

NORWALK CONSERVATION COMMISSION MINUTES

FEBRUARY 14, 2005

ATTENDANCE: Matt Caputo; Susan Llorca; Marny Smith; Ed Holowinko; Andrew Kydes.

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Mr. Duncan; Anthony Carlo; Matthew Fry.

CALL TO ORDER

The meeting was called to order at 6:00 p.m.

ROLL CALL

Ms. Cherichetti called the roll.

REFERRALS

Zoning Commission - #10-05R/#20-05SP – 8 Norden Place – Norden Place LLC – Proposed Regulation Amendment to Section 118-117 (Restricted Industrial Zone) of the Zoning Regulations to allow multi-family housing by special permit.

Ms. Cherichetti discussed the many newspaper articles written about this proposed project. After a brief discussion it was generally agreed to table this item until the next Commission meeting when additional Commissioners would be in attendance.

No action was taken on this item.

RECEIPT/DISCUSSION

#S06-243 – 5 Blue Mountain Road – LaRusso – Corrective action grading, filling, and construction adjacent to a wetland and watercourse.

Ms. Cherichetti stated that the applicant had been issued a Notice of Violation in November 2005 after it was noted that filling and grading work had occurred along the rear and western side yard in an apparent wetland and watercourse system. The Notice of Violation required that the applicant either complete a given Restoration Plan or file for a Corrective Action Permit. Ms. Cherichetti noted that the applicant had been given a zoning permit to construct a new rear addition in November 2004, bypassing the Conservation Office.

Ms. Cherichetti indicated that this item was for receipt only and no action can be taken this evening. The decision on this application is scheduled for two weeks from this date. She said the applicant has an estimator waiting and needs to know how soon he can act. Mr. Kydes asked about the height of the restraining stone walls that the applicant was proposing to construct. Ms. Cherichetti said the walls would be approximately three feet high. Ms. Llorca inquired about the distance from the proposed walls to the wetland. Ms. Cherichetti said the distance from the ex-fill area is approximately four feet, and from the walls approximately five feet.

No action was taken on this item.

#S06-244 – 21 Bonny Brook Road – Duncan – Corrective action grading, filling, and removal of vegetation in and adjacent to a wetland and watercourse.

Ms. Cherichetti indicated that the applicant was in attendance at the meeting if the Commissioners had questions. She explained that the applicant was issued a Notice of Violation in November 23005 after it was noted that extensive filling and grading work had occurred along the rear and eastern side yard. The work occurred adjacent to and directly along the banks of Holy Ghost Fathers Brook. The applicant is required to either complete a given Restoration Plan or file for a Corrective Action Permit.

Ms. Cherichetti said the applicant has provided two separate plans. One shows the area of grading and a low retaining wall built along Bonny Brook Road. She indicated photos that showed the side of the house where there was 20 cubic yards or less excavation. The applicant proposed to deposit material from the excavation along the watercourse along with wood chips that are already in place. He proposes to keep the wood chips but spread them out into a mound no more than five feet deep.

Ms. Smith asked if the point of the wood chips is to extend the yard. Mr. Duncan, the applicant, said he actually planned to reduce the size of the grass area and create a berm as the back of the yard has no privacy and he wanted to close it off. He indicated a 150 to 180 foot radius around the back of the house for plantings. Ms. Smith asked about the tarp on the bank of the brook indicated on the map. Mr. Duncan said he plans to remove that.

Ms. Cherichetti said she would wait for the Public Works Department to determine what they would require the applicant to do regarding the wood chips and other things, and will talk more with engineers as to what more would remain to correct. She suggested the applicant contact her office tomorrow and she will provide the name of an engineer for him to contact.

Ms. Cherichetti recommended holding off on the application at this time.

No action was taken on this item.

DISCUSSION/DECISION I

Mr. Kydes and Ms. Smith recused themselves from this discussion at 6:40 p.m.

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

This item was tabled to the next meeting by general agreement.

No action was taken on this item.

Ms. Smith and Mr. Kydes returned to the meeting.

