

NORWALK CONSERVATION COMMISSION MINUTES

JANUARY 27, 2004

ATTENDANCE: Marny Smith; Anne Cagnina; Ed Holowinko, Alternate; Beth Ackerman; Karen Destefanis, Vice Chair; Jane Corcillo; Susan Llorca, Alt.; Seeley Hubbard, Alt.

STAFF: Alexis Cherichetti, Senior Environmental Officer.

OTHERS: Attorney Liz Suchy, Tierney, Zullo, Flaherty & Murphy; Don Strait, Landscape Architect, Grumman Engineering, Inc.

Vice Chair Destefanis called the meeting to order at 6:07 p.m.

MODIFICATION OF PERMIT

**Gillies Lane – Ledgebrook Condominium Association, Inc. - #S02-99a –
Modification of Permit to Allow Removal of Second Paddle Tennis Court and to
Alter Timing Requirements and Bond Amount**

Attorney Suchy, representing the applicant, was present to answer questions. Ms. Cherichetti said that the applicant was requesting to remove the tennis courts; everything else would remain in place.

**** MS. SMITH MOVED TO APPROVE THE FOLLOWING:**

RESOLVED, THAT CONSERVATION PERMIT MODIFICATION APPLICATION #S02-99A FOR MODIFICATION OF PERMIT #S02-99 TO INCLUDE REMOVAL OF PADDLE TENNIS COURTS AND WAIVER OF CERTAIN BOND AND TIMING REQUIREMENTS FOR WORK ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO LEDGEBROOK CONDOMINIUM ASSOCIATION, INC. FOR PROPERTY AT GILLIES LANE, DISTRICT 4, BLOCK 64, LOT 200, NORWALK, CT WITH THE SPECIAL CONDITIONS OUTLINED IN JANUARY 26, 2004 MEMORANDUM FROM ALEXIS

CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER, TO THE NORWALK CONSERVATION COMMISSION.

**** MS. LLORCA SECONDED THE MOTION.**

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

DISCUSSION/DECISION

332 Chestnut Hill Road – Geignetter - #S03-174 – "Corrective Action" Disposition of Fill Adjacent to a Wetland

Ms. Cherichetti said that she still has not had any contact with the applicant regarding the corrective action notice he received. She said that three draft resolutions were prepared – an approval, a modified approval and a denial. The end result was that the applicant could do some of the work without a permit; Staff was recommending the second alternative, which was a modified approval of the application, with conditions outlined in her January 20th memorandum. The Commissioners discussed the three proposed resolutions at length and decided to accept Staff's recommendation.

**** MS. CORCILLO MOVED TO APPROVE THE FOLLOWING:**

RESOLVED THAT CONSERVATION PERMIT APPLICATION #S03-174 TO PERFORM FILLING AND GRADING WITHIN 30 FEET OF A WETLAND BE GRANTED TO KEVIN GEIGNETTER FOR PROPERTY AT 332 CHESTNUT HILL ROAD, NORWALK, CT SUBJECT TO CONDITION NOS. 1, 2, 5 AS OUTLINED IN JANUARY 20, 2004 MEMORANDUM FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER, TO THE NORWALK CONSERVATION COMMISSION, WITH ADDITIONAL CONDITIONS AS SET FORTH BELOW:

- 3. THE LIMIT OF APPROVED FILL IS A NORTH-SOUTH LNE THAT IS LOCATED A MAXIMUM OF 28 FEET FROM THE REAR OF THE HOUSE. A RETAINING WALL NO MORE THAN THREE FEET IN HEIGHT SHALL BE CONSTRUCTED AT THE LIMIT OF APPROVED FILL, AND**
- 4. IN ADDITION TO THE EIGHT SHRUBS REQUIRED BY THE NOTIC OF VIOLATION, EIGHT (8) SHRUBS SHALL BE PLANTED IN THE PREVIOUSLY DISTURBED AREA BETWEEN THE LIMIT OF APPROVED FILL AND THE WETLAND. ELEVEN (11) TREES SHALL**

