

NORWALK CONSERVATION COMMISSION MINUTES

JANUARY 25, 2005

ATTENDANCE: Karen Destefanis, Chair; Marny Smith; Elizabeth Ackerman; Ed Holowinko; Seeley Hubbard; Andrew Kydes; Matt Caputo

OTHER: Attorney David Waters, Lepofsky, Lepofsky & Lang; Don Strait, Landscape Architect, Grumman Engineering; Attorney Elizabeth Suchy, Tierney, Murphy, Zullo & Flaherty; Judy

Slayback, Environmental Land Solutions; Drew Brendelmeyer, City of Norwalk – DPW; Dean Martin, Engineer – Grumman Engineering; Andrew James, Builder

STAFF: Alexis Cherichetti, Senior Environmental Officer

CALL TO ORDER

Ms. Destefanis called the meeting to order at 6:00 p.m. Ms. Cherichetti called the roll.

RECEIPT/DISCUSSION

a) 207 East Rocks Road – S#04-207 – Nolan – Two lot subdivision of land adjacent to a wetland and watercourse

Attorney Waters gave a brief description of the three lots that would be served off of West Rocks Road.

b) 3 Blue Mountain Road - #S04-207 – Petrucci Builders, LLC – Construction of a 7-unit Conservation Development, with associated common drive, storm water drainage, retaining walls and landscaping, in and adjacent to a wetland and watercourse

Attorney Waters gave a brief description of the three lots that would be served off of Blue Mountain Road. He submitted a plan for purposes of discussion. Mr. Waters said that the applicant could also submit a preliminary subdivision study for the Commissioners to compare with the proposed plan. The Commissioners agreed to have the applicant return on February 8, 2005 for further discussion of the application.

c) 145 West Norwalk Road - #S05-208 – Arcamone – Construction of a new single-family residence adjacent to a wetland and watercourse

Ms. Cherichetti said that the applicant is proposing the construction of a new single-family residence. She said that she is not sure if this application has been filed for a free-cut or if it is an existing free cut 4-acre property but that the applicant has done a free-cut of an existing oversized parcel. Ms. Cherichetti said that there is a large wetland system that bisects the original 3 acres of property. The applicant confirmed that the application has been filed as a free-cut.

Don Strait, Landscape Architect – Grumman Engineering gave a brief description of the property. He said that there is public water supply and that the property is pretty well buffered. He said that there is a buffer planting of 35 shrubs. Mr. Strait pointed out silt fencing used during construction to limit erosion and sedimentation runoff going towards the wetlands.

There was discussion with regard to the water flow on the property. The applicant, Mr. Arcacome, stated that the flow of water traveled east and that a drainage pipe was installed on the property to keep the water low. There was further discussion with regard to an existing accessway. Ms. Cherichetti asked how many cubic yards of excavation would be expected for all the work. Mr. Strait said that they would be removing approximately 150 cubic yards. The applicant stated that approximately 500 additional cubic yards would be stockpiled. Ms. Destefanis asked if there would be a lot more planting. Mr. Strait described the plantings that would be acting as a filter for the water runoff. There was discussion regarding a proposed paved driveway.

d) 200 Rowayton Avenue - #S05-209 – 200 Rowayton Avenue, LLC – Three lot subdivision of land with a watercourse

Ms. Cherichetti said that Staff had no comments. Attorney Suchy stated that her firm represents the applicant, 200 Rowayton Avenue, LLC. She said that the principal and owner, Peter Marsala is present this evening and also present is Judy Slayback of Environmental Land Solutions. Ms. Suchy stated that the agenda should have read 200 Rowayton Avenue rather than 22 Rowayton Avenue. Ms. Suchy gave a brief description of the property. She said the property is approximately 23,000 square feet in area and in a B Residence Zone. She said that currently, the property is approved with an old house built in the late 1700 to late 1800's, which the applicant is proposing to maintain. She said that there is an old cesspool that would be abandoned for City sewer and water.

Ms. Suchy said that before the Commission is a subdivision application to build the property into 3 residential lots in accordance with B Residential Zone requirements. She said that Lot A would be 8900 square feet, the middle lot would be approximately 7300 square feet and the lot closest to the intersection on Rowayton Avenue would be 7500 square feet. All three lots would be served by one single driveway. Ms. Suchy said that there is a proposed mitigation planting plan. Ms. Smith asked whether there had been past flooding problems on the property. Ms. Suchy said that the problems had been rectified over the years.