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

Ms. Cherichetti stated that a hearing has been set for February 28th and an outside consultant, GZA Geo Environmental, has been hired. She said the estimated cost for this hiring triggered a variety of internal municipality protocols. She has received the hard copies of all plans. Ms. Cherichetti noted that the number of units may have increased as the number of affordable units has increased from 10 to 15. The number of buildings has been increased but has not changed the footprints, only the buildings have been rearranged. The number of units increased from 316 to 328.

Mr. Kydes asked if a traffic study was planned. Mr. Caputo asked, if, when walking the property down the road and path beside the watercourse, with the highway on the left and railroad on the right, will their expert give the Commission opinions on what he believes is the impact of buildings to the wetlands. Ms. Cherichetti said that she believes this is so. Ms. Smith asked if the expert's report will be given in person or written. Ms. Cherichetti said it will be a written report but he will present it to the Commission in a meeting.

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

Ms. Cherichetti stated that at the last meeting the application was received, and some Commissioners expressed concerns about the map and wetland limit line as the location was unclear and what was being proposed for the property was also unclear. The homeowner came in and Ms. Cherichetti assisted him with redrawing the map. Ms. Cherichetti distributed this map to the Commissioners and explained the changes on the new map. The Commissioners discussed the changes and indicated that the new map was much better and easier to understand than the previous map had been.

Ms. Cherichetti indicated that she had not brought a memo for the Commissioners with the resolution. Mr. Caputo suggested a five-minute recess in order to give Ms. Cherichetti the opportunity to create a brief memo.

The meeting recessed at 7:02 p.m.

The meeting resumed at 7:13 p.m.

Ms. Cherichetti read her memo to the Commissioners.

**** MR. KYDES MOTIONED TO GRANT THE APPLICATION.**

RESOLVED

THAT CONSERVATION APPLICATION #s05-241, TO PERFORM CORRECTIVE ACTION RESTORATION OF A WETLAND AND BUFFER IN AND ADJACENT TO A WETLAND BE GRANTED TO ANTHONY F. CARLO FOR PROPERTY AT 390 FLAX HILL ROAD, NORWALK, CT, [DISTRICT 5, BLOCK 78, TAX LOT 38] WITH THE FOLLOWING CONDITIONS:

- 1. A \$1,400.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO THE COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION FO THE BOND HELD FOR PLANTING SHALL BECOME ELIGIBLE FORRELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABLIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.**
- 2. PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL PROVIDE PHOTO DOCUMENTATION OF THE SITE AND CROSS-REFERENCE THE PHOTOGRAPHS ON A SITE PLAN. PHOTOGRAPHS SHOULD REPRESENT WIDE-ANGLE VIEWS.**
- 3. SILT FENCE SHALL BE INSTALLED ALONG THE LIMIT OF LAWN AS INDICATED IN ON THE PLAN ENTITLED, "SITE PLAN," DATED 1 FEBRUARY 2006. THE SILT FENCING IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON THE SITE.**
- 4. THE WETLAND RESTORATION AS DETAILED IN THE PLAN ENTITLED, "SITE PLAN," SHALL BE FULLY IMPLEMENTED WITHIN SIX (6) MONTHS OF ISSUANCE OF THIS PERMIT (14 AUGUST 2006).**
- 5. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN, INCLUDING RELOCATION OF SHEDS, MUST BE COMPLETED WITHIN ONE (1) YEAR OF ISSUANCE OF PERMIT.**
- 6. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLAN ENTITLED, "SITE PLAN," DATED 1 FEBRUARY 2006, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.**

** MR. CAPUTO SECONDED.
** MOTION PASSED UNANIMOUSLY.

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

** MR. CAPUTO MOTIONED TO GRANT THE APPLICATION #206-242 SUBJECT TO THE CONDITIONS LISTED IN MS. CHERICHETTI'S MEMO OF FEBRUARY 7, 2006.

RESOLVED,

THAT CONSERVATION APPLICATION #S06-242, TO CONSTRUCT A NEW ½ STORY REAR ADDITION AND DECK ADJACENT TO WETLAