

NORWALK CONSERVATION COMMISSION MINUTES

JANUARY 24, 2005

ATTENDANCE: Ann Cagnina, Acting Chair; Matthew Caputo (5:39); Susan Llorca; Elizabeth Ackerman; Kathy DeStefanis; Marny Smith; Ed Holowinko; Chris Handrinos (5:40) Andy Kydes.

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Michael Greene, Planning & Zoning; Attorney Amy J. Livolsi; Attorney Liz Suchy; Steven McAllister, McChord Engineering; Frederick Canevari; Joseph DiNero, Mr. & Mrs. Henryk Lisowski; Clay Fowler; Anthony Carlo; Kate Throckmorton, Environmental Land Solutions.

CALL TO ORDER

Ms. Cagnina called the meeting to order at 5:30 p.m.

ROLL CALL

Ms. Cherichetti called the roll.

REFERRALS

a) Zoning Commission - #10-05SR/#20-05SP – 8 Norden Place – Norden Place LLC – Proposed Regulation Amendment to Section 118-711 (Restricted Industrial Zone) of the Zoning Regulations to allow multi-family housing by special permit

Mr. Michael Greene, Director, Planning & Zoning, discussed amending the current zoning regulations in order to allow multi-family housing by special permit in this area. Ms. Ackerman questioned impervious uses of the property. Ms. Smith brought up the question of non-point pollution issues. Ms. Cherichetti said there was nothing precluding having light industrial and residential zoning on the same parcel. Ms. Cagnina asked Mr. Greene to run down the timeline again for application presentations to the various commissions and committees.

Ms. Ackerman questioned the language of the existing regulations in 118-711 and read the sentence aloud. She said she had concerns about the part of the regulation referring to purpose and intent. She asked if there had been a planning study done at the time the regulations were written, or what other uses might have been in their minds at that time; were residential uses considered “inappropriate” uses at that time? Mr. Greene said he did not know, but offered that the City is looking into all the industrial zones throughout Norwalk and revisiting the regulations to see what could possibly be modified.

Ms. DeStefanis asked if a public hearing had been scheduled for 8 Norden Place on February 14th. Ms. Cherichetti said there would be a zoning permit and regulation application approved in the same night. There was some discussion between Commissioners on whether it was worth holding the public hearing prior to the Zoning Commission holding their meeting to decide on their amendment. During this discussion, Ms. Ackerman said she was still unclear as to what could be built or not built, and Ms. Smith questioned the difference between light industrial and low scale industrial areas. Mr. Clay Fowler, a principal in 8 Norden Place, offered to clarify the point that Ms. Smith questioned.

Ms. Cagnina asked if the Commission wanted to say what they wanted to see in this development. Ms. Ackerman said it was difficult to see in the abstract what might happen to the parcel in the future.

Ms. Cherichetti suggested the Commission come up with some factors for the Zoning Committee to consider at their meeting. Ms. Smith questioned the carrying capacity of the city's infrastructure and said this was a wonderful piece of open space. She felt there were other areas of Norwalk that were more appropriate for this type of dense redevelopment use, and would not like to see the application granted. She cited a letter from a neighbor with concerns about the impact on the homes and neighborhood.

Ms. Cagnina said the Commission should make a statement for the Zoning meeting. She asked that the Commissioners send her their comments to pull together into one document.

RECEIPT/DISCUSSION

a) #S06-241 – 390 Flax Hill Road – Carlo – Corrective Action clearing, grading and deposition in and adjacent to a wetland

Ms. Cherichetti gave a brief overview of the original application and the Cease & Desist order. Mr. Carlo described the cleaning of the property and said that he had not cut any trees down as it stated on the Cease & Desist order. Ms. Cagnina asked Mr. Carlo to provide a new map showing what was coming out of the property and what was going in. The applicant stated he wanted to remove a row of hemlock trees, relocate two sheds and clean up the property. On the current map the Commissioners were viewing, Mr. Carlo indicated the row of hemlock trees that he wanted to dig up and relocate. The Commissioners had difficulty reading the map and questioned him several times on the location of the wetland line. Mr. Carlo said all he wanted to do was to cut down seven or eight swamp maples, remove the hemlocks, and replant them.

Several members of the Commission stated that Mr. Carlo's plan was not clear enough and the map he provided was very confusing. It was determined that Mr. Carlo had not provided a proper plan and would have to submit one that was more understandable and a clearer, better drawn map. Mr. Carlo said he was very frustrated because this situation has been going on since the past August and all he wanted to do was get the work

completed before his work season begins to get busy.

It was determined that the Commission will not make a decision on the applicant's proposal until he resubmits a better plan and description and a clearer map. Ms. DeStefanis suggested Mr. Carlo might wish to hire a soil scientist to determine the true wetland line.

