

NORWALK CONSERVATION COMMISSION MINUTES

FEBRUARY 8, 2005

ATTENDANCE: Karen Destefanis, Chair; Elizabeth Ackerman, Ed Holowinko, D. Seeley Hubbard, Matt Caputo, Susan Llorca, Ann Cagnina, Andrew Kydes

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Attorney David Waters, Lepofsky, Lepofsky, & Lang; Don Strait, Landscape Architect, Grumman Engineering; Judy Slayback, Environmental Solution Land Solutions; Dean Martin, Engineer for Grumman Engineering

CALL TO ORDER

Ms. Destefanis called the meeting to order at 6:10 p.m.

RECEIPT DISCUSSION

a.) 125 & 129 Perry Avenue-#S05-210-Loudon- Three lot subdivision of land adjacent to a wetland.

Ms. Destefanis stated that additional information regarding this file was passed around. The additional information includes a requested soils report and slightly revised subdivision.

Attorney David Waters stated that there are two lots that are supposed to become three. He said the proposal is to have a portion of the two properties combined to make the third lot designated as lot 2. Attorney Waters stated that one of the two sheds has been removed. Municipal waters currently serve the property. There is a private septic system on two lots. There is a proposal to have a third septic system. The proposed maps have been modified to what was previously submitted. There is 6.22 feet of additional frontage. Attorney Waters said he did receive a copy of the staff reports and sent it to Landtech for a response, which is what the commission has before them tonight. There was also a request for a soils map sketch, which was also provided. The wetland itself is a minimum of 10-feet off of the stonewall. The sketch indicates that the wetland follows approximately 170 feet of the topographic line. The main concern was the proximity of the proposed septic system. Attorney Waters said the question was how close the septic system really is to the wetland. 120 feet contains curves. There is curving away from the septic system currently being shown as the prototype. He said there were no retaining walls. He stated that they still needed to go through the Planning Commission, then to a public hearing.

Ms. Cherichetti said the applicant submitted a letter indicating that they are adjacent to the site. She had asked for the wetland to be shown on the subdivision map, therefore, when it is filed, there will be notation of where the wetland is located. Attorney Waters

said he could indicate the information. Mr. Caputo asked Ms. Cherichetti whether she would be satisfied. Ms. Cherichetti said she had not looked at the report in detail. Ms. Destefanis said she would like a vicinity map included on the survey. Attorney Waters said that could be done. Ms. Cherichetti said they were speaking in terms of a subdivision and not the development of a lot. Attorney Waters said he fully expected a provision for buffer planting. Ms. Cherichetti questioned the sewer connection. Attorney Waters said it was a considerable distance away, but he did not know the exact number off hand. He said this was well beyond where the sewer runs.

Mr. Caputo asked how much time they had to make a decision. Ms. Cherichetti said they had 65 days from tonight's meeting.

DISCUSSION/DECISION I

a.) 74 Cranberry Road-S04-202-Temecula LLC-Construction of a new single-family residence adjacent to a wetland and watercourse.

Ms. Cherichetti stated that there was an application before the commission and another newly revised site plan was presented at the last January 25th meeting. At the time, the commission asked for plans to be submitted for review. The plans arrived after the packets went out. She said the site plan is included.

Mr. Dean Martin stated that the plan has some minor changes. He said there is a proposed dwelling in the same location. The red-dashed line represents the existing flood line. There was a proposed area of mitigation to be excavated out by volume. He said the garage was dropped for elevation and is set at 93.5 because of the tremendous amount of fill at the flood zone. Mr. Martin said the driveway elevation was dropped down and there is flood storage in the garage. A volume equal to 1,337 cubic feet was created. He said they were still proposing a full 8-foot basement. He passed around a packet, which entailed the possible ways to prevent flooding. Essentially, the letter states that if there is a concern, the basement walls can be flood proofed or the sump pump can be stored in side the basement. The conservative estimate is 10-yards of fill. He said the grade would only be raised from about 5-feet outside of the house.

Mr. Martin asserted that all volumes are computed by performing cross sections through the house and the flood navigation areas. He said the grades at the bottom are set at 1% for positive flow back; there will be no ponding.

Ms. Destefanis asked about the flood openings. Mr. Martin said there are moveable screens that allow floodwater to go in and out. They are designed to provide 1-square inch of surface area in the beginning per square foot of the opening.

