

NORWALK CONSERVATION COMMISSION MINUTES

JANUARY 22, 2002

ATTENDANCE: Matthew Caputo, Chairman; Andrew Kydes; Gerard Sciabbarrasi;

Lester Bell; Marny Smith (Alternate); Karen DeStefanis (6:10)

STAFF: Michael Greene, Director of Planning & Zoning; Cheryl Vallerie

The Chairman called the meeting to order at 6:05 p.m.

RECEIPT OF APPLICATION

LEMONE-10 BLUE MOUNTAIN ROAD -SO2-88 CONSTRUCTION OF A SINGLE- FAMILY HOUSE.

Mr. Greene stated that the application was complete with alternative plans for review.

**** MR. SCIABBARRASI MOVED TO ACCEPT THE APPLICATION AS COMPLETE.**

**** MR. BELL SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Jason Sarro, ASW Construction Group, stated that the lot is 1/2 way up with flagged wetlands in the western WLI-5, with a 20' wetlands buffer. He said that the house had a 40' setback from the side entrance.

(Ms. DeStefanis arrived at 6:10 p.m.)

Mr. Sarro said there would be a three-car garage and that all the grading would be done within that buffer. He said that there was a 4" PVC drain onto the property that is flowing at all times. Mr. Sarro added that the roof drains are the majority cause of the wetlands. The standing water created by the drains led to a concern for the West Nile Virus. He said that the Applicant was not opposed to the 20' buffer and that he wanted the deadwood removed. Mr. Sarro stated that there were four drains on Lot 1 and two roof drains coming from Lot 9. He said that the Alternative Plan A provided for the wetlands buffer and a 40' setback. The Alternative Plan B showed the setback pushed back and included the grading and topography. Mr. Sarro stated that the original plan was best, as suggested by the Staff.

Ms. Smith inquired about the three-car garage. Mr. Sarro explained that the garage was superimposed into the original plan.

Mr. Sciabbarrasi asked if the original tree line would be kept. Mr. Sarro said it would and added that the debris would be cleaned by hand.

Mr. Sarro discussed the drainage issues and the resulting standing water. The property owner, Mr. Felix Lemone stated that the pipe was installed within the past three years and he was looking for to the Commission for help. Mr. Greene stated that the matter was a civil matter between the neighbors. The Chairman suggested that Mr. Leone discuss the issue with his attorney since the Commission could not get involved. Ms. Smith said the resolution of this issue was essential.

PERMIT MODIFICATION

MERRITT RIVER PARTNERS 10 & 20 GLOVER AVENUE ALTERATION TO BRIDGE CONSTRUCTION ACCESS IN THE NORWALK RIVER

Mr. Greene stated that a Change of Ownership needed to be reviewed and this matter would be on hold for two weeks.

DECISION

PHILLIPS - 11 BITTERSWEET TRAIL - SO1-84 "CORRECTIVE-ACTION" APPLICATION TO REMOVE DRAINAGE SYSTEM IN A WETLAND.

Mr. Caputo asked the staff for the last date for the decision. Ms. Valerie said that would be February 12, 2002.

Mr. Greene suggested that there should be conditions to the decision.

Mr. Don Strait, Grumman Engineering, explained that the water-flooded area had a new under-ground pipe to drain from south to north to the catch basin. He said that the earth mound was man made from dirt and asphalt with grading on the wetlands. He said that the wetlands were when there was overflow. There was a berm and mitigation planting for erosion control. Mr. Strait noted that the willow tress clogged the pipes but since there were already there they would have to remain. He said there were other trees there as well.

Mr. Greene commented that the key was getting the pipe out of the wetland.

Ms. Smith commented that the trees were in the shade and that they would need fertilizer to keep them going, and questioned if Mr. Strait advised them of that. Mr. Strait stated that he offered an alternative plan.

**** MR. SCIABBARRASI MOVED TO APPROVE THIS ITEM WITH THE CITED**

SPECIAL CONDITIONS.

**** MR. BELL SECONDED.**

**** MOTION PASSED WITH FIVE (5) VOTES IN FAVOR AND ONE (1) ABSTENTION**

(MS. SMITH).

CITY OF NORWALK, PARKS AND RECREATION - FLAX HILL PARK - S01-86, DREDGING AND RESTORATION OF POND, ASSOCIATED WETLAND RESTORATION LANDSCAPING, AND CONSTRUCTION OF PARKING AREA.

Ms. DeStefanis asked about mosquitoes. Mr. Greene stated that in most cases, it was decided for no aeration.

Ms. Smith stated that there was an inlet to this point. Mr. Greene said that was correct and that inlet was pointed in shape. He said this was done for outflow from point A to point B.

**** MR. SCIABBARRASI MOVED TO APPROVE THIS ITEM WITH THE CITED**

SPECIAL CONDITIONS.

**** MS. DESTEFANIS SECONDED.**

**** MOTION PASSED WITH FOUR (4) VOTES IN FAVOR AND TWO (2) OPPOSED**

(MR. BELL AND MS. SMITH).

