

NORWALK CONSERVATION COMMISSION MINUTES

**CITY OF NORWALK
CONSERVATION COMMISSION
JANUARY 22, 2008**

PRESENT: Seeley Hubbard; Karen Destefanis; Andrew Kydes; Ed Holowinko; Emily Wilson; Elizabeth Ackerman; Gwen Briggs; Chris Handrinos

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Attorney David Waters; Aleksandra Moch

I. CALL TO ORDER

Mr. Hubbard called the meeting to order at 6:00 pm.

II. ROLL CALL

Ms. Cherichetti called the roll.

III. PERMIT MODIFICATION

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

Mr. Hubbard introduced the proposal. Ms. Cherichetti explained that this permit, to construct a new single family residence, was previously approved by the Commission. She explained that the proposed modification seeks only one change and that is to expand the footprint of the house in the rear. Ms. Ackerman asked if there had been any alternatives presented. A discussion followed concerning a proposed sliding glass door, which was the limiting factor behind the size of the proposed bump-out of the foundation.

Ms. Ackerman stated that she would like the proposed addition to be further from the wetland. Ms. Cherichetti noted that the proposed foundation would require minimal grading.

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

NOW BE IT RESOLVED THAT CONSERVATION APPLICATION #S06-252B, TO AMEND PERMIT #S06-252A TO ALLOW AN EXPANSION OF THE APPROVED FOOTPRINT ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO WILLIAM TARALA III FOR PROPERTY AT 25 HUCKLEBERRY ROAD,

NORWALK, CT, [DISTRICT 5, BLOCK 55, TAX LOT 67] WITH THE FOLLOWING CONDITIONS:

1. A \$7,600.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING AND WATERCOURSE RELOCATION (\$5,900.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST THREE (3) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

2. 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.

3. SILT FENCE OR HAY BALES SHALL BE INSTALLED ALONG THE LIMIT OF DISTURBANCE, IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED PROPOSED RESIDENCE & STREAM RELOCATION ALTERNATE PLAN (REVISED), DATED 7-11-06 AND LAST REVISED 8-30-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC. THE SILT FENCING IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.

4. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.

5. PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, A COMPREHENSIVE CONSTRUCTION PLAN FOR THE WATERCOURSE RELOCATION MUST BE SUBMITTED TO, AND APPROVED BY, THE CONSERVATION STAFF. THIS CONSTRUCTION PLAN MUST INCLUDE A DETAILED CONSTRUCTION SEQUENCE AND TIMELINE FOR THE RELOCATION WORK, INCLUDING DETAILS ON THE PROPOSED PIPE SIZE AND LOCATION, PIPE OUTLET PROTECTION MEASURES, THE DETAILS INVOLVED WITH THE TRANSFER OF FLOW TO NEW CHANNEL, AND CHANNEL STABILIZATION.

6. PRIOR TO COMMENCEMENT OF ANY SITE WORK, A PERCOLATION TEST SHALL BE PERFORMED TO VERIFY THAT THE AREA PROPOSED FOR THE RAIN GARDEN STORMWATER RETENTION AREA WILL PROPERLY PERFORM

WITH THE PROPOSED DESIGN. THE RESULTS OF THE PERCOLATION TEST, AS WELL AS ANY REQUIRED ALTERATIONS TO THE DESIGN MUST BE SUBMITTED TO, AND APPROVED BY, THE CONSERVATION STAFF PRIOR TO COMMENCEMENT OF ANY SITE WORK.

7. PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, THE EXACT LOCATION OF THE NEW WATERCOURSE CHANNEL SHALL BE STAKED IN THE FIELD AND APPROVED BY CONSERVATION STAFF.

8. ALL SHRUBS THAT ARE PART OF THE WETLAND MITIGATION PLANTING PLAN SHALL BE A MINIMUM OF 36 INCHES IN HEIGHT. ALL TREES THAT ARE PART OF PART OF THE WETLAND MITIGATION PLANTING PLAN SHALL HAVE A MINIMUM 2-INCH CALIPER AT THE TIME OF PLANTING. THE SEED MIX SHALL BE APPLIED AT A RATE OF ONE AND A HALF (1 1/2) TIMES THE MANUFACTURER'S SUGGESTED RATE. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED ADJACENT TO THE RELOCATED WATERCOURSE IN THE AREAS INDICATED ON THE APPROVED SITE PLAN. THE AREAS WITHIN THE DESIGNATED WETLAND BUFFER 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.