Ms. Slayback, Environmental Land Solutions, gave an overview of her report. She described the drainage ditch in relation to the wetland line. She said that there is no significant vegetation associated with the ditch. Ms. Slayback said that the applicant has proposed a planting plan along the limit of disturbance as demarcations. Ms. Smith asked if there would be need to fill on the property. Ms. Slayback said that she suspects there would be. Ms. Suchy said that a permit would be required for this and that estimates of the fill would need to be obtained. There was further discussion with regard to the tide and how it might affect the property. Ms. Slayback said that the applicant could obtain tidal elevations for the area to get an estimate of how high the water gets for that corridor.

MODIFICATION OF PERMIT

a) North Taylor Avenue - #S03-143a – City of Norwalk, Dept. of Public Works -

Alteration of permit condition requiring a restricted time period for activities within

a wetland

Ms. Cherichetti read Special Condition #5 of the permit, which states: “All aspects of the proposed work that occur within the northern wetland are limited to occur between June 1st and December 15th of any given year. These dates are when there generally are low-flow conditions.” She said that the DPW wants the work to be done before Spring and that the applicants are requesting that the conditions be modified to change the dates for the work to be done.

Mr. Brendelmeyer, City of Norwalk – DPW, said that the only area of the project that is actually within the wetland area is where there is some proposed rip- rap for the overflow of the wetland area. He said that the contractor anticipates the overall project would take one to two months. Mr. Brendelmeyer said that the applicants are in the process of obtaining easements. He said that a completion date of May 23, 2005 is anticipated. He said that they would start work on Ferris Avenue, the lowest elevation and work their way up.

**** MR. CAPUTO MADE A MOTION TO ALLOW WORK PROPOSED IN**

THE NORTHERN WETLAND TO OCCUR IN THE MONTHS FROM

JUNE 1 THROUGH MAY 23 OF ANY GIVEN YEAR AND THAT THE APPLICANT BE SUBJECT TO THE FOLLOWING CONDITIONS: THAT ALL CONDITIONS WOULD BE THE SAME AS IN THE ORIGINAL PERMITS AND SHALL REMAIN WITH THE EFFECTIVE

DATES THAT ARE CONTAINED IN SPECIAL CONDITION #5

AMENDED TO READ: “ALL ASPECTS OF THE PROPOSED WORK THAT OCCUR WITHIN THE NORTHERN WETLAND ARE LIMITED

TO OCCUR BETWEEN JUNE 1ST AND MAY 23RD OF ANY GIVEN YEAR.
THESE DATES ARE WHEN THERE GENERALLY ARE

LOW-FLOWING CONDITIONS.”

** MR. KYDES SECONDED THE MOTION.

** MOTION PASSED WITH 6 IN FAVOR, 1 ABSTENSION (MS.

ACKERMAN); 1 NO VOTE, (MS. LLORCA, ALT.)

PUBLIC HEARING (to begin at 7:00 p.m.)

Ms. Destefanis called the Public Hearing to order at 7:05 p.m. Ms. Cherichetti called the roll.

a) 351 West Cedar Street - #S04-204 – Andrew James – Construction of a new single-family residence and installation of sewer lateral in and adjacent to a wetland

Ms. Cherichetti said that she received green cards from the abutting neighbors for this hearing and that it was published in the newspaper. She said that the Commission voted to upgrade this application to a plenary application and therefore hold a public hearing on the application. She said the applicant is proposing to install a new 6” sewer lateral to Lot A. Ms. Cherichetti said that the applicant has submitted alternative plans and is working with the Public Works Department regarding the lateral.

Mr. James, owner/builder stated that Dean Martin, Engineer - Grumman Engineering submitted calculations with regard to drainage and additional flow of water to Ms. Cherichetti. He said the calculations reveal that there is no impact to the wetlands on the existing 6” line. Mr. James said that he spoke with 3 neighbors who are all in favor of the construction. Mr. James stated that the DPW wants a maintenance/sewer agreement, which his attorney drafted.

** MS. SMITH MADE A MOTION TO CLOSE THE PUBLIC HEARING.

** MR. CAPUTO SECONDED THE MOTION.

** MOTION PASSED WITH 1 ABSTENSION, (MR. KYDES) AND 1 NO

VOTE, (MS. LLORCA)

** MS. ACKERMAN MADE A MOTION TO AMEND THE AGENDA AND TO PROCEED WITH DISCUSSION OF 351 CEDAR STREET.

** MR. CAPUTO SECONDED THE MOTION.

** MOTION PASSED WITH 1 ABSTENSION (MR. KYDES).

DISCUSSION/DECISION II

351 West Cedar Street - #S04-204 – Andrew James – Construction of a new single-family residence and installation of sewer lateral in and adjacent to a wetland

Ms. Cherichetti said that both the 6” and 8” laterals are feasible.

