

NORWALK CONSERVATION COMMISSION MINUTES

JANUARY 28, 2003

ATTENDANCE: Matthew Caputo; Vice Chair, Marny Smith, Ed Holowinko,

Andrew Kydes, Anne Cagnina, Karen DeStefanis (entered at 6:15 p.m.)

STAFF: Alexis Cherichetti, Sr. Environmental Officer; Cheryl Vallerie, Planning & Zoning Office

Mr. Caputo called the meeting to order at 6:10 p.m.

He introduced the commissioners that would participate in the discussion and voting of all the applications and stated that Anne Cagnina the new commissioner to be appointed would only listen without participating in the discussion or voting.

The Chairman further announced that each application would require all four of the commissioner's votes for approval and he noted that since Ms. Cagnina wasn't eligible to vote and that possibly no other commissioner would be present so they would move ahead with only four commissioner's but that four affirmative votes would be needed for approval of an application.

Karen DeStefanis arrived at 6:15 p.m.

The Chairman asked her if she was eligible to vote on all five applications. Ms. DeStefanis said yes.

RECEIPT & DISCUSSION

- a) **69 North Seir Hill road – Blair - #S03-134 – Construction of a detached garage and rear addition adjacent to a wetland and watercourse**

Ms. Cherichetti stated the application was not quite complete due to additional paperwork to be submitted.

**** MS. SMITH MADE A MOTION TO ACCEPT THE APPLICATION**

**** MS. CAGNINA SECONDED**

**** MOTION PASSED WITH FIVE VOTES IN FAVOR AND ONE ABSTENTION (MS. CAGNINA)**

Discussion

The applicant, Mr. Blair stated he was present with his wife to speak on behalf of this application. He said they were looking to add an addition and take down the one-car garage to add a two-story addition and detached two-car garage on the western side of the property as far from the wetlands as possible. He said they would move the soil as needed and would do their best to protect the wetlands.

Ms. Smith asked about regrading on the northern side and why they were doing it. Mr. Blair said that since the early 1990's they were inundated with the State doing construction for the Super-7 and he ended up with a mountain where there wasn't one before; when they purchased the property, they had a level lawn so if there was anyway to do the construction, it needed to be on this side of the property because there is an incline currently and it's a hazard to park in the driveway during the winter.

Ms. Smith asked if there would be excavation done. Mr. Blair said yes, fill would be spread out on the northern part of the property.

Ms. Cherichetti noted there was a smaller site plan indicating the grading plan.

Ms. Smith asked if there were plans to put in vegetative buffer between the house and wetlands. Mr. Blair said this was already done.

Ms. Cherichetti stated the larger site plan indicated the existing silt fence and on the side the addition was submitted for there is vegetative buffer; the intention was to not go past the silt fence with grading.

Mr. Blair noted the various vegetative species that were planted before the silt fence went up.

Mr. Kydes asked if there was a sewer system on the property. Mr. Blair said yes, it coincides with the sewer line that would be connected with the change.

Ms. Smith asked the time frame this would happen. Mr. Blair said he assumed it would be in April when the ground thaws.

Mr. Caputo thanked the applicant for speaking and he stated there wouldn't be a vote tonight but the matter may be scheduled for a vote at the next scheduled meeting on February 11, 2003.

DECISIONS

**** MS. DESTEFANIS MADE A MOTION TO POSTPONE PRESENTATION OF ITEM-C UNTIL AFTER THE PUBLIC HEARING**

**** MS. SMITH SECONDED**

**** MOTION PASSED FIVE VOTES IN FAVOR AND ONE ABSTENTION (MS. CAGNINA)**

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- a. **295 Newtown Avenue – Kerschner Development - #S02-126 – Five unit Conservation Development with associated driveway, stormwater drainage and landscaping adjacent to a wetland and watercourse**

Mr. Caputo asked the latest date a decision/vote could be made for this application. Ms. Cherichetti said it would be 35-days from the close of the public hearing. Mr. Caputo determined it could be by February 18.

**** MS. DESTEFANIS MADE A MOTION TO APPROVE APPLICATION AT 295 NEWTOWN AVENUE – KERSCHNER DEVELOPMENT - #S02-126 AS PRESENTED AT THE PUBLIC HEARING ON JANUARY 14, 2003 SUBJECT TO THE CONDITIONS OUTLINED IN THE MEMO DATED JANUARY 21, 2003, CONDITIONS #1 THROUGH 14**

Ms. Cherichetti said the applicant has looked at the conditions and asked for an amendment to condition #3 to reduce the height of the shrubs from 36" to 24".

**** MS. SMITH SECONDED**

Ms. Smith stated that 24" would be fine because there are certain shrubs that are appropriate for this height.

Ms. Smith read condition #9 into the record and asked if the Declaration of Covenants could be included in the national packets that are submitted to homeowners. Attorney Genuario stated they would not object to including it and he said for a development like this, they generally prepare anything that needs to be recorded on the land records to be delivered to homeowners, but he said the

condition would not be a problem. It was determined this condition would be added to condition #8.