9. THE WETLAND MITIGATION PLANTING PLAN AS SHOWN ON THE PLAN ENTITLED PROPOSED RESIDENCE & STREAM RELOCATION ALTERNATE PLAN (REVISED), DATED 7-11-06 AND LAST REVISED 8-30-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC AND AS AMENDED BY #8 ABOVE, SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

10. THE APPLICANT SHALL CAUSE TO HIRE AN ENVIRONMENTAL MONITOR TO INSPECT THE SITE AND SUBMIT WRITTEN PROGRESS REPORTS TO THE CONSERVATION OFFICE THE REPORTS MUST DESCRIBE THE STATE OF SITE, THE CURRENT EFFECTIVENESS OF THE SEDIMENTATION AND EROSION CONTROLS, ANY REQUIRED WORK TO KEEP THE ACTIVITIES IN COMPLIANCE WITH THIS PERMIT, AND ANY OBSERVED IMPACTS TO THE WETLAND OR WATERCOURSE. THE ABOVE INSPECTION AND REPORTING SHALL OCCUR WEEKLY UPON THE COMMENCEMENT OF SITE WORK AND CONTINUE UNTIL THE COMPLETION OF THE WATERCOURSE RELOCATION AND STABILIZATION. INSPECTION AND REPORTING SHALL THEN CONTINUE BIANNUALLY FOR THE THREE (3) YEARS FOLLOWING IMPLEMENTATION OF THE WETLAND MITIGATION PLANNING.

11. THE APPLICANT SHALL CAUSE TO BE PREPARED AN AS-BUILT FOUNDATION SURVEY OF THE PROPERTY. THE AS-BUILT SURVEY SHALL ALSO INCLUDE ALL WETLANDS AND WATERCOURSES, THE AREA PREVIOUSLY DESCRIBED IN SPECIAL CONDITION #8 ABOVE NOTED AS THE

DESIGNATED WETLAND & WATERCOURSE BUFFER AREA, THE LIMIT OF DESIGNATED WETLAND BUFFER AREA NOTED AS THE LIMIT OF LAWN, AND A NOTE REFERRING THE READER TO THE CONSERVATION OFFICE FOR FURTHER INFORMATION ASSOCIATED WITH CONSERVATION PERMIT #S06-252. THE AS-BUILT PLAN SHALL BE FILED ON THE NORWALK LAND RECORDS BY THE APPLICANT, WITH TWO COPIES OF THE FILED MAP SUBMITTED TO THE CONSERVATION OFFICE.

WHEN THE PROPERTY IS TRANSFERRED FROM THE DEVELOPER TO NEW OWNER, EITHER A REDUCED COPY OF THIS MAP SHALL BE ATTACHED TO THE WARRANTY DEED OR THE WARRANTY DEED SHALL REFER TO THE MAP NUMBER ASSIGNED BY THE TOWN CLERK TO THE ABOVE-DESCRIBED FILED SURVEY MAP.

IN THE EVENT THAT THE PROPERTY IS SOLD PRIOR TO THE AS-BUILT SURVEY BEING AVAILABLE, A REDUCED COPY OF THE APPROVED SITE PLAN, ENTITLED PROPOSED RESIDENCE & STREAM RELOCATION ALTERNATE PLAN (REVISED), DATED 7-11-06 AND LAST REVISED 8-30-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC SHALL BE ATTACHED, AS A REDUCED COPY, TO THE WARRANTY DEED.

NO PORTION OF THE PERFORMANCE BOND SHALL BE RELEASED UNTIL THIS CONDITION IS SATISFIED.

12. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN TWO (2) YEARS OF COMMENCEMENT.

13. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED PROPOSED RESIDENCE & STREAM RELOCATION ALTERNATE PLAN (REVISED), SHEETS 1-2Î, DATED 7-11-06 AND LAST REVISED 8-30-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MS. WILSON SECONDED.

** THE MOTION CARRIED WITH FIVE IN FAVOR AND TWO IN OPPOSITION (MS. ACKERMAN & MR. HOLOWINKO).

b) #S02-129A – 24 Belden Avenue – AvalonBay Communities, Inc. – Extension of permit expiration

Mr. Hubbard introduced the proposal. Ms. Cherichetti explained that the work has not yet begun and that other than the extension, there are no requests of modifications to the existing permit. Mr. Hubbard asked why the work had not yet been completed. Mr. Waters, attorney representing the applicant, explained that AutoZone brought a lawsuit against his client that stemmed from a previous agreement that forbade that AutoZone's

signs be obstructed. Mr. Waters noted that because AutoZone is now moving across the street, the issue dissolves.