Mr. Carlo said he just wanted to be done with the whole thing. Mr. Caputo suggested that Mr. Carlo talk with Ms. Cherichetti about what needs to be done. Mr. Carlo said he has spoken with Ms. Cherichetti several times, most recently just prior to this meeting. He indicated his frustration again before leaving.

No action was taken on this item.

PUBLIC HEARINGS (to commence starting at 7:00 p.m.)

Ms. Ackerman, Ms. Smith, and Mr. Kydes recused themselves from the Public Hearing.

Ms. Cherichetti called the roll. Commissioners Caputo, Cagnina, Handrinos, Llorca and Holowinko were present.

a) #S05-235 – 12 Allen Road – Canevari – Construction of a new single-family residence in and adjacent to a wetland and watercourse

Ms. Cherichetti stated that the notice of hearing had been posted according to regulations. She said the Commission had not received any opinion yet from the Law Department regarding this application. She said there was no opinion from staff other than the filed map was not binding without a deed, and indicated there was no new information in the file. Mr. Caputo asked if there had been a title search or anything presented by the attorney. Ms. Cherichetti said no, there hadn't been.

Mr. Steve McAllister of McChord Engineering, and Ms. Kate Throckmorton of Environmental Land Solutions spoke on behalf of the applicant. Mr. Canevari stated that he had received two tax bills for the divided property and had paid one of them. He said that he had divided many other properties in a similar manner in other areas of Norwalk over the years and that he always made sure the property maintained the correct zoning regulations.

Mr. Joseph DiNero (sp) submitted photos he had taken of the property. He said the photos show that the property is just one big lot, not two as Mr. Canevari indicated. Mr. DiNero said the lot borders Betts Brook and that, despite what Mr. Canevari said about the land not being wetland, showed photos that indicated ponding water. He said the land does not drain well. Mr. DiNero said that the key issue was that statements submitted by Environmental Land Solutions are not true. He said the lot measured 1.4 acres, not ½ an acre as stated previously. He said that in the February 7, 2005, Environmental Land Solutions report it discusses the land in question as one lot. Mr. DiNero said that the

applicant's receiving two tax bills on this property was similar to someone receiving 2 car tax bills, one for the engine and one for the body. Mr. DiNero said the lot subdivision is not legal.

Mr. Canevari rebutted Mr. DiNero's comments and said that he was applying for one lot with two parcels on it, parcel A-1 and parcel A-2. He said that A-1 retains all building rights, and A-2 is not to be built on.

Ms. Cherichetti recommended closing the hearing at this time. Mr. Caputo said that if there is money in the budget for the Commission to do a title search, then he felt it should be done. He said the Commission can get a memo from staff if the hearing is closed, and can include any information received from Corporation Counsel after the fact if they receive anything further.

** MS. DeSTEFANIS MOTIONED TO CLOSE THE PUBLIC HEARING.

** MR. HOLOWINKO SECONDED.

** MOTION PASSED UNANIMOUSLY.

Commissioners Smith, Kydes, and Ackerman returned to the meeting.

b) #S05-237 – 12 Willard Road – VCJ Development, LLC – Construction of two new multi-unit (14) residential structures, with associated drainage, parking and landscaping, in and adjacent to a wetland and watercourse

This item was withdrawn at the request of the applicant.

No action was taken on this item.

Ms. Cherichetti suggested the Commissioners amend the agenda in order to return to the Discussion/Decision I before going back and finishing the Receipt items.

** MS. DeSTEFANIS MOTIONED TO AMEND THE AGENDA IN ORDER TO CONTINUE THE MEETING BEFORE RETURNING TO THE RECEIPT ITEMS.

** MS. CAGNINA SECONDED.

** MOTION PASSED WITH ONE ABSTENTION (MS. LLORCA)

DISCUSSION/DECISION I

a) #S05-234 – 41 Deerwood Manor – Lisowski – Demolition of existing residence and construction of a new residence in and adjacent to a wetland and watercourse

** MS. SMITH MOTIONED TO GRANT THE FOLLOWING RESOLUTION:

RESOLVED:

THAT CONSERVATION APPLICATION #S05-234 TO CONSTRUCT A NEW

SINGLE-FAMILY RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO BOZENA & HENRYK LISOWSKI FOR PROPERTY AT 41 DEERWOOD MANOR NORWALK, CT, [DISTRICT 5, BLOCK 19, TAX LOT 80] WITH THE FOLLOWING CONDITIONS:

1. A \$2,400.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$1,200.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL YEAR, 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. 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 IN THE LOCATION INDICATED ON THE SITE PLAN AS SKETCHED BY H. LISOWSKI, DATED 11-10-2005, ON A SURVEY ENTITLED "MAP OF PROPERTY OWNED BY HENRYK A. LISOWSKI; 41 DEERWOOD MANOR," DATED FEB. 1, 2005 BY LAND SURVEYING SERVICES, 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. THE THREE "RAISED BED" AREAS AND THE EXISTING SHED IN THE REAR YARD MUST BE REMOVED BY HAND AND MINIMALLY RE-GRADED TO MIMIC EXISTING GRADES IN THOSE AREAS.
6. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED WITHIN THE WETLAND ALONG THE SOUTHERN REAR OF THE PROPERTY. THE DESIGNATED BUFFER SHALL BE A MINIMUM OF TWENTY (20) FEET WIDE WHEN MEASURED FROM THE REAR PROPERTY LINE. THE DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ENHANCED WITH THE ADDITIONAL PLANTING OF FOURTEEN (14) NATIVE TO CONNECTICUT SHRUBS. ALL SHRUBS THAT ARE PART OF THE

WETLAND MITIGATION PLANTING PLAN SHALL BE A MINIMUM OF 36 INCHES IN HEIGHT. WITH THE EXCEPTION OF JAPANESE BARBERRY (BERBERIS THUMBERGIL), NO EXISTING VEGETATION WITHIN THE WETLAND BUFFER MAY BE REMOVED. JAPANESE BARBERRY SHOULD BE REMOVED AND THE 14 REQUIRED SHRUB PLANTINGS PUT IN THEIR PLACE.

7. THE AREA 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 A LAWN.

8. THE ABOVE DESCRIBED WETLAND MITIGATION PLANTING SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

9. 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 'DESIGNATED WETLAND BUFFER AREA', THE LIMIT LINE OF THE 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 #S05-234. 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.

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

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

11. ANY CHANGE TO THE OVERALL PLAN WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MR. CAPUTO SECONDED.

** MOTION PASSED WITH THREE ABSTENTIONS (MS. DeSTEFANIS, MR. KYDES, MR. HANDRINOS).

Ms. DeStefanis recused herself from the next discussion at 7:41 p.m.

b) #S05-239 – 8 Norden Place – Norden Place, LLC – Construction of a multi-unit (316 unit) residential complex with associated storm water drainage, grading and landscaping in and adjacent to wetlands and watercourses.

Ms. Cherichetti gave a brief update on the status of obtaining an outside expert to review this application. She said the Purchasing Department requested a formal RFP, and the bids were hopefully to come in by 2:00 p.m. tomorrow. The bidder must submit a full report within two weeks of the bid, and Ms. Cherichetti hoped to be able to review the bids during part of Wednesday, all of Thursday, and award the bid on Friday.

Mr. Handrinos left the meeting at 7:44 p.m.

Attorney Liz Suchy, representing the applicant, said that the applicant was in favor of continuing the public hearing at the February 14 meeting. She said she was certain her client would defer to the Commission's wishes, but would like to continue.

Ms. Cagnina said the Commission need not go any further on this item tonight.

No action was taken on the item.

Ms. DeStefanis returned to the meeting at 7:54 p.m.

c) #S05-240 – 117 East Rocks Road – Kershner Development – Construction of a new single-family residence adjacent to wetland and watercourse.

Attorney Amy J. Livolsi, representing the applicant, stated that she was available if the Commission had any questions about the application.

**** MR. CAPUTO MOTIONED TO APPROVE THE RESOLUTION WITH THE FOLLOWING CONDITIONS:**

RESOLVED:

THAT CONSERVATION APPLICATION #S05-240, TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO KERSHNER DEVELOPMENT COMPANY, LLC FOR PROPERTY AT 117 EAST ROCKS ROAD, NORWALK, CT, [DISTRICT 5, BLOCK 23, TAX LOT 366] WITH THE FOLLOWING CONDITIONS:

1. A \$3,225.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$2,000.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL YEAR, 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. 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 IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED "PROPOSED RESIDENCE SITE PLAN", DATED 12-20-05 BY A 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. ALL SHRUBS THAT ARE PART OF THE WETLAND MITIGATION PLANTING PLAN SHALL BE A MINIMUM OF 36 INCHES IN HEIGHT. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED ADJACENT TO THE WETLAND FOR A MINIMUM WIDTH 30 FEET FROM THE WETLAND LIMIT LINE AS SHOWN ON THE PLAN ENTITLED "PROPOSED RESIDENCE SITE PLAN", DATED 12-20-05 BY GRUMMAN ENGINEERING LLC. THE AREA 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.

6. THE ABOVE DESCRIBED WETLAND MITIGATION PLANTING PLAN SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

7. 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 100-YEAR FLOOD ZONE LINE, THE 'DESIGNATED BUFFER AREA', THE LIMIT LINE OF THE 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 #S05-240. THE 'AS-BUILT' PLAN SHALL BE FILED ON THE NOREWALK 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 THE 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 SITE PLAN", DATED 12-20-05 BY 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.

8. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN ONE AND A HALF (1 ½) YEARS OF COMMENCEMENT.

9. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED "PROPOSED RESIDENCE SITE PLAN", DATED 12-20-05 BY GRUMMAN ENGINEERING LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MR. KYDES SECONDED.

** MOTION PASSED WITH ONE ABSTENTION (MR. HOLOWINKO).

** MS. DeSTEFANIS MOTIONED TO RETURN TO THE RECIPT/DISCUSSION PORTION OF THE AGENDA.

** MR. CAPUTO SECONDED.

** MOTION PASSED WITH ONE ABSTENTION (MS. LLORCA).

RECEIPT/DISCUSSION CON'T.

b) #S06-242 – 93 Witch Lane – Fry – Construction of a rear two-story garage addition and deck adjacent to a wetland.

Ms. Cherichetti gave a brief presentation on this item, stating that the applicant had been in attendance earlier, but left before the Commission got to him. Ms. Cherichetti recommended the applicant come before the Commission because, although it looked as though this would be a minor permit, it turned out that it was not, based on the size of the excavation and the amount of backfilling to be done.

Ms. Cagnina stated they could take no action tonight and asked that staff draft a resolution for the next Commission meeting.

No action was taken on this item.

Mr. Kydes, Ms. Ackerman and Ms. Smith recused themselves from the next item at 8:05 p.m.

Mr. Kydes left the meeting at 8:05 p.m.

DISCUSSION/DECISION II

a) #S05-235 – 12 Allen Road – Canevari – Construction of a new single-family residence in and adjacent to a wetland and watercourse.

Ms. Cherichetti said there was definitely a problem regarding the legality of the lots, and advised that the Commission can discuss the impact of the building to Betts Brook if they desired. There was some discussion of wetland impacts with the construction of any building on this property. Ms. Cherichetti said the Commission needs to make a decision on this application by February 28.

Ms. Cagnina said there would be no action taken tonight and the item was deferred to the next meeting.

Ms. Ackerman and Ms. Smith returned to the meeting at 8:23 p.m.

b) #S05-237 – 12 Willard Road – VCJ Development, LLC – Construction of two new multi-unit (14) residential structures, with associated drainage, parking and landscaping, in and adjacent to a wetland and watercourse.

The item has been withdrawn by the applicant's request.

No action was taken on this item.

MINUTES

a) November 22, 2005 minutes

**** MS. SMITH MOTIONED TO ACCEPT THE MINUTES OF THE NOVEMBER 22, 2005 MEETING AS AMENDED**

**** MS. DeSTEFANIS SECONDED.**

**** MOTION PASSED WITH THREE ABSTENTIONS (MS. LLORCA, MR. CAPUTO, MS. CAGNINA).**

b) January 10, 2006 Special Meeting minutes

**** MR. CAPUTO MOTIONED TO ACCEPT THE MINUTES OF THE JANUARY 10, 2006 SPECIAL MEETING WITH ALL AMENDMENTS SUBMITTED BY COMMISSIONERS AND STAFF.**

**** MS. ACKERMAN SECONDED.**

**** MOTION PASSED WITH TWO ABSTENTIONS (MR. HOLOWINKO, MS. DeSTEFANIS)**

COMMENTS OF STAFF

Ms. Cherichetti said a Norwalk homeowner had come into her office with an application to build a deck. The homeowner resided at 10 Kettle Road. Ms. Cherichetti reminded the Commission that they had reviewed and approved the application earlier in 2005, which concerned an extremely drained wetland area and soil scientist Otto Field had determined that there was no chance of it ever returning to a wetland state. She said that the homeowner wanted to add an attached garage to the house which would be further away than the approved addition, but still close to the wetland, and he wanted to know what further permits were needed to accomplish this. He questioned whether he needed to file a new application or a modification of the existing application, or would it have to be a full application to come before the Commission.

Ms. Cherichetti recommended a modification of the existing application with an amended site plan. She stated that it would have to come before the Commission, but they can review it and vote on it the same night. She asked the Commission if they were okay with the homeowner applying for a modification of the existing permit, as they could not take away the first permit although they can modify it. Mr. Caputo questioned whether the applicant intended to construct the deck as well, as originally planned. Ms. Cherichetti said she did not know. There was some discussion about whether or not the Commission could consider the first application in order to make a consideration on the modification application.

COMMENTS OF COMMISSIONERS

Ms. Smith said she was still in favor of holding a non-regulatory meeting in February. There was discussion about the open space map and a following discussion about the next several meeting dates.

Ms. Cagnina proposed holding a special election to nominate a chairperson. General discussion followed. There was no consensus to hold a special election.

ADJOURNMENT

**** MR. CAPUTO MOTIONED TO ADJOURN.
** MS. DeSTEFANIS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,

Linda J. Hayes
Telesco Secretarial Services

