Road – Tarzia – Three (3) lot subdivision of land in wetlands and watercourses

Ms. Cherichetti noted that the applicant was not present. She confirmed that she had discussed the tenuous ownership of the 25-foot strip with the applicant's agent and advised the applicant to consider withdrawal until the ownership of that strip of land became more certain.

Ms. Cherichetti also noted that other components of the application remain incomplete.

d) #S07-302 – 213 West Rocks Road – Lionetti – Corrective Action restoration in and adjacent to a wetland and watercourse

The applicant was not present for discussion. The Commission noted that it wanted to ask the applicant's soil scientist questions regarding her delineated prior to rendering a decision. Ms. Cherichetti responded that she would contact the applicant.

## DISCUSSION &/or DECISION II

a) #S07-298 – 166 Fillow Street – Ceja – Continuation of Public Hearing - Corrective Action stabilization, restoration and planting in a pond

Mr. Caputo noted that he had no issues with the proposed restoration activities and asked that Ms. Cherichetti draft a resolution of approval with conditions for the Commission's review at the next meeting.

e) #S07-301 – 14 Hunters Lane – Su – Dredging of pond, with associated excavation and filling, in and adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the submitted materials. There was some discussion between staff and Commissioners regarding a planting plan and details regarding the dewatering of the pond.

Mr. Caputo asked that Ms. Cherichetti draft a resolution of approval for the Commission's review at the next meeting. He added that the resolution should address the discussed issues.

Ms. Cherichetti reminded the Commission that the applicant had also requested a reduction of the application fee. Ms. Wilson noted that the proposed work does not present either of the two narrow situations in which the Commission could grant such waiver.

**\*\* MR. KYDES MOVED TO DENY THE APPLICANT'S REQUEST FOR WAIVER OR REDUCTION OF THE FEE BECAUSE THE SITUATION DOES NOT MEET THE REQUIREMENTS OF THE INLAND WETLAND AND WATERCOURSES REGULATIONS.**

**\*\* MR. WILSON SECONDED THE MOTION.**

**\*\* THE MOTION WAS PASSED UNANIMOUSLY.**

**BOND RELEASE OR REDUCTION**

a) #S03-162A – 46 Carter Street – Sedona Group, LLC – Release of bond held for plantings associated with the construction of a new single-family residence adjacent to a wetland

Ms. Cherichetti reported that she had not yet had the opportunity to inspect the site, but had an inspection scheduled for later in the week.

#### COMMENTS OF STAFF

Ms. Cherichetti had no comments.

#### COMMENTS OF COMMISSIONERS

#### ADJOURNMENT

\*\* MR. KYDES MOTIONED TO ADJOURN.

\*\* MR. HANDRINOS SECONDED.

\*\* MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:25 pm.