**** MS. DE STEFANIS MOVED TO APPROVE THE REQUEST FOR AN EXTENSION OF PERMIT EXPIRATION DATE.**

**** MS. ACKERMAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

c) #S03-149A – 39 Lois Street – Roundtree Development, LLC – Extension of permit expiration

Mr. Hubbard introduced the proposal. Ms. Cherichetti explained that the permit was due to expire in June of 2008. She stated that the property is adjacent to a watercourse. She added that the applicant has been seeking variances and had noted “permitting difficulties” in his submitted narrative, but these have nothing to do with the wetland permit.

**** MS. ACKERMAN MOVED TO APPROVE THE REQUEST FOR AN EXTENSION OF PERMIT EXPIRATION DATE.**

**** MR. HUBBARD SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

IV. DISCUSSION &/or DECISION

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

Mr. Hubbard introduced the proposal. Ms. Cherichetti stated that the applicant applied for this ‘corrective action’ application after being cited for dredging the pond without a permit last summer. A discussion followed concerning the details of the property, including the steep grade, the retaining wall, and possible “no-mow” buffer zones. Mr. Hubbard suggested that a ten-foot wide area adjacent to the pond be maintained as a meadow or be planted with at least 10 shrubs.

**** MS. ACKERMAN 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 AMELIORATE THE NEGATIVE IMPACTS ON THE WATERCOURSE THAT RESULTED FROM THE PREVIOUS ACTIVITIES;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-298, FOR CORRECTIVE ACTION RESTORATION OF A WATERCOURSE, BE GRANTED TO JORGE CEJA, FOR PROPERTY AT 166 FILLow STREET, NORWALK, CT [5-56-769], WITH THE FOLLOWING 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 \$6,500.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$5,00.00) 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. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND
3. THE SUBMITTED SITE PLAN, WHICH INCLUDES THE IMPLEMENTATION OF THE PROPOSED RE-GRADING OF THE POND AND PLANTING, SHALL BE FULLY IMPLEMENTED WITHIN TWELVE (12) MONTHS OF ISSUANCE OF THIS PERMIT.
4. ALL WORK WITHIN THE POND, EXCLUDING THE INSTALLING OF PLANTINGS, IS LIMITED TO OCCUR ONLY DURING TYPICAL LOW FLOW CONDITIONS WITHIN THE DATES OF JULY 1 AND SEPTEMBER 30 OF ANY GIVEN CALENDAR YEAR.
5. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED IN AREAS UPHILL OF THE POND AS REQUIRED BY THE CONSERVATION STAFF. ANY REQUIRED SEDIMENTATION AND EROSION CONTROL MUST REMAIN PROPERLY INSTALLED UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.
6. THE POND BANK AND BUFFER ENHANCEMENT PLAN, AS DETAILED IN THE PLAN ENTITLED, "SITE PLAN; CEJA RESIDENCE, 166 FILLow STREET, NORWALK, CT"., BY MATT POPP, ENVIRONMENTAL LAND SOLUTIONS, LLC, DATED OCTOBER 30, 2007 AND LAST REVISED DECEMBER 13, 2007,

SHALL BE MODIFIED TO INCLUDE, IN ADDITION TO THE PLANTINGS SHOWN, THE ESTABLISHMENT OF A TEN (10) FOOT WIDE WATERCOURSE BUFFER ALONG THE EASTERN EDGE OF THE POND. THIS TEN-FOOT WIDE BUFFER MAY BE PLANTED WITH ADDITIONAL NATIVE SHRUBS OR MAY BE MAINTAINED AS A MEADOW AND MOWED NO MORE THAN TWICE IN ANY CALENDAR YEAR. ALL SHRUBS SHALL BE A MINIMUM OF THIRTY INCHES (30") IN HEIGHT AT THE TIME OF PLANTING; ALL PLANTS MUST BE NATIVE TO CONNECTICUT.

7. THE POND BANK AND BUFFER ENHANCEMENT PLAN, WHICH INCLUDES THE IMPLEMENTATION OF THE ABOVE-DESCRIBED PLANTINGS, SHALL BE FULLY IMPLEMENTED WITHIN TWO (2) MONTHS OF COMPLETION OF THE POND BANK REGRADING.

8. ALL DISTURBED AREAS MUST BE SEEDED AND MULCHED WITHIN TWO (2) DAYS OF COMPLETION OF THE POND BANK REGRADING AND/OR RELOCATION OF PREVIOUS DREDGED SPOILS.

9. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN TWELVE (12) MONTHS OF THE RECONVENING OF ACTIVITY.

** MS. DE STEFANIS SECONDED.

** MOTION PASSED UNANIMOUSLY.

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

Mr. Hubbard introduced the proposal. Ms. Cherichetti explained that the application is waiting until ownership of the adjacent property is established. She stated that the current application is incomplete.

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

d)

Mr. Hubbard introduced the proposal. Ms. Cherichetti stated that the public hearing regarding the proposal had opened and closed at the last meeting, however no members of the public came to speak. She recommended that if the Commission were to approve the application that they consider conditions requiring work only in low-flow conditions and inspection of de-watering system prior to operation.

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

RESOLVED THAT CONSERVATION APPLICATION #S07-301, FOR DREDGING OF A WATERCOURSE, BE GRANTED TO JY-HONG AND CHING-HUA VICKY SU, FOR PROPERTY AT 14 HUNTERS LANE, NORWALK, CT [5-56-480], WITH THE FOLLOWING 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. PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL DEVELOP A WETLAND/WATERCOURSE PLANTING PLAN WITH CONSERVATION STAFF. AT A MINIMUM, SUCH PLAN MUST INCLUDE THE ENHANCEMENT AND ESTABLISHMENT OF A TEN (10) FOOT WIDE PLANTED BUFFER ADJACENT TO THE POND EDGE AND A MINIMUM FIVE (5) FOOT WIDE PLANTED BANK SHELF WITHIN THE POND. THIS TEN-FOOT WIDE BUFFER SHALL BE ENHANCED WITH A MINIMUM OF FOURTEEN (14) SHRUBS. THE POND BANK SHELF SHALL BE ENHANCED WITH A MINIMUM OF FIFTY (50) EMERGENT PLANTS. ALL SHRUBS SHALL BE A MINIMUM OF THIRTY INCHES (30") IN HEIGHT AT THE TIME OF PLANTING AND ALL EMERGENT PLANTS SHALL BE 2" PLUGS; ALL PLANTS MUST BE NATIVE TO CONNECTICUT.
3. A \$2,000.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$1,175.00) 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. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND
4. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL CONTACT THE SENIOR ENVIRONMENTAL OFFICER TO RECEIVE CONSENT TO BEGIN. DETERMINATION OF THIS 'CONSENT TO BEGIN' WILL BE BASED ON THE PROBABILITY OF MODERATE TO SEVERE STORM EVENTS DURING THE PROPOSED CONSTRUCTION PERIOD. WORK WITHIN THE RIVER SHALL OCCUR ONLY DURING PERIODS OF LOW FLOW CONDITIONS.
5. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED ALONG THE LINE LABELED WETLAND FLAG #1-3. THE SILT FENCING AND HAY BALES ARE TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK

ON SITE. ANY REQUIRED SEDIMENTATION AND EROSION CONTROL MUST REMAIN PROPERLY INSTALLED UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.

6. PRIOR TO BEGINNING OPERATION OF THE PROPOSED DEWATERING SYSTEM, CONSERVATION STAFF MUST BE CONTACTED. CONSERVATION STAFF SHALL INSPECT AND APPROVE THE PROPOSED INLET AND OUTLET SET-UP PRIOR TO OPERATION.

7. THE POND BANK SHELF AND WETLAND/WATERCOURSE PLANTING PLAN, FURTHER DESCRIBED ABOVE, SHALL BE FULLY IMPLEMENTED WITHIN TWO (2) MONTHS OF COMPLETION OF THE POND DREDGING.

8. DREDGED MATERIALS PLACED IN UPLAND AREAS SHALL BE SEEDED AND MULCHED WITHIN TWO (2) DAYS OF DEPOSITION.

9. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN THREE (3) MONTHS OF COMMENCEMENT OF ACTIVITY.

** MR. KYDES SECONDED.

** MOTION CARRIED WITH ONE ABSTENTION (ACKERMAN).

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

Mr. Hubbard introduced the proposal. Aleksandra Moch, a soil scientist, discussed the previously disturbed area and the proposed wetland buffer. There was a discussion of seepage of what seemed to be an active cesspool.. Ms. Cherichetti clarified that the commission could consider the deposition of fill and the seepage pollution as separate issues.

** MS. ACKERMAN MOVED TO DENY THE REQUEST TO WAIVE THE APPLICATION FEE.

** MS. DESTEFANIS SECONDED.

** MOTION CARRIED UNANIMOUSLY.

A discussion followed regarding whether the proposed activities were “Significant Regulated Activities” and should require a public hearing.

** MR. KYDES MOVED THAT A PUBLIC HEARING WAS NOT REQUIRED.

** MR. HUBBARD SECONDED.

** MOTION CARRIED WITH SIX IN FAVOE AND ONE OPPOSITION (ACKERMAN).

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

Mr. Hubbard introduced the proposal. Ms. Cherichetti gave a short summary of the proposed activity. A brief discussion followed concerning how to delineate the buffer adjacent to the wetland and watercourse.

** 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 NOT LIKELY RESULT IN ANY NEGATIVE IMPACTS ON THE WETLAND OR WATERCOURSE;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-303, FOR CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE ADJACENT TO A WETLAND AND A WATERCOURSE, BE GRANTED TO WILLIAM H. AND ANN S. EDGERTON, FOR PROPERTY AT 246 WEST NORWALK ROAD, NORWALK, CT [5-61-35], WITH THE FOLLOWING 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. SILT FENCE OR HAY BALES SHALL BE INSTALLED ALONG THE LIMIT OF GRADING DISTURBANCE, IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED "PROPOSED RESIDENCE; LOT 2 SITE PLAN", DATED 12-14-07BY DEAN MARTIN, GRUMMAN ENGINEERING, LLC. THE SEDIMENTATION & EROSION CONTROL IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE. THE CONTROL MUST REMAIN PROPERLY INSTALLED UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.

3. MATERIAL STOCKPILES, IF NEEDED, SHALL BE LOCATED ONLY WITHIN AREAS OF THE SITE THAT ARE MORE THAN FIFTY (50) FEET FROM THE WETLAND LIMIT LINE.

4. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.

5. AS STATED IN THE SUBMITTED APPLICATION MATERIALS, THE AREA EAST OF THE SITE FENCE SHALL REMAIN IN ITS NATURAL STATE AND PROVIDE A BUFFER AREA FOR THE ADJACENT WETLAND AND WATERCOURSE. ADDITIONALLY, THIS BUFFER SHALL BE ENHANCED WITH THE PLANTING OF A MIXTURE OF TWENTY-ONE (21) SHRUBS ALONG THE APPROXIMATELY FIVE FOOT WIDE STRIP JUST UPHILL OF THE SILT FENCE. THE SHRUBS MUST BE A MINIMUM OF THIRTY INCHES (30") IN HEIGHT AT THE TIME OF PLANTING. ALL PLANTS MUST BE NATIVE TO CONNECTICUT.

6. THIS DESIGNATED WETLAND/WATERCOURSE BUFFER AREA IS DEFINED AS THE LAND AREA WITHIN THIRTY (30) FEET EAST OF THE WETLAND LIMIT LINE INDICATED ON THE SUBMITTED SITE PLAN. THE AREA WITHIN THE WETLAND/WATERCOURSE BUFFER 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.

7. A \$2,900.00 BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING 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. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

8. THOUGH THIS PERMIT EXPIRES IN FIVE (5) YEARS, ALL REGULATED ACTIVITY MUST BE COMPLETED WITHIN TWELVE (12) MONTHS OF THE COMMENCEMENT OF SITE ACTIVITY.

9. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED "PROPOSED RESIDENCE; LOT 2 SITE PLAN", DATED 12-14-07BY DEAN MARTIN, GRUMMAN ENGINEERING, LLC WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MR. HOLOWINKO SECONDED.

**** MOTION CARRIED WITH SIX IN FAVOR AND ONE ABSTENTION (DESTAFANIS).**

g) #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. Hubbard introduced the proposal. Ms. Cherichetti stated that the application is still incomplete. The commission agreed that the application is not yet ready for a public hearing.

V. 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

Mr. Hubbard explained that the original owner is seeking release of the bond. Ms. Cherichetti noted that 77% of the required plants appeared to still be alive. She added that all other permit conditions have been met. The Commission noted that in that past 80% or higher survival has been required. Following some discussion, Mr. Hubbard suggested that the request be tabled to the first meeting of April.

VI. COMMENTS OF STAFF

Ms. Cherichetti stated that the Environmental Compliance Officer, Yarifalia Bletsas, is now working and she encouraged Commissioners to stop by and introduce themselves.

Ms. Cherichetti distributed possible revisions to the fee schedule in the Inland Wetland and Watercourses Regulations. A discussion of the fee schedules of various Fairfield County towns followed.

VII. COMMENTS OF COMMISSIONERS

Ms. Briggs was welcomed to the commission.

VIII. ADJOURNMENT

**** MR.HANDRINOS MOTIONED TO ADJOURN.**

**** MR. KYDES SECONDED.**

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 7:28 pm.

Respectfully submitted by Charlene Smith