BE PLANTED IN A LINE, ROUGHLY PARALLEL TO THE WETLAND THAT IS TWENTY (20) FEET FROM THE WETLAND LINE (38 FEET FROM THE REAR OF THE HOUSE). ALL MITIGATION SHRUBS AND TREES SHALL BE NATIVE TO CONNECTICUT. SHRUBS MUST BE A MINIMUM OF 30 INCHES IN HEIGHT. TREES MINIMUM FIVE (5) FEET TALL. THE PREVIOUSLY DISTURBED 20 FEET WEST OF THE WETLAND SHALL BE SEEDED WITH A NATIVE SEED MIX; THIS AREA MAY NOT BE MAINTAINED AS LAWN.

**** MS. ACKERMAN SECONDED THE MOTION.**

**** MOTION PASSED WITH TWO ABSTENTIONS (MS. CAGNINA AND MR. HUBBARD).**

143 Wolfpit Avenue – Teran - #S03-176, Three-lot Subdivision Adjacent to a Wetland

**** MS. CAGNINA MOVED TO APPROVE THE FOLLOWING:**

RESOLVED THAT CONSERVATION APPLICATION #S03-176 FOR A THREE LOT SUBDIVISION ADJACENT TO A WATERCOURSE BE GRANTED TO HAROLD TERAN FOR PROPERTY AT 143 WOLFPIT AVENUE, NORWALK, CT, DISTRICT 5, BLOCK 16, TAX LOT 427 WITH THE SPECIAL CONDITIONS OUTLINED IN JANUARY 26, 2004 MEMORANDUM FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER, TO THE NORWALK CONSERVATION COMMISSION.

**** MS. SMITH SECONDED THE MOTION.**

**** MOTION PASSED WITH TWO ABSTENTIONS (MR. HUBBARD AND MR. HOLOWINKO).**

29 Orchard Hill Road – LePak - #S03-177, Construction of a Garage and Rear and Side Additions with Associated Landscaping Adjacent to a Wetland and Watercourse

Ms. Cherichetti suggested that the Commissioners table this item. The applicant is currently making revisions to the proposed landscape plan and construction plan, and a meeting was scheduled with Ms. Cherichetti to review it. Revised materials would be presented at the Commission's next meeting.

**** MS. SMITH MOVED TO REORGANIZE THE AGENDA TO DISCUSS COMMENTS OF STAFF OUT OF SEQUENCE.**

**** MS. CAGNINA SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

COMMENTS OF STAFF

Declaratory Permits and Enforcement Actions

Ms. Cherichetti said that there have been no declaratory permits or enforcement actions since earlier in the month.

New Single Family Residence Construction – Permit Requirements

Ms. Cherichetti asked the Commissioners what types of activity they want brought before them, i.e., new single family construction, or permits where there is minor as well as major activity. Did they feel comfortable having Staff make decisions if the activity was minor? She said that subdivisions are always presented to the Commission first. She said that knowing in advance what the Commission wanted to review would provide Staff with the direction in which to proceed. She asked the Commissioners to gather their thoughts on this and advise her at the next meeting. Vice Chair Destefanis said that Staff always uses consistent criteria for making their decisions.

Draft Regulations Changes

Ms. Cherichetti said that in 2003 the State passed three acts that affect Conservation regulations. She prepared a draft of those changes which were in conflict with other regulations in existence, and asked the Commissioners to review them. In Section 60A-6, E. was amended and N. was proposed for deletion. In section 60A-7, proposed changes were made to D.(3) and D.(6), and to the last paragraph under Summary Ruling. In Section 60A-10, changes were proposed to A., D.(2), D.(4); E. was proposed for deletion; F. was proposed to amend; a new G. was added and the former G. was proposed for deletion along with H., I., and J. In Section 60A-12 C., G. and H. were proposed to amend. As it related to Section 60A-15 for Fees, Ms. Cherichetti said that the State Land Use fee increased from \$10 to \$20. All changes proposed in Ms. Cherichetti's January 22nd memorandum to the Conservation Commission were discussed at length. She said that the Commission is required to hold a public hearing, but first the Commission would need to decide what the changes should be, after which they would notify the DEP and schedule the public hearing. Ms. Cherichetti said that she is still waiting for the Law Department to respond to some of her questions, and that if the Commissioners had other comments to advise her immediately.

