

**NORWALK CONSERVATION COMMISSION MINUTES**

**January 9, 2007**

Attendance: Anne Cagnina, Chair; Andy Kydes; Ed Holowinko; Chris Handrinos; Karen Destefanis; Beth Ackerman (6:13 PM); D. Seeley Hubbard (6:22 PM); Matt Caputo (6:22 PM)

Staff: Alexis Cherichetti, Senior Environmental Officer; Sarah Rettger, Conservation Assistant

Others: Bill Edgerton; Vasili Tchersak

**CALL TO ORDER**

The meeting was called to order at 6:07 PM.

**ROLL CALL**

Ms. Cherichetti called the roll.

**PERMIT MODIFICATION**

a) #S05-215A – 74 Cranbury Road – Tarzia – Modification of permit to provide flood water storage with an underground tank system instead of the approved swale

Ms. Cherichetti said the application had been tabled at the applicant's request. She noted that the Commission was required to come to a decision by the January 23 meeting. She said she had suggested the applicant submit any new information by today, but none had been received. She said the Commission could choose to table the item until the next meeting or vote based on the available information.

The commissioners agreed to table the item.

**DISCUSSION/DECISION**

a) #S06-263 – 246 West Norwalk Road – Edgerton – Two-lot subdivision of land in and adjacent to wetland and watercourse

Ms. Cherichetti reviewed the application and noted that no major concerns were raised at the last meeting.

Ms. Cagnina reminded the applicant that the Commission's approval would address only the subdivision, and any future development would require additional approval.

**\*\* 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 CONSERVATION COMMISSION FINDS THAT ONE OF THE PROPOSED LOTS CONTAINS AN EXISTING SINGLE FAMILY RESIDENCE AND THAT THE DEVELOPMENT OF THE OTHER PROPOSED LOT COULD BE ACCOMPLISHED WITHOUT DISTURBANCE OF THE WETLAND OR UPLAND REVIEW AREA OF THE WETLAND;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S06-263, FOR THE SUBDIVISION OF LAND INTO TWO (2) BUILDING LOTS IN AND ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO WILLIAM H. AND ANN S. EDGERTON FOR PROPERTY AT 246 WEST NORWALK ROAD, NORWALK, CT, [DISTRICT 5, BLOCK 61, TAX LOT 35] WITH THE FOLLOWING CONDITIONS:

1. ANY SITE DEVELOPMENT OR ACTIVITY ON EITHER OF THE LOTS MAY REQUIRE THE PRIOR APPROVAL OF A CONSERVATION PERMIT. THIS CURRENT CONSERVATION PERMIT, FOR SUBDIVISION OF THE PROPERTY, DOES NOT REPRESENT AN APPROVAL TO ALTER ANY LAND ADJACENT TO ANY WETLAND OR WATERCOURSE OR WITHIN UPLAND REVIEW AREAS WITHOUT PRIOR APPROVAL OF THE CONSERVATION COMMISSION.
2. ANY CHANGE TO THE PLANS PRESENTED FOR THIS APPLICATION, ENTITLED "UTILITY PLAN OF PROPERTY PREPARED FOR WILLIAM H. EDGERTON, 246 WEST NORWALK ROAD, NORWALK CONNECTICUT", DATED JUNE 14, 2006, AS PREPARED BY WAYNE J. ARCAMONE, LAND SURVEYOR, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

\*\* MS. DESTEFANIS SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH FIVE IN FAVOR AND ONE ABSTENTION (MS. ACKERMAN).

b) #S06-264 – 27 Ferris Avenue – Tchersak – Construction of a multi-family (six-unit) residence in and adjacent to wetland and watercourse

Ms. Cherichetti noted that there had been suggestions of an expanded buffer and improved drainage, which the applicant had incorporated into a revised plan. She listed the modifications and conditions included in the draft resolution.

There was a brief discussion of drainage features.