** MS. SMITH MADE A MOTION TO GRANT APPLICATION #S04-204,

351 WEST CEDAR STREET WITH THE 11 MODIFICATIONS OUTLINED IN A MEMORANDUM DATED JANUARY 25, 2005 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER TO THE CITY OF NORWALK CONSERVATION COMMISSION.

** MR. HUBBARD SECONDED THE MOTION.

** MS. SMITH MADE A MOTION TO AMEND THE MOTION TO INCLUDE THE CHANGE FROM WEST CEDAR ROAD TO WEST CEDAR STREET AT THE TOP OF PAGE TWO OF THE MEMORANDUM DATED JANUARY 25, 2005 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER TO THE CITY OF NORWALK CONSERVATION COMMISSION.

** MR. CAPUTO SECONDED THE MOTION.

** MOTION PASSED WITH 1 ABSTENSION (MR. KYDES) AND 1 NO VOTE (MS. LLORCA, ALT.)

DISCUSSION/DECISION I

74 Cranbury Road - #S04-202 – Temecula, LLC – Construction of a new single-family residence adjacent to a wetland and watercourse

Ms. Cherichetti noted two separate Staff Reports addressed to the Norwalk Conservation Commission; one dated January 4, 2005 and one dated January 25, 2005. She said that the more recent memo included new information submitted since the January 4, 2005 memorandum. It includes an additional proposed plan from Don Strait of Grumman Engineering. She said the plan is similar to the plan the Commission previously received drawn by Dean Martin of Grumman Engineering. Ms. Cherichetti said the plans are similar as far as the width and the density of the plantings within a proposed wetland buffer both of which are wider than the earlier proposal. She said that both footprints

reduce the width of the building approximately 3 feet. The difference in the plans are: 1) the orientation of the house; 2) location of the garage entrance; 3) distance of the house to the wetland line.

Dean Martin, Engineer – Grumman Engineering said that the plan being discussed refers to the drawing of January 7, 2005. He said that this plan increases buffer plantings and extends beyond the floodway. Mr. Martin said that there is a proposed basement outside of the flood zone. He said that there are no obstructions during flood events. Mr. Martin gave a brief description of the proposed plan. There was discussion with regard to the flood zone. Ms. Smith asked if the City of Norwalk is liable for flooding damage. Ms. Cherichetti said no. Ms. Cherichetti said that Staff is recommending that the Conservation Commission delay making a decision to allow the applicant to finalize their plans.

MINUTES

a) December 14, 2004

The following Corrections were made:

Page 1, Under Discussion/Decision, Strike the first “that” in sentence – “Ms. Cherichetti said that...”

Page 1, Paragraph 1, should be “15 feet wide” instead of “divide”.

Corrections (Continued):

Page 2, Item B, Sentence 2, “Ms. Cherichetti stated...”she said...lower or raising the the...” Delete the second “the”.

Page 2, 2nd to Last Sentence, should be “0.3”.

Page 2, Paragraph 2, should be “to” instead of “from”.

** MS. SMITH MADE A MOTION TO ACCEPT THE MINUTES AS AMENDED.

** MR. HUBBARD SECONDED THE MOTION.

** MOTION PASSED WITH 3 ABSTENSIONS, (MS. LLORCA, MS. ACKERMAN AND MR. CAPUTO)

COMMENTS OF STAFF

a) Declaratory Permits and Enforcement Actions

Ms. Cherichetti said that there were 2 declaratory permits, one at 7 Grumman Avenue and one at 10 Glover Avenue (the renovated Caldor building).

b) Report of Senior Environmental Officer

Mrs. Cherichetti reported that Commerce Bank at 380 Main Avenue is proposing a stand-alone bank. She stated that she is working with them on making a better buffer.

Mrs. Cherichetti said that a violation was issued to the First Taxing District Water Department for work being done in the Norwalk River. She said that a 20" pipe sprung a leak.

Mrs. Cherichetti said that a permit violation was issued for 48 Carter Street. She said that she gave the owners the option of submitting a permit modification or a planting plan. Mrs. Cherichetti reported a violation for St. Matthews Church. She said that the church began paving a parking lot without a permit. She said that she informed them that they needed to submit a storm water drainage plan.

Mrs. Cherichetti said that next Tuesday, February 1, 2005 the Conservation Commission would meet to discuss draft regulations. She said that the Commission would discuss major content and structural changes and that nothing else would be on the agenda.

COMMENTS OF COMMISSIONERS

None.

ADJOURNMENT

** MS. SMITH MADE A MOTION TO ADJOURN THE MEETING.

** MR. CAPUTO SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Linda L. Custis

Telesco Secretarial Services