PUBLIC HEARING

6 Bonnybrook Trail – Tarala - #S03-178, Construction of a Retaining Wall, Dredging of Sediments and Associated Landscaping in a Pond

Vice Chair Destefanis opened the public hearing at 7:00 p.m. Ms. Cherichetti called the roll. Mr. Hubbard would abstain. The applicant was being represented by Mr. Strait, who provided completed green cards to Ms. Cherichetti.

Mr. Strait said that the applicant is proposing to dredge sediments from an existing pond on his property. He explained the process by which water would be emptied from the pond, where it would go and other details of the project, which could not begin until warmer weather arrives. He said that the applicant is also proposing to construct a duck pond island with a portion of the 800' of sediment that is proposed to be dredged. As part of the landscaping plan, the applicant would plant 15 native shrubs near the driveway; no trees were slated for removal. None of the proposed work would be done on the abutting property owned by the Gambles. He said that the proposed dredging would take approximately three to four weeks.

Mrs. Dolores Gamble, 8 Bonnybrook, did not speak in favor of or against the project, but said that she was not sure exactly what was proposed. Ms. Cherichetti and Vice Chair Destefanis summarized the project, asking Mr. Strait to clarify issues of erosion, what method would be used to keep the proposed work from impacting the Gambles' property, where the water would be diverted while construction was underway, etc. Mrs. Gamble said that she understood the explanation but could not envision the project during construction, nor once it was complete, and said that she did not feel totally comfortable with it. She said that there too many unanswered questions.

Mr. Junius Gamble, 8 Bonnybrook, felt certain that erosion would continue and the pond would fill again. Mr. Strait said that the Gamble's side of the pond was deeper than the applicant's side. Mr. Gamble asked what would be done with the fish in the pond once it was dredged. Mr. Strait said that he was not certain, but that as many of them as could be, would be moved to a temporary holding tank and returned once construction was complete. Ms. Smith suggested that a professional could be asked. Ms. Corcillo said that a biological assessment should be obtained. Mr. Tarala, the applicant and owner of the property, said that when the water is very low during warm weather months, algae and other unsightly vegetation grows up through the sediment, forming a swamp area.

Ms. Cherichetti recommended that the public hearing be continued to the Commission's February 24th meeting so that the additional information could be received and reviewed. She advised Mr. Tarala that the Conservation Department should receive the biological assessment by the 10th of February, and if this was not possible, the department should be notified. If that was the case, he could apply for an extension of time to continue the public hearing.

The public hearing was closed at 8:00 p.m.

COMMENTS OF STAFF

Scheduling Presentation Regarding "Greenways"

Ms. Cherichetti said that a request was received from Don Nelson, President of Clean and Green and the Norwalk Tree Alliance, for the Conservation Commission and the Planning Commission to jointly meet for his presentation on preserving the greenways. Possible dates for the meeting were March 23rd or March 30th at 7:30 p.m. at City Hall. The Commissioners agreed to schedule the joint meeting on March 23rd.

COMMENTS OF COMMISSIONERS

Letter to Mr. Losio

Ms. Cherichetti said that on January 13th she was asked to draft a thank you to Larry Losio for his service to the Commission. She read the letter, which included a resolution, thanking Mr. Losio for his two years' service to the Commission.

ADJOURNMENT

- ** MS. SMITH MOVED TO ADJOURN.
- ** MS. CAGNINA SECONDED THE MOTION.
- ** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Carol A. Wiggins for

Telesco Secretarial Services