Ms. Ackerman asked about the ponding areas. Mr. Martin stated that he had done areas like this in the past. The water will flow in and back out. Ms. Ackerman asked whether there was ever a situation where the square footage in the area would become compacted over time. Mr. Martin said no and said this would only happen if road drainage occurs. Ms. Ackerman asked what would happen if it went out of balance. Mr. Martin said there

could be excavation if this were to occur. He said this was a flood zone not a flood way. Mr. Hubbard asked whether there were any flood plain soils. Mr. Martin said no.

Ms. Destefanis asked whether they had until February 22nd. Mr. Holowinko asked whether there could be something included in the amendment that says the property owners cannot do any modifications. He said there was a map to show what is described on special condition #7. Attorney Waters said the site plan would typically be required to be included in land records. He said the concerns could be addressed.

Ms. Cherichetti said that four soil scientists had been out at the property. She said the 3 concurred three strong conformists with one another. She stated that she had met with all three and agreed with them. Looking at the soil type, portions of the Stoney Hill property had been disturbed in the past. Mr. Hubbard said they were disturbed to the extent that there was no evidence of alluvial soil. Ms. Cherichetti said there was no recent top layer of alluvium soil horizons. There is a flood plain that acts as a flood plain and there are no flood plain soils there. There are also areas that act like flood plains, but are really for flat plain water storage.

Ms. Ackerman asked whether there was a difference between the floodway and flood plain. Mr. Martin said the floodway is an area that cannot be encroached upon by any building. He said the whole area could be filled up and the elevation would only be raised up by a foot. There cannot be any buildings within the floodway.

Mr. Martin stated that the original map was a larger footprint closer to the river. Ms. Destefanis asked whether the original footprint shrunk a little. Mr. Martin replied yes. He said they were able to twist the footprints and move it further. He said the buffer has also been increased; one of the original plans had a deck, which was removed. With regard to the wetland report, Mr. Hubbard asked whether it was part of the floodplain and disturbed at one time. Ms. Cherichetti said the words "soil" and "functioning" were removed from the report.

Mr. Hubbard asked whether the previous house was part of the disturbed wetland. Based on a soil map by Bill Kinney, Ms. Cherichetti there was an indication that there were no disturbed soils up to where the house is. She said the upland disturbed soils show no evidence of aquatic moisture regime. Ms. Cagnina said this was partly a learning experience. Ms. Ackerman said she would like the chance to read through the new information. Ms. Cagnina said the issue was not with wetland concerns; she said she was not ready to make a decision at this time.

Ms. Cherichetti stated that this item would be tabled until the next meeting scheduled for February 22, 2005.

b.) 207 East Rocks Road-#S04-206-Two lot subdivision of land adjacent to a wetland and watercourse.

Ms. Cherichetti said there were not too many comments at the last meeting regarding this item. The applicant provided a preliminary site plan. The applicants have shown that they

could stay a minimum of 28-feet from the wetland line. She asked whether there were any concerns or additional requests. Ms. Cherichetti said a possible draft resolution had been included. Attorney Waters said he had no problem with the proposed conditions.

** MS. CAGNINA MOVED APPROVAL OF ITEM b 207 EAST ROCKS ROAD-#S04-206-NOLAN WITH THE CONDITIONS STATED IN THE MEMORANDUM DATED JANUARY 31, 2005 FROM ALEXIS CHERICHETTI.

** MR. CAPUTO SECONDED.

** MOTION PASSED UNANIMOUSLY.

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

Ms. Cherichetti stated that the packets had gone out. She said there was no new application material and that new information eventually came in. One of the issues was the watercourse being mentioned and not illustrated. She said the watercourse was now being shown on all of the maps. There were discussions regarding the buffer between wetlands and the driveway. There have been concerns about the proposed storm water drainage. The intent is not to have curbing on the northern portion of the driveway. Ms. Cherichetti noted that she did not have time to draft a resolution.

Ms. Llorca asked whether there was any curbing. Mr. Don Strait said he thought it would be better to run a material filter. He added that the driveway had been regraded so there would be a tilt. The blue line on the map represents the existing stream. A few shrubs have also been added in order to boost wildlife quality etc. With regard to the northern part of the proposed development, Ms. Cherichetti asked whether there was any reason why the spreader could not be moved back. Mr. Strait said he did not see a problem. He said they could do 40-feet and have it moved back. Ms. Cagnina asked whether the watercourse goes underground towards the end. Mr. Strait said it was not a defined course. There is a small screen with water moving through the area, which spreads it. He said it just becomes a pull after the spread. There is water going into the catch basin at West Norwalk.

Ms. Cherichetti said water area would come under the technical term of a watercourse. She said there would be a continuation of a watercourse. She asked whether there were any comments regarding the driveway buffers, or whether or not there were any concerns with the storm water flowing over that buffer. There were no comments regarding this. Ms. Destefanis asked Ms. Cherichetti if she was satisfied with the plantings proposed. Ms. Cherichetti said yes. Larger plantings, which would be harder to plow, have been designed.

Ms. Cherichetti said this matter would be tabled until the next meeting.

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

a.) 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.

Ms. Cherichetti stated that a notice of the public hearing was published in the Norwalk Hour. She said she had received certified mail receipts from all of the abutting neighbors. Attorney Waters noted that he had submitted all of the green return receipts he received. He said he had also submitted a list of all the people who were sent a notice. The property is 5.2 acres in size and there is a pond located on the property. He asked Mr. Martin to make a presentation.

Mr. Martin said this is a conservation development, with the existence of a single-family dwelling. The proposal is to place several dwellings within the roadways. A municipal sewer will service the dwellings. The drain was analyzed and found to be capable of carrying additional run-offs. The watershed of the pond area is approximately 6-acres and the remaining run-off drain is to be a maintained road. Mr. Martin said the some cutting down of the property was proposed. He stated that the red lines represent the retaining walls on the map. There are also silt fencing delineating limits of construction. The required buffers and setbacks have been maintained and the landscaping of street trees has been proposed.

Mr. Martin noted that he had received a letter of review. One of the questions was what the drainage area is and what pond would be affected. He said the maintenance agreement had not been submitted with the original proposal, but will. The impervious surface has gone from 4.9% to 19%. He stated that guest parking spaces had been provided on this plan, but could be removed. According the drainage report, Ms. Cherichetti stated that the total acreage had increased Mr. Martin said there was a typo in the report; there would not be an increase. He said he would review, revise the report, and get it back to the commission. Ms. Cherichetti said thank you.

Ms. Cagnina asked whether there were seven additional spaces to be removed. Mr. Martin said yes. Mr. Hubbard asked what the increase was. Mr. Martin said it was .92 CFS. He stated that they would reduce the remaining impervious spaces and the amount of the runoff. He said they were proposing to discharge the run-off from the four roofs. Ms. Cherichetti asked whether there would be an increase or a decrease of storm water. Mr. Martin that the approximate change in the run-off is .5 CFS, which will be diverted from the pond. Ms. Cagnina asked how this would be beneficial to what is there now. Attorney Waters said the property is approved as a single-family residence. There are areas of ledge and steep slopes at West Rocks Road. The proposal is to do conservation development to allow a total of 8-units, but they will only be using 7. The access would be off Blue Mountain Road in order to preserve the steep slopes and buffers around the wetlands. The theoretical subdivision as provided, could get 6 lots here. He said that lot #2 would have an access way. It would be easy to get a 6-lot subdivision. There would be three houses accessed off Blue Mountain Road. The benefit of the conservation development is the unified association in charge of maintaining the property. Attorney Waters said they would be retaining 50% of the property in perpetuity. There will also be

a survival of change in the zoning regulation. He said they would end up with a preservation of perpetuity with no disturbance. He noted that the commission could approve the 6-lot subdivision. There are no guarantees of uniform development if there is no conservation development.

According to Attorney Waters, the lots along West Rocks Road would have a maximum building area of 25%. The amount of impervious surface can be dramatically greater. He noted that they were about 19.7% for all impervious surfaces; the amount is dramatically less than what can theoretically be put there as a subdivision. The use of an association is good because there is professional management and unifies development. Attorney Waters said this would be known as a planned community, as opposed to condominiums. The seven owners would be responsible for the management of their own property. This is the appropriate way of developing a project.

Mr. Strait asserted that the site has a number of mature oak trees that are to be cut down. He said they would be cutting and shelving in order to make things more leveled. Mr. Strait stated that they were trying to preserve all of the trees around the perimeter. Crab apples, maples, and oak will be used, as well as 10-15 pine trees. He said the interior would be filled with shade trees. In the area where the development meets the natural edge of the hill, there will be a clean break from the wall. He said they are looking to preserve the remains of the site. The existing path in the wetland is to be eliminated. Planting will be added along the edge of the property curve the buffer. There was not been any streetlights or low lighting proposed; there will be a design of a 2-car garage and there will be an additional parking space for a guest. Attorney Waters said they could eliminate the extra space if the commission wanted to.