\*\* MS. DESTEFANIS 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 CONSERVATION COMMISSION FINDS THAT THE IMPACTS  
OF THE PROPOSED ACTIVITIES, AS MODIFIED AND CONDITIONED BELOW,  
WILL NOT CAUSE SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS ON  
THE INLAND WETLANDS AND WATERCOURSE;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S06-264, TO CONSTRUCT A MULTI-  
FAMILY RESIDENCE ADJACENT TO A WATERCOURSE AND WETLAND BE  
GRANTED TO VASILI TCHERSAK FOR PROPERTY AT 27 FERRIS AVENUE,  
NORWALK, CT, [DISTRICT 5, BLOCK 65, TAX LOT 132] WITH THE  
FOLLOWING MODIFICATIONS AND CONDITIONS:

1. PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED  
ACTIVITY, THE APPLICANT SHALL PROVIDE PHOTO DOCUMENTATION OF  
THE SITE AND CROSS-REFERENCE THE PHOTOGRAPHS ON A SITE PLAN.  
PHOTOGRAPHS SHOULD REPRESENT WIDE-ANGLE VIEWS.
2. A \$ 2,800.00 PERFORMANCE 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 ONE FULL  
YEAR AFTER THE SEASON OF INITIAL PLANTING, INCLUDING ONE (1) FULL  
GROWING SEASON, 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 ANY BOND MONIES.
3. SILT FENCE SHALL BE INSTALLED IMMEDIATELY WEST OF THE  
PROPOSED STORMWATER SWALE. THE LINE OF SILT FENCE SHALL NOT  
ENCROACH THE WETLAND AREA.
4. UNLESS SPECIFICALLY MODIFIED BY THIS PERMIT, ALL SEDIMENTATION  
& EROSION CONTROLS SHALL BE INSTALLED IN THE LOCATIONS  
INDICATED ON THE PLAN ENTITLED "PROPOSED MULTIFAMILY  
CONSTRUCTION AT #27 FERRIS AVENUE – SITE PLAN", DATED NOVEMBER  
15, 2006 AND LAST REVISED DECEMBER 12, 2006 BY HKASSOCIATES.  
CONTROLS ARE TO BE PROPERLY INSTALLED, AND THEN CHECKED BY  
THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY SITE  
DISTURBANCE.

5. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR WEST OF THE ABOVE-DESCRIBED SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE.

6. EACH OF THE TWO (2) PROPOSED CATCH BASINS IN THE DRIVEWAY/PARKING AREA SHALL BE FITTED WITH A FILTER INSERT, AS DETAILED ON SHEET 3, ENTITLED, "PROPOSED MULTIFAMILY CONSTRUCTION AT #27 FERRIS AVENUE – DETAIL", DATED NOVEMBER 15, 2006 BY HKASSOCIATES, TRUMBULL, CT.

7. PRIOR TO THE COMMENCEMENT OF ON-SITE ACTIVITY, THE APPLICANT SHALL DEVELOP AND SUBMIT A STORMWATER MAINTENANCE PLAN TO THE CONSERVATION OFFICE FOR REVIEW AND APPROVAL. THE PLAN MUST INCLUDE A DETAILED ACTION PLAN AND SCHEDULE FOR THE INSPECTION, CLEANING, REPLACEMENT AND GENERAL MAINTENANCE OF THE CATCH BASINS AND CATCH BASIN INSERTS ON THE PROPERTY. THE ABOVE DETAILED PLAN AND SCHEDULE MUST MEET OR EXCEED THE RECOMMENDED SCHEDULE OF MAINTENANCE RECOMMENDED BY MANUFACTURER OF EACH DEVICE. THE OWNER, OR CONDOMINIUM ASSOCIATION AS APPLICABLE, OF THE COMMON ELEMENTS SHALL 1) PERFORM PROMPT SERVICE AND MAINTENANCE TO THE STORMWATER TREATMENT DEVICES ON THE PROPERTY IN THE MANNER AND FREQUENCY DETAILED IN THE APPROVED STORMWATER MAINTENANCE PLAN AND 2) PROVIDE DOCUMENTATION, UPON REQUEST OF THE CONSERVATION OFFICE, OF THE COMPLIANCE WITH, AND COMPLETION OF, THE PROTOCOLS DETAILED IN THE STORMWATER MAINTENANCE PLAN FOR EACH CALENDAR YEAR.