Mr. Holowinko asked about condition #8 and if they would consider organic land care. Attorney Genuario replied he wasn't familiar with the standards for this so he was reluctant to commit to the recommendation. Mr. Holowinko offered to provide a copy of the information. Attorney Genuario said he would gladly look it over.

Mr. Holowinko asked about condition #14 and said that four years seemed excessive and felt two years would be more attainable. Ms. Cherichetti said this would be up to the commission, noting that it could be increased and the applicant could ask for an extension if needed.

Mr. Kydes commented the limits they have now sometimes makes it difficult for builders to complete a project within the time frame and he felt three years would be acceptable.

Attorney Genuario stated this applicant has been fairly expeditious in the past in moving their projects along and he assured the commission that this project would move as quickly as possible. He said if it goes beyond three years it would not be due to the applicant moving too slow; but in any event they prefer the three-year limit.

Mr. Caputo commented he thought three years was fine.

Ms. Cherichetti said that due to the nature of this development, three years should be okay and she noted that staff would monitor how they were moving along.

Mr. Holowinko stated that a weekly report should be done to assure the project was moving along well. Ms. DeStefanis recalled this was suggested for a prior project but it was agreed this was excessive and she felt they should be consistent with other applications.

Ms. Cherichetti noted the previous application Ms. DeStefanis was referring to had different concerns.

Mr. Holowinko said he felt the grading process should be monitored. Mr. Kydes stated that the conditions in the grading were a lot different for prior applications than it was for this one.

Ms. Smith suggested they add Mr. Holowinko's condition (*the condition was read as outlined by Mr. Holowinko and submitted to Ms. Cherichetti for inclusion*).

Ms. Cherichetti said that considering there would be grading, the applicant would build one house and wait and then re-grade the entire site up to three years and

considering this is a fairly level site, she asked if they would consider tightening the time frame to include initial growth grading and mitigation. Attorney Genuario said they would agree to this suggestion of the time frame and he felt that monthly reports would be sufficient as well as staff being kept apprised of what was going on.

**** MS. DESTEFANIS MADE A MOTION TO AMEND CONDITION #3 THAT ALL PLANTED SMALL SHRUBS BE A MINIMUM OF 24" IN HEIGHT AND FOR CONDITION #15; ADD THAT THE APPLICANT SHALL MONITOR THEIR SITE BY MEANS OF A PROFESSIONAL ARCHITECT AND SUBMIT A REPORT ON THE MONDAY OF THE FIRST OF EACH MONTH FOR THE REGRADING SEDIMENTATION CONTROLS AND RE-GRADING WITHIN 50 FEET OF THE WETLAND**

Attorney Genuario said that because there would be less than 12-units, by law, they don't have to agree to the added condition but they would.

**** MS. SMITH SECONDED**

**** MOTION PASSED WITH FOUR VOTES IN FAVOR, ONE OPPOSITION (MR. HOLOWINKO) and ONE ABSTENTION (MS. CAGNINA)**

b. 39 Lois Street – Roundtree Development LLC - #S02-128 – Construction of a 29-unit apartment building and parking lot in and adjacent to a wetland

Mr. Caputo asked the last date a decision/vote could be made for this application. Ms. Cherichetti said it would be closer to February 15, 2003. Mr. Caputo said in this case they could possibly have this matter on the agenda for the February 11, 2003 meeting.

Ms. Smith commented she walked through the site and felt it was a wet area along the southern and western part of the property. And with that said:

**** MS. SMITH MADE A MOTION TO DENY THE APPLICATION BECAUSE THE APPLICANT FAILED TO DEMONSTRATE THAT NO FEASIBLE AND PRUDENT ALTERNATIVES EXIST WITH A LESSER IMPACT TO THE WETLAND. SECTION 60A-8, 4, (b) REQUIRES THE COMMISSION MAKE THE FINDING THAT NO FEASIBLE AND PRUDENT ALTERNATIVE EXIST WITH A LESSER IMPACT TO THE WETLANDS AND WATERCOURSES. THE COMMISSION FOUND THE INTENSITY OF DEVELOPMENT, WHICH WOULD RESULT IN THE LOSS OF ALL EXISTING WETLAND AREAS, TO BE AN UNJUSTIFIED AND UNACCEPTABLE LOSS OF A WETLAND. THE APPLICANT**

FAILED TO FULLY EXPLORE AND DEVELOP ALTERNATIVES THAT WOULD ENABLE THE PRESERVATION AND ENHANCEMENT OF THE EXISTING WETLAND

**** MR. HOLOWINKO SECONDED**

Mr. Kydes stated there were a lot of problems created by the properties north of this property and he said at one time, there were plans to put a water company there but it wasn't done, but this explained how the wetlands were created; he felt the alternative plan was nicely done.

Ms. Smith agreed the alternative plan was good but she said with the density and 29-units and 58-parking spaces it's too much.

Mr. Kydes felt these issues were zoning issues and he questioned whether they should give them the right to redirect this issue. Ms. Smith replied there were a lot of places in Norwalk that experienced this problem in the past but this was today; she noted if there were fewer units there would be fewer parking to lessen the impact on development; she said if it was paved over to the extent in the plan there would be more drainage and she felt strongly about this.

Mr. Holowinko added that Attorney Waters stated that if they move the watercourse and create wetland, the neighbors would have to deal with the regulations imposed and they may not like this; he also said for the storm water runoff there was no concern about this for the parking lot that leads to Indian River.

Ms. DeStefanis said she agreed with Mr. Holowinko in view of the other properties in the past and the adjacent property owners; there was a concern for the wetlands but there isn't any guarantee they wouldn't have problems in the future.

Mr. Holowinko said the application as proposed is not the best plan it could be so he wished to stay with the motion to deny.

**** MOTION PASSED WITH FOUR VOTES IN FAVOR WITH ONE OPPOSITION (MR. KYDES) AND ONE ABSTENTION (MS. CAGNINA)**

- c. **10 Norden Place – United Technologies Corporation - #S02-131-Remediation, by excavation, of contaminated soils in and adjacent to a wetland**

>see discussion and vote regarding this matter beginning on page 15

d. **27 Glenwood Avenue – Moisiadis - #S02-132 – Construction of a three-unit apartment building and associated parking lot, drainage system and landscaping in a watercourse**

Mr. Caputo asked the last date a decision/vote could be made for this application. Ms. Cherchetti said March 11, 2003.

**** MR. KYDES MADE A MOTION TO ACCEPT AND APPROVE 27 GLENWOOD AVENUE – MOISIADIS - #S02-132 – CONSTRUCTION OF A THREE-UNIT APARTMENT BUILDING AND ASSOCIATED PARKING LOT, DRAINAGE SYSTEM AND LANDSCAPING IN A WATERCOURSE**

WITH THE SPECIAL CONDITIONS AS OUTLINED IN THE MEMO DATED JANUARY 21, 2003 INCLUSIVE OF CONDITIONS # 1 THROUGH 4

**** MS. DESTEFANIS SECONDED**

Ms. Smith commented this was clearly the right spot for these units but she felt there would be more open land for a lawn or picnic area if the two extra parking spaces were eliminated; she stated she would like to see the change made before approval of the application. She said she would like an open channel or swell for the brook up to the driveway in and out.

Ms. Cherichetti stated at the last meeting it was stated they would like to see an increase in the open channel but the matter didn't get a lot of discussion, however, it was approached and thought of.

Mr. Don Strait the architect on this project, of Grumman Engineering asked if they could meet them halfway and eliminate one parking space; he said they were looking to keep some space there but could get the length and restoration of the water by removing only one space. Ms. Smith asked if he meant by rerouting the brook. Mr. Strait said yes, they would have to anyway because right now it's grading out to the middle of the property.

Ms. Cherichetti noted the watercourse could be counted as recreation space as well.

Mr. Kydes offered that he recently appeared before ZBA concerning some units he owns and the parking proposal was declined based on similar circumstances. He noted the town wants cars off the road with on-site parking.

Ms. Smith commented that then they would still have two spaces per unit.

Ms. Cherichetti asked if the motion was going to be withdrawn to allow the applicant to return with a modified plan.

Mr. Kydes withdrew the motion to allow the applicant to modify the plan and work with staff and then return at a to-be-determined date in February 2003.

e. 119 Maywood Road – Davies - #S02-133 – Excavation, filling, re-grading and construction of a retaining wall in and adjacent to a wetland and watercourse

Mr. Caputo asked the last date a decision/vote could be made for this application. Ms. Cherichetti said February 11, 2003.

Ms. Cherichetti said this matter was the same as the previous application and the commission needed to determine if additional discussion was required. She asked about two conditions a) and b) as outlined in the memo dated January 21, 2003; she read the conditions into the record.

Ms. Smith asked about the wall and if it was going to be above ground level when it was completed. Ms. Kate Davies the applicant said she would like the wall to extend above ground at approximately 6".

Ms. Smith asked about the little brook and what it was really considered. Ms. Davies said its labeled as a ditch on the original plan.

Ms. Smith asked about the flags. Ms. Davies said the orange flags were remnants left when she measured the elevations and she just never removed them.

Ms. Smith asked about the wetlands. Ms. Davies said the place where the brook runs between is constructual wetlands; when the house was originally constructed it was excavated and the dirt was shoved back.

Ms. Cherichetti clarified they are not wetlands but disturbed soil with 2 feet of deposited material.

Ms. Smith said the real concern was the septic tank off the deck and she asked about the leeching fields that are quite delicate. Ms. Davies said she was looking to preserve the leeching fields and she hoped to protect them but she said she suspects there are a series of tanks there.

Ms. Smith asked if she could find out. Ms. Davies said she tried but it was difficult to do because it pre-dates the town records.

**** MR. KYDES MADE A MOTION TO APPROVE 119
MAYWOOD ROAD – DAVIES - #S02-133 – EXCAVATION,**

**FILLING, RE-GRADING AND CONSTRUCTION OF A
RETAINING WALL IN**

**AND ADJACENT TO A WETLAND AND WATERCOURSE WITH
THE SPECIAL CONDITIONS AS OUTLINED IN THE MEMO
DATED JANUARY 21, 2003 FOR ITEMS a) and b) and
CONDITIONS 1 THROUGH 5**

Ms. Davies took a few minutes to review the special conditions and stated she had no problem with conditions #1, #2, #4 and #5 but she asked if #3 could be modified because she would like to be able to see the stream. She asked the commission to consider approving ground cover or lower shrubs or narrowing the band for some portion of screening from the house to the deck.

Ms. Cherichetti said there could be breaks in the shrubs where there is something else in the buffer area and allows a viewing area; she said its flexible.

Ms. Davies mentioned organic lawn care and asked if she used these standards would it be possible to maintain a section closer to the wall. Ms. Cherichetti said it depended on what area was involved. She indicated the 10-ft. area that could be maintained as grass. Ms. Smith agreed where Ms. Cherichetti pointed out should be acceptable.

***It was determined that condition #3 would be revised to reflect and add that a 10-15 foot lawn portion of buffer area should be maintained as lawn as well as other stipulations deemed necessary by staff and that were read into the record by Ms. Cherichetti.**

**** MS. DESTEFANIS SECONDED**

**** MOTION PASSED WITH FIVE VOTES IN FAVOR AND ONE
ABSTENTION (MS. CAGNINA)**

PUBLIC HEARING

The Vice-Chair called the public hearing to order at 7:40 p.m. He reviewed the hearing procedure and said sign-in sheets were supplied for persons to speak in favor or in opposition. He stated when it was time for public input; the person's name would be called. The applicant would make their presentation and the commissioners could ask questions and then the public speaks either in favor or opposition; once they are done with public input, the public could no longer speak; thereafter the applicant has the right to rebuttal and the commissioner's can once again ask questions.

- a. **371 Chestnut Hill Road – Vey - #S02-125 – Five (5) lot subdivision with associated septic systems, on-site wells, and stormwater drainage in and adjacent to a wetland and watercourse**

Ms. Cherichetti stated the staff report was the summary from the last meeting.

Attorney Genuario stated he was the representative for the applicant at 371 Chestnut Hill Road, Vey and stated that Ms. Throckmorton and Mr. McAllister were also present to speak on behalf of the application.

Attorney Genuario said they were seeking application approval for a 5-lot subdivision for four new lots and four new houses and septic systems; the property is just under 6-acres for four new lots at 5.89 acres and they were looking to divide it into four separate lots with separate septic systems on each lot. He said the size of the lot is not calculated with accessway to Chestnut Hill Road. He indicated on the site plan where the property was located and said it consists of four rear lots and bound by Wilton property on the north and there is a tract of wetlands to the rear of the property. The project consists of an existing house with no changes and four lots identified as #5, 6, 7 and 8 and are proposed with access with shared driveways to the adjacent property owners; each would have a septic system.

Mr. McAllister the licensed engineer with McCord Engineering in Wilton said each lot would be serviced by on-site septic systems. He noted the Norwalk Health Department has given approval for the septic zones and they would increase the storm water but it would be retained with underground structures. They are also proposing to utilize upland soils with a 2" force main encased in the pvc pipe, if it should fail, the property has four accessways and would utilize two shared driveways to minimize the impact.

Attorney Genuario referred to the lots indicated below to clarify the distances from the wetlands; Mr. McAllister answered accordingly as follows:

- lot #5 would be 190 ft. from the wetlands and the primary septic field would be 140 ft. away
- lot #6 would be 190 ft. from the wetlands and the primary septic field would be 135 ft. away
- lot #8 would be 112 ft. from the wetlands and the primary septic field would be 40 ft. from the wetland
- lot #7 would be 55 ft. from the wetlands and the primary septic field at the closest point would be 45 ft. and the average distance of the primary septic from the wetlands would be 90 ft.

Attorney Genuario asked the methodology of construction. Mr. McAllister said there would be a conservation trench and covering 5 ft. deep. He said it would take a few days to do and the area would be back filled and mitigated.

Mr. McAllister pointed out on the site plan where they would be picking up roof leaders for lots 5, 6, 7 and 8.

Attorney Genuario asked if machinery would be needed to install the septic system and if it would have to travel through the wetlands. Mr. McAllister said the machinery would not be in proximity to the wetlands because they are proposing a construction easement to access the area and it would be a maintained easement after construction.

Attorney Genuario asked if they were proposing protection of the wetlands during construction. Mr. McAllister said they would provide silt fencing to service at the limit of disturbance line.

For the record Attorney Genuario stated the mailing receipts were delivered to Ms. Cherichetti prior to this meeting.

Attorney Genuario continued to say the soil scientist went back to the site to check for other wetlands and found none.

Ms. Kate Throckmorton, the Licensed Landscape Architect said she did an environmental assessment and mitigation plan and found the wetland is wooded and adjacent to a large field. She said the majority of trees are red maple and in addition to soil support, there is a small pond area and it would be considered a boulder wash with a tremendous amount of rock that has been added to over the years from the adjacent farm activities. She stated the area is a straight line and trees are sparse enough to work in the trench without affecting the trees and they would also plant small trees to yield the area back together. She said they expect the area to be dug and the soil laid so there are no materials left on or off the site, it would be placed back in. She noted they would plant a native conservation mix. She said the development would cause a short disruption to the wetlands but of a limited impact and once it is done, the actual sleeve would carry no water in or out of the pipe and it would function as it does today with no long term effects.

Attorney Genuario asked if the PVC pipe was below the wetlands and if they anticipate any adverse impact. Ms. Throckmorton replied no, the pipe would be inert.

Attorney Genuario asked if the mitigation plan proposed for the narrow area to the wetland adequately addressed any short-term disruption to the wetlands. Ms. Throckmorton said there would be a quick catch up and the material proposed would allow quick growth.

Attorney Genuario said they proposed another methodology for installing the PVC pipe below the wetlands and asked Mr. McAllister to explain. Mr. McAllister said they propose the methodology of horizontal drilling by two access excavations, that consists of drilling a hole behind the PVC sleeve and steer beneath to the other side then pulls it back through the PVC pipe, thus allowing the work to continue outside the wetlands.

Attorney Genuario concluded his presentation.

Mr. Kydes asked how they would get to the back when accessing the wetlands. Mr. McAllister said all access to the rear would be around the northern tip of the wetlands.

Ms. Smith asked about Alternate plan-D and mentioned that at the last meeting she found it intriguing due to there being no impact to the wetlands and no line that would run behind it etc. She said it's a cluster and she found this appealing, she requested more details for this plan. Mr. McAllister stated the drawbacks to this plan as follows:

- To approve this, the system requires DEP approval and this is a timely and costly process
- There is also a drawback for the wells because they wouldn't be able to access them due to the setbacks, they are considered community wells but it would increase the setback

Attorney Genuario said he felt this plan was the best submitted to comply with the commissioner's requests. He also added that although he was a proponent of cluster housing, this is a "AAA" zone and all the development in the area was single-family, one-acre lots and cluster housing would not be consistent to the area; the traditional development is a one-acre lot, one house, so he thought the proposal was not over development and consistent with the scheme in Norwalk.

Ms. Smith stated that for lot #7, there was not a whole lot that wasn't wetland. Attorney Genuario said there is 50-60 feet of backyard before they get to the area; there is also an existing stonewall to protect the wetlands. Mr. McAllister pointed this out on the site plan.

Ms. Cherichetti asked what the dark green area on the site plan denoted. Mr. McAllister said it was the approximate proposed tree line.

Attorney Genuario noted most of the developing area is not heavily green so the houses are not going in areas that are heavily developed to begin with; there is very little impact to the existing vegetation.

Ms. Vallerie asked the number of trees that would be removed to put the line in back. Mr. McAllister said five to six would be removed in the septic system area but none in the line area.

Ms. Vallerie asked how deep they would go to get to the tree trunks. Mr. McAllister said 4 ½ to 5 ft. deep; they would be able to steer around the boulders and tree trunks.

Mr. Holowinko asked if there was any thought to constructing three houses instead of four. Attorney Genuario said the prior plan was for five houses so the applicant downsized from five to four at 20% reduction. He said he felt four houses was not unreasonable but he didn't feel the amount was not in keeping with the scheme of the neighborhood.

Public Input

- Ms. Diane Lauricella of 249 Chestnut Hill Road said she was present to speak on behalf of herself and her housemates. She said she contacted the Cranbury Neighborhood Association but there were no responses. She reviewed the application site and was opposed to it due to the too dense area; she noted the developer for this project builds good quality homes but this is just a continuation of more houses in an already dense development. She said it's a "AAA" Zone and homes are on wells and the affects of tapping into the wells could be devastating and if a drought occurred it could affect the houses, therefore, she was asking that the development not be granted unless it is conditioned on conducting a hydro-geologic study. She said the health department doesn't track cumulative effects for this type of development. She noted the previous developer who put in a subdivision with many wells for large homes and she questioned when it would stop pointing out there could be a draw-down effect if circumstances of the wells impact could be studied. She further touched on the following issues:

-leeching fields

-no hardship proved to allow one of the house's that she felt was too close to the wetlands and felt it should be eliminated

-underground fuel tanks should be above ground

-increase all the buffer areas

She said the site is jam-packed and the time has come to ask for cumulative effects and respect the neighbors concerns of possible drought conditions. She thanked the commission for hearing her.

- Mr. John Picco stated he would speak as the president of the Four Winds Farm Association that consists of twenty homeowners. He said he felt the proposed development was too dense, the property was subdivided a year ago and there was a converted barn and farmhouse to the east of one of the proposed homes; he said the heavily wooded wetland would be disturbed and also felt lot #5 doesn't provide a buffer along Farm House Lane. He

said overall, there would be dense development and it would not be in keeping with the homes adjacent.

Mr. Kydes asked if he lived in Norwalk. Mr. Picco replied he lived in Wilton. Mr. Kydes asked for the names of the homeowner's members. Mr. Picco said he had a list and someone from the audience provided it to him for review.