NEGLEY - 218 NEW CANAAN AVENUE - S01-83 CONSTRUCTION OF NEW SINGLE-FAMILY HOUSE AND DRIVEWAY IN AND ADJACENT TO WETLANDS, AND WATERCOURSES.

Ms. DeStefanis stated that there should be special conditions.

Ms. Smith asked who from the department oversees the digging. Mr. Greene stated that the Commission should oversee it.

**** MR. SCIABBARRASI MOVED TO APPROVE THIS ITEM WITH THE CITED**

CONDITIONS.

**** MS. SMITH SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

TAIYANIDES - 363 MAIN AVENUE - S01-85 "AFTER-THE-FACT" ADDITION TO THE REAR OF BUILDING AND DEMOLITION OF PORTION OF BUILDING.

Mr. Caputo asked for a time frame on this item. Ms. Vallerie stated that the date was February 12.

Mr. Greene stated that permission to remove the dam, an easement, and fish ladder or bypass were needed. He said that comments from the DEP were also needed. The Chairman stated that this would be subject to the conditions mentioned and that easement would be needed for this work to be done..

Mr. Greene stated that it would be better to remove the dam to protect the fish. Ms. Smith asked if approval was granted with the condition that the dam be removed for the fish ladder, would all the changed be done. Mr. Greene said that was correct.

Mr. Greene stated that this was a high priority. The Army Corp of Engineers was working on extending a trapezoidal channel in that area to Prairie Avenue. Mr. Greene said this was the first step in that project and that permission of the property owner was needed or it may have to be condemned.

The Chairman stated that the easement would be tabled.

Attorney Elizabeth Suchy, Tierney, Zullo, Flaherty & Murphy, P.C., stated that her clients, the applicants, were willing to work with the City, however the disadvantage was the unknown work entailed in order to grant the easement. She said her clients were willing to grant the easement but they needed to understand just what it covered. Mr. Greene stated that he and Alexis Cherichetti, the Senior Environmental Officer, would work with the DEP on the easement. Mr. Kydes said that the conditions would include the easement. Mr. Caputo noted that the Corporation Counsel's Office would review the Commission's motion.

**** MR. KYDES MOVED TO APPROVE THIS ITEM WITH THE CITED SPECIAL**

CONDITIONS.

**** MS. DESTEFANIS SECONDED.**

**** MOTION PASSED WITH FIVE (5) VOTES IN FAVOR AND ONE (1) ABSTENTION**

(MR. BELL).

**ENGLISH/KOLESZAR - 20 ELLS STREET - SUBD# 3519 - 3 LOT
SUBDIVISION ADJACENT TO WETLANDS AND A POND.**

Mr. Kydes stated that he had visited the site and noted that the neighbor's property was being encroached. He noted that the existing house had excess water that flowed to the drainage drains and that the neighbor's house had the pond. Mr. Greene said that the pond was built in 1978 without a permit.

Ms. DeStefanis said she was disturbed by the steep topography. She said it was not enough from the pond, the buffer was inadequate, and the house on Lot A would be too close.

Mr. Caputo commented that the issue was the closeness combined with the slope.

Mr. Bell stated that the buffer would be on a flat, then that would be nice, 50-60', that would be really steep.

Mr. Strait addressed the slope issue. He said that with the buffer, the house would be setback 50'. He said this was far from the corner of the lot and from the wetlands. He said dense plantings would be added to the buffer and that on the construction buffer, hay bails would provide a double barrier.

Ms. Smith asked where the buffer would be planted. Mr. Strait stated that there would be a silt fence line diagonally across the lawn or from Lot A to Lot B. Ms. Smith commented that there would be deciduous leaves into the pond if there were many more plants.

Mr. Sciabbarrasi asked if that was referring to a 2 lot subdivision. Mr. Strait said he was not.

**** MR. BELL MOVED TO DENY THE LOT 3 SUBDIVISION BASED ON
SLOPE AND**

SLOPE AND DRAINAGE PROBLEMS.

**** MR. SCIABBARRASI SECONDED.**

**** MOTION PASSED WITH FIVE (5) VOTES IN FAVOR AND ONE OPPOSED
(MR.**

KYDES).

The Chairman stated that this Motion would be denied without prejudice.

ACCEPTANCE OF MINUTES

December 11, 2001

No vote was taken on these minutes.

January, 8, 2002

**** MR. BELL MOVED TO ACCEPT THE MINUTES OF JANUARY 8, 2002 AS PRESENTED.**

**** MR. SCIABBARRASI SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

COMMENTS OF STAFF

Current violations

In regard to the list of violations, Mr. Caputo stated that Mike Rivas said there would 12-18" of asphalt. Mr. Greene added that the Engineer would need to certify the road, and that the City would be held harmless.

Mr. Greene stated that Taiyanides was not longer in violation.

COMMENTS OF COMMISSIONERS

The Chairman requested that future meetings of the Commission be held in Room 231, unless a larger room was needed.

ADJOURNMENT

**** MR. SCIABBARRASI MOVED TO ADJOURN.**

**** MR. BELL SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 7:15 p.m.

Respectfully submitted,

Gale Haskell

Telesco Secretarial Services