8. THE SITE PLAN, AS DEPICTED ON THE MAP ENTITLED "PROPOSED MULTIFAMILY CONSTRUCTION AT #27 FERRIS AVENUE – SITE PLAN", DATED NOVEMBER 15, 2006 AND LAST REVISED DECEMBER 12, 2006 BY HKASSOCIATES, TRUMBULL, CT, SHALL BE AMENDED TO INCLUDE THE FOLLOWING:

a) A DESIGNATED WETLAND BUFFER SHALL BE ESTABLISHED IMMEDIATELY WEST OF THE PROPOSED STONE RETAINING WALL AT THE WESTERN END OF THE PROPERTY. THIS BUFFER SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THIS AREA SHALL NOT BE MAINTAINED AS LAWN.

b) THE ABOVE-DESCRIBED BUFFER SHALL BE PLANTED WITH EIGHTEEN (18) SHRUBS. ALL SHRUBS THAT ARE PART OF THE WETLAND BUFFER PLANTING PLAN SHALL BE NATIVE TO CONNECTICUT AND A MINIMUM OF 30 INCHES IN HEIGHT AT THE TIME OF PLANTING. THIS WETLAND BUFFER PLANTING PLAN SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF

RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

c) THE PROPOSED SWALE/LEVEL SPREADER SHALL BE OVERSEEDDED WITH A NATIVE SEED MIX, SUCH AS “NEW ENGLAND CONSERVATION/WILDLIFE MIX” BY NEW ENGLAND WETLAND PLANTS, INC. WITHIN ONE (1) WEEK OF CONSTRUCTION/INSTALLATION OF THE SWALE.

9. ANY CHANGE TO THE OVERALL PLAN, EXCLUDING CHANGES TO THE PLAN AS REQUIRED BY ANY SPECIAL CONDITION, AS DEPICTED BY MAPS ENTITLED “PROPOSED MULTIFAMILY CONSTRUCTION AT #27 FERRIS AVENUE – SHEETS 1-3L”, DATED NOVEMBER 15, 2006 AND LAST REVISED DECEMBER 12, 2006 BY HKASSOCIATES, TRUMBULL, CT WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION.

10. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT, INCLUDING IMPLEMENTATION OF THE PLANTING PLAN, IS TO BE COMPLETED WITHIN TWO (2) YEARS.

\*\* MS. ACKERMAN SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH SIX IN FAVOR AND TWO ABSTENTIONS (MR. HANDRINOS AND MR. HUBBARD).

#### BOND RELEASE

a) #S05-253 – 10 Rowayton Court – Zabavsky – Request for bond release associated with construction of a pool and patio adjacent to wetland and watercourse

Ms. Cherichetti reviewed the application and recommended release.

\*\* MS. ACKERMAN MOVED TO RELEASE THE BOND.

\*\* MS. CAGNINA SECONDED THE MOTION.

\*\* THE MOTION PASSED UNANIMOUSLY.

b) #S05-221 – 29 Orchard Hill Road – LaPak – Request for bond release associated with landscaping and grading in and adjacent to watercourse

Ms. Cherichetti reviewed the application. She said the planting plan had been implemented, and recommended release.

\*\* MS. ACKERMAN MOVED TO RELEASE THE BOND.

\*\* MS. DESTEFANIS SECONDED THE MOTION.

\*\* THE MOTION PASSED UNANIMOUSLY.

## MINUTES

a) December 12, 2006

\*\* MS. DESTEFANIS MOVED TO APPROVE THE MINUTES.

\*\* MS. ACKERMAN SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH SIX IN FAVOR AND TWO ABSTENTIONS (MR. HUBBARD AND MR. HANDRINOS).

## COMMENTS OF STAFF

a) Minor Permits and Enforcement Actions

Ms. Cherichetti described the two minor permits she had issued. She also described a Notice of Violation in progress.

Ms. Ackerman asked for an update on violations issued in December.

b) Report of Senior Environmental Officer

Ms. Cagnina asked about the environmental consultants who had responded to the request for proposals. Ms. Cherichetti said approximately five consultants had submitted bids, and the next step was Common Council approval of the contracts. There was a discussion of logistics.

## COMMENTS OF COMMISSIONERS

a) Public education projects

Ms. Cagnina noted that Westport was offering a computer recycling event.

Ms. Cherichetti said she had revised the open space plan, and would e-mail it to the commissioners. She noted that the title was now "Conservation Opportunities."

Ms. Cherichetti reviewed the Commission's previous discussions of education projects. The commissioners suggested topics for a series of brochures. Mr. Caputo asked if information could be distributed through the schools. The commissioners discussed other venues for publicizing conservation issues.

## ADJOURNMENT

\*\* MR. CAPUTO MOVED TO ADJOURN.

\*\* MS. ACKERMAN SECONDED THE MOTION.  
\*\* THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 7:28 PM.