- Ms. Cora Martin of 8 Four Winds Lane stated she was opposed to the density. She said she couldn't believe only five trees would be affected; equipment is large and would be difficult to maneuver and they would have to access another property to get to the area. She felt there would be more disturbance and one less house wouldn't hurt.
- Mr. Roland Shallenbrowne a board member of the Four Winds Farm Association said he lived 250 yards from the proposed development in Wilton. He agreed that the density was a problem and he noted with increasing droughts, it would impact the wells. He said if it were granted, they should ask for a hydro-geological study. He also noted the location of one of the houses with the leeching fields and the number of trees that provides a buffer that would be significantly disturbed if they had to bulldoze through. In ending, he said one less house would be a better position.
- Mr. Vincent Balzano of 5 East Wind Lane, Wilton said when the original two houses were put in the area was cleared for the driveway, they cut down the trees that were on the Wilton side and he believed the area was already too dense and also had a concern for the area where the leeching fields would be put in.
- Mr. Herb Neporin spoke about the animals and their habitat and said he felt the development would disturb the whole environment noting there are few areas left in town with this type of habitat.

Rebuttal

Attorney Genuario stated he would respond to the remarks as follows:

-He explained his remarks about the distance of the primary septic system from the wetlands and how far the tank is, was meant as reference to the leeching fields from their closest point, denoting they are further away from the wetlands.

-Underground tanks are not used and they would agree to above ground tanks.

-He spoke about the Cranbury Neighborhood Association that was allegedly contacted by Ms. Lauricella and he felt that since they weren't present, it must have been because they felt the development was not too dense. He said it's in a "AAA" zone and

the least dense area in Norwalk that allows houses on one-acre of land, the applicant's density is in keeping with the regulations and if there was a feeling that the zoning regulations in general allow the development that is more dense, it's a fair concern, but he felt it was not fair to submit to an applicant and have them follow the regulations and then have an arbitrary suggestion that the development is too dense; in his opinion it is not too dense.

-With regard to the wells, there was no credible evidence at hand that these four new wells would adversely impact the water system in the area and he noted that the City of Norwalk, as an amenity treats all properties equally, they should engage in a study to indicate any potential impact on the wells, but this hasn't been done; if the city felt there was a serious hydro-geologic problem, it is up to city officials to conduct it, it probably hasn't been done because it wasn't deemed necessary in the past.

Attorney Genuario briefly reviewed the list of the Four Winds Farm Association residents from Wilton. He said if there were a road where he indicated, it would seem the owner of lot #5 would be concerned about buffering from the impact of the roadway, but he said if it was a big concern they could plant additional plantings.

Attorney Genuario asked Ms. Throckmorton to suggest other plantings that would be appropriate. Ms. Throckmorton explained where the wall is and where it is currently wooded; the wall demarks the wooded area and no disturbance is proposed within 25 feet and they would offer further demarcation and would plant any plantings recommended by staff.

Attorney Genuario continued and said for the septic systems, grading is toward the wetland so there is no impact upland to the septic system; he noted there is a public health code and the system would comply with this, so the applicant has complied with the established public policy that is in contrast to someone's suggestion that he has not.

Attorney Genuario further indicated a significant area where there are no wetlands and where all is not being impacted. He said with regard to the work in the wetlands, it's a limited amount of work over a short period of time that would be dealt with in accordance to the mitigation plan.

Attorney Genuario asked Mr. McAllister to address the impact of the draining of well water on the waters that feed the wetlands. Mr.

McAllister said the homes of this size require three to four gallons per minute of water and four wells on six + acres would not adversely affect the wetlands.

Attorney Genuario stated the wetlands are fed by surface water. Mr. McAllister agreed.

Attorney Genuario spoke about the wildlife in the area and said it exists within the vegetative area and development doesn't take place there; their area of development would incur a short-term disruption and again he felt the proposal was consistent with the area.

Ms. DeStefanis asked if it wouldn't be unreasonable to project what would be needed for a ground water budget estimate. Attorney Genuario said they would comply with this request and he asked to keep the hearing open for two weeks to allow them to submit the information noting that if it wasn't submitted within two weeks they would request a continuance.

Mr. Caputo determined the hearing would be held open per Ms. DeStefanis request for a ground water budget.

Ms. Cherichetti said they could possibly meet the February 11 meeting. Mr. Caputo stated the public should check posting of the agenda to make sure the item would be on the agenda for February 11, 2003.

**m. 24 Belden Avenue – AvalonBay Communities, Inc. - #S02-129 –
Construction of two new multi-use buildings and associated parking,
stormwater drainage and landscaping adjacent to the Norwalk River**

The Vice-Chair stated that the procedure previously stated would apply for hearing this application.

Attorney Waters stated he would speak as the representative for the applicant AvalonBay Communities. He said others that were involved in the project would also speak on behalf of the application. He submitted the return mailing receipts.

Attorney Waters indicated the location of the project in proximity to the Norwalk Mall site where the cross street is Belden Avenue near Virgin Atlantic and the courthouse; the location is also near the Norwalk River at the eastern side of the

property. He noted the blue on the site plan indicated the position of the existing structure and he pointed out another portion of the property that would remain that is near OTB. He said all else would be new with parking below and at grade with three units of residential above with landscape and a courtyard and below grade there would be parking on the first level and a new area of commercial space on the Belden Avenue side and office amenities with a pool suspended within.

Attorney Waters continued to say three access points would remain in the same location and the central corridor would service vehicle access and pedestrian access to the riverwalk with limited vehicular activity on the side of the street. They would also have emergency access that would connect to the OTB parking lot and would also function as an area for moving vans for trash pick up. He explained there is 3-tiered space that would be living space at the top level; the second level is the vehicular level and the lower level would have a brick walk that runs to the OTB parking lot that would be constructed with pavers. He said they would also modify Burnell Blvd. and it would be two-way to allow access to their parking garage as well as to the Yankee Garage across the street. He noted they considered any environmental impact and found the following to be positives:

1. The impervious coverage would be reduced
 2. There would be major water quality enhancement because the drainage dumps into the river currently but it wouldn't after construction
 3. There is significant impact of having a public riverwalk noting that the city has been asking for this a long time and with the pedestrian only access, this is a good thing
 4. Selective planting of invasive species
- Ms. Judith Slayback the Inland, Wetlands Scientist stated that below the concrete retaining wall there are several trees that would remain and the river would be removed of litter; she said there is not much on-site now other than some small trees but they would see a lot more green overall on the site.
 - Mr. Ted Hart, the Professional Engineer for this project stated they designed the storm water system to discharge to the existing drainage system in Burnell Blvd. and Belden Avenue that currently has several small catch basins that would remove any solids. He said the other system discharges to Burnell Blvd. and would provide discharge to the existing system at Burnell Blvd. He displayed the existing conditions plan with a large parking field adjacent to the building with no islands of trees, its mostly paved and land use (*he submitted a copy of the existing conditions of the land use coverage calculation*) noting that there would be .68 acres of reduction in the impervious cover. He further stated there would be a courtyard with significant green space and along the river walk so overall there would be an increase in the grassed landscape areas; he noted the

vortech nics would provide inspection and maintenance. There would be some impervious coverage but no surface parking, so the storm water leaving the site would be much cleaner than it is now. He said there are two construction entrances on Cross Street and Burnell Blvd. and a silt fence along the top of the retaining wall at the Norwalk River and a swale to discharge to the sediment basins. There is an existing steep slope that would be modified and they would put in erosion control blankets while they are established; the retaining wall was raised with modular block on the west side of the wall.

- Mr. Tim Jordan the Landscape Architect on this project stated they would be involved in plantings where the riverwalk starts at Cross Street and would terminate at the existing parking lot to Burnell Blvd.; the area would be ramped down at a grade that would continue with a flat wall that would be raised 2.7 ft., they would use combination concrete pavers and trees would be planted every 50 feet. He said the plantings are combination of varied types such as, rhododendrons and evergreen azaleas and others as mentioned. He pointed out the next tier with the stairs is the emergency access and plantings would be a combination of, Bradford pears, spruce, azaleas and rivers birch. He noted there are sycamore maples also on the property and there is a plant material growth of bittersweet but they would remove the invasive plant material and once this is created they would have a link across Burnell Blvd.

Ms. Smith asked if the condition of wall is good. Mr. Hart replied they did a test on the backside of the wall and it is in excellent condition; so it is structurally sound and has also been inspected.

Attorney Waters concluded but offered that one alternative would be to do nothing but he felt this would be worse; noting the site has been developed in the past and could probably get a tenant where the property would not have the best use, this application gives a better use of the site and also would serve the public well.

Ms. Smith asked if the promenade would have strips of roadway to provide vehicular access. Attorney Waters said the lowest level was strictly pedestrian and he further explained the muse is both vehicular and pedestrian and there would be an entrance at building-1 or they could continue to the entrance at building -2 and beyond is the emergency use.

Mr. Kydes asked about the bus issue and if they would remain. Attorney Waters said they would remain due to the pulse point and in order to make Burnell Blvd. two-way, there would be 3-ft. of encroachment to the street and the sidewalk would come 3-feet onto their property.

Mr. Holowinko asked if the pedestrian walkway would always remain. Attorney Waters said yes, but there would be reasonable restrictions of use.

Public Input

- Ms. Lauricella spoke on her own behalf and for the Norwalk Watershed Association. She stated the Norwalk Watershed Association had a program to adopt-a-spot and had a cleanup effort in the Pathmark Plaza; she said prior conditions were a dumping ground for contractors, but they added a fence to prohibit materials being blown into the river. They have had lots of cooperation removing trash and on the Pathmark site they made a list of conditions they would like to see imposed. Overall they feel this proposal is a great improvement and are very pleased by several points of the application and access to the river. She stated they would also like a bike path if possible and would like general access as non-restrictive as possible. The applicant has expressed recognition of the river and has expressed they would be very concerned about its enhancement. She noted for the landscaping they would suggest native species be included more often in the walkway. She mentioned the educational signage should be included to recognize the river as well. She went on to say invasive plant removal is a positive and storm water cleanup is 100% better and attention to the impervious surface is a plus. The terrace overhang removal is a good. She stated one issue that was not in the application concerns shading on the riverbank; she observed that currently a wall and trees do provide shading after the sun goes down but the proposal doesn't reflect any shading measures; she felt the application should be approved with the assistance of the DEP to address the shading issue and if they felt it could inhibit the habitat than she would suggest modifying the design to pull the buildings back slightly.