Ms. Judy Slayback stated that the property contains wetland ponds and shallow soils where there are no apparent watercourses or direct panels. The waterfowl, insects, and wildlife species mainly use the pond. There is also a nuisance plant species growing at the edge of the pond. There have been proposed alternatives to remove the vegetation. Ms. Slayback said she had submitted a copy of a long and short-term management plan, which shows how to contain invasive species. The plan offers to either keep vegetation or pull it out, which would require extensive maintenance. This could be done through a maintenance service. Additional planting will also be going in and nothing will interfere with the storage capacities. There will be 40-45-feet with the retaining wall separating.

Mr. Hubbard asked whether the pond was man-made. Ms. Slayback said it looked that way. Mr. Caputo asked what impact the Conservation Development would have on the site. She said the shy species would probably retreat further and recommended wooden duck boxes. She noted that she liked the long-term maintenance plan enforced by an association.

Mr. Caputo asked whether there was an alternative plan. Ms. Slayback said an alternative plan would be to have individual homeowners. She said they were showing the limits of the site development being separated by the conservation area. Attorney Waters stated that conservation developments have been extremely successful because of unified

development and maintenance. He said this item was worthy of the commission's consideration.

Ms. Destefanis informed the public that their comments should be directed towards the subject at hand. She said they would start by hearing from the people who are in favor of the project, and then from the people who are against it. Ms. Cherichetti told the public that they could only speak once.

Ms. Donna Gardella asked whether this was a development or for individual family homes. Ms. Destefanis said they were only considering conservation development. Ms. Gardella said she felt the conservation development was the better alternative.

Ms. Pat Galvin asked whether cutting the site meant that it would be blasted. She said her house is located on a ledge and asked whether the assessment guarantees that houses are not knocked off their foundation.

Mr. Rich Riley asked whether there was a city agency that would be maintaining the pond. He also asked whether there was information available to the neighborhood.

Ms. Destefanis asked whether there was anyone who wanted to speak against this item. Ms. Nancy Galarcy stated that she was curious about the construction time line relative to environmental impact. There have been changes in the water level and there were issues of odor with regard to the pond. She questioned what would happen to prevent this. She said she opted for construction but wanted a modification proposed.

Mr. Ronald Borcellino said he had concern with regard to the number of homes being built and the impact of the traffic etc. He said there were only two alternatives given. There are children that play along the roadside. He said the neighborhood had not been privy to the environmental assessment. The impervious areas are still not that great and they still have drainage coming off the lawns. He said he had questions and concerns with regard to safety.

Mr. John Melkerin stated that his concern was with the number of houses. He said he would like to see half the number of proposed houses.

Mr. F. Ramone noted that there was a blind turn on Blue Mountain Road. He said the number of parking spaces should be increased and the subdivision would be a better choice.

Ms. Barbara Crane asked why the conservation would have 7 spaces when there were only 6 spaces proposed.

Attorney Waters made it clear that something would definitely happen with this property. He said the property is under contract to be acquired. With regard to blasting, this is covered by the fire marshal's office and he would closely monitor it as well. There are also different alternatives to blasting. The office of Planning and Zoning has not become

involved with the fire marshal's decision. He said he knows the commission has issues with blasting. Attorney Waters said a pre-blasting survey is required of the neighborhood.

Ms. Slayback asked whether the odor and water quality has been tested at all. With regard to the odor, Ms. Cherichetti said the health department had gone out to the site, but she did not think any testing was done. The odor was a die-off of the excess algae. Ms. Slayback said this would continue to happen. She said the engineer did not indicate any change in the water levels. Mr. Caputo said staff should set up the monitoring process. Ms. Cherichetti said an environmental consultant could come in once a year to handle the monitoring process. Ms. Destefanis said this should be done before construction in order to get some background. Attorney Waters said an ongoing report would not be needed.

Mr. Strait said the distance from the wetland is a minimum of 40-feet. The houses will be sitting below the grade. The wall height is no more than 4-5 feet and the units are approximately 50-feet from the wetland and 60-feet from the pond.

With regard to traffic, Attorney Waters said this was not something that the Conservation Commission deals with. He said this matter would also have to go to the Zoning Commission. Lighting, traffic, and access will be discussed. He said he thought the extra parking spaces per house would be a good idea. Attorney Waters noted that he had received staff comments on impervious surfaces and stated that he would be willing to eliminate those. Mr. Strait stated that they could make the driveway wider. Attorney Waters said the depth would then be eliminated. He said they could also look into grass street pavers. There are 8 houses permitted for zoning, but only 7 are being proposed. The benefit is the extra house beyond the standard subdivision. The property is now encumbered and there unnecessary preservation will occur. The Zoning Commission decided that people should be able to get benefits in order to encourage development.

Attorney Waters said he thought 7 lots were appropriate. He said a standard subdivision would allow larger houses. He stated that he would be happy to respond to a request for additional information. Ms. Destefanis asked whether there was a decision regarding blasting. Attorney Waters said he was unsure of the method at this time.

Mr. Strait said the existing lawns would remain. He said they would be taking the area and planting a buffer zone to keep invasive species from expanding which would filter the runoff. Attorney Waters said the intent of the open space area is to allow for pedestrian recreation. Ms. Llorca asked whether the buffering was brought up the wetland line. Mr. Strait said no. He said the area would become to long and narrow. Ms. Cagnina asked if 90-feet would be allowed for parking. Mr. Strait said 161-feet would be allowed. Ms. Cagnina said the abutters had a point about parking and some of the spacing could possibly be eliminated. Ms. Cherichetti said people could park in the proposed driveway.

Mr. Kydes asked whether this would be a private road turned over to the city. Attorney Waters said it would be a private road to be maintained by the city. Mr. Caputo asked how the concerns included in the memo have been addressed. Ms. Cherichetti said there have been questions regarding the site construction sequence. She said the review was for

the adjacent houses to the wetland watercourses. There was also a question of erosion control. Attorney Waters said he would be happy to supply the information. Ms. Cherichetti said there was an issue of subdivisions and no additional alternatives has been explored. With regard to storm water drainage, applicants have been encouraged to provide long-term storage plans. The nature of the conservation development is a clustered development. Mr. Caputo said he would like to see as many trees saved as possible. Mr. Holowinko said he was concerned for the larger trees near the retaining wall.

Mr. Strait said there would be a 4-foot split rail fence. Mr. Holowinko asked whether they could raise the elevation of the houses. Mr. Strait said this was possible. Mr. Caputo asked if there were any more known trees in danger that could be saved. Attorney Waters said he would look at the entire site. Ms. Cherichetti asked Ms. Slayback whether she thought the removal and maintenance required of the plants was a positive or a negative. Ms. Slayback said they would just be bringing in the native preservation; it was just a matter of being consistent. Attorney Waters said he would submit responses in due course.

Ms. Cherichetti said the commission could meet on March 8th if all materials are submitted by February 22nd. She said the comments must only be limited to new information. Attorney Waters said there must be a deed restriction. The public hearing was closed at 8:50 p.m.

c.) 200 Rowayton Avenue-#S05-209-200 Rowayton Ave, LLC- Three lot subdivision of land with a watercourse.

Ms. Cherichetti said this was received at the January 25th meeting and a presentation was made for this application. She said this was a proposed 3-lot subdivision. She said the applicants were proposing that 3 lots be served as a common driveway. Ms. Cherichetti said she did not recall any major issues with the proposed subdivision. She stated that lot A-1 would have to return for review for any site development.

**** MR. KYDES MOVED APPROVAL OF ITEM c 200 ROWAYTON AVENUE-#S05-209-200 ROWAYTON AVE. LLC WITH CONDITIONS 1 AND 2 SUBMITTED BY ALEXIS CHERICHETTI DATED JANUARY 25, 2005.**

**** MR. CAPUTO SECONDED.**

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

APPROVAL OF MINUTES-JANUARY 25, 2005

Ms. Cherichetti stated that the minutes would be discussed at the next meeting.

COMMENTS TO STAFF

a.) Declaratory Permits and Enforcement Actions

Ms. Cherichetti stated that she was awaiting her demands to be met. She said she issues a violation, which went out in today's mail. The applicants were given one month to submit an application.

b.) Report of Senior Environmental Officer

Ms. Cherichetti said she did not have a report at this time. She stated that there would be a non-regulatory meeting on Tuesday, February 15th, which will involve open space issues and grammar. Regulation issues will also be added to the discussion. She said the next meeting would be in room 213 and the following meeting on February 22nd will either be in room A333 or room 330.

** MR. CAPUTO MOVED TO ADJOURN.

** MR. KYDES SECONDED.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 9:05 p.m.

Respectfully Submitted,

Michelle Joseph
Telesco Secretarial Services