Rebuttal

Attorney Waters noted they previously proposed the overhang terrace due to the Central Business Management plan but were happy to delete it. He touched on the following positive points as follows:

-The implementation of the riverwalk has been well received

-There would be access to the riverwalk with limited restriction; the area closest to the river is intended to be a public way and would continue at night

-They are using native species to be planted

-Regarding the shading issue, there is not a lot that could be done and pulling the building back would not work due to the layout, but overall the project is a net positive altogether

Mr. Caputo stated that February 11, 2003 would be the date for this matter to be voted on and he stated that based on the proposal and his personal opinion, he liked it so far. He asked when they would begin the construction. Attorney Waters said it would be a twenty-month total construction period so hopefully they could begin as soon as possible.

Hearing no one, the public hearing was closed.

c) 10 Norden Place – United Technologies Corporation - #S02-131- Remediation, by excavation, of contaminated soils in and adjacent to a wetland

The Vice-Chair stated that the procedure previously stated would apply for hearing this application.

Mr. Wayne Bogden the Professional Engineer for this project stated he would speak as the representative for Norden Technologies. He stated they were applying for a small excavation of soil in an area of the wetland on the Norden property in proximity to 80-acres near I-95 and Metro North Railroad. He pointed out the green area on the exhibit denoted the wetland area and the black dot denoted the area to be excavated. He displayed a blow-up of the area with the wetland boundary and said the area in question contains an area of soil contamination previously found consisting of tetrachloroethylene or what's known as dry cleaning solvent. The area was determined to be 100 ft. long delineated with borings. He explained that in the center of the plume to remediate is a soil evaporation extraction system that cleans up ground water but it doesn't address the contamination so they need to excavate. He said excavation is below the water and they need to clean up the area to meet state standards; he noted the remedial action plan has also been approved by the state. He continued to say they would bring in an excavator that could excavate down to 5 feet allowing the work to be done in a few hours. They would stock pile for testing and categorize it for disposal and then it would be loaded onto trucks for disposal off-site in compliance with and according to standard disposal measures. They would bring in a bank run gravel that would be compacted and put in place to complete the work.

Ms. Smith asked if they were able to put topsoil over it. Mr. Bogden said they could but it's a sparse wetland and there is virtually no vegetation present; they also intend to rake off any leaf litter, brush it and put it back down and would also take hay bales and scatter them around.

Ms. Vallerie asked if there would be any affects as a result of the stockpile. Mr. Bogden said there would plastic underlaying it if its left overnight but the goal is to do the work in dry weather so the soil would be unsaturated and drains readily so no water is pouring out.

Mr. Caputo asked how does the weather impact when the work is done. Mr. Bogden said they would like to the work during the summer, typically during a long dry weather period.

The Vice-chair asked if there was any public input; Ms. Lauricella acknowledged from the audience that although she did not sign the sheet to speak, asked to be heard, so Mr. Caputo allowed her to speak.

- o Ms. Lauricella spoke in favor of the application as an Environmental Consultant. She said she was pleased they were doing this work and suggested it be done with the "Best Management Practices" covering areas such as:

- plastic under the stockpiling or plastic over the piles should there be inclement weather

- upgrade of habitat in the area

- she felt the proposal would increase the ability to clean up the ground water due to the chemical found is hazardous, but overall it's good to remediate it.

She noted she would request the health department check the air quality.

Rebuttal

Mr. Bogden stated the area is very small so asking them to add plantings for topsoil would not be a hindrance and they could do it but he clarified their intent was to restore the land to the conditions it is now.

Ms. Smith asked about the "Best Management Practices" and Ms. DeStefanis commented the applicant's plan mentioned this.

Hearing no one, the public hearing was closed.

**** MS. DESTEFANIS MADE A MOTION TO APPROVE
10 NORDEN PLACE – UNITED TECHNOLOGIES
CORPORATION - #S02-131- REMEDIATION, BY
EXCAVATION, OF CONTAMINATED SOILS IN AND
ADJACENT TO A WETLAND SUBJECT TO THE SPECIAL**

**CONDITIONS AS OUTLINED IN THE MEMO DATED
JANUARY 21, 2003 DENOTING SPECIAL CONDITIONS 1
THROUGH 3.**

**** MS. SMITH SECONDED**

**** MOTION PASSED WITH FIVE VOTES IN FAVOR
AND ONE ABSTENTION (MS. CAGNINA)**

ACCEPTANCE OF MINUTES

Tabled until the next scheduled meeting.

COMMENTS OF STAFF

None.

COMMENTS OF COMMISSIONERS

None.

ADJOURNMENT

**** MR. KYDES MADE A MOTION TO ADJOURN**

**** MS. SMITH SECONDED**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:15 p.m.

Respectfully submitted by,

Diane Graham

Telesco Secretarial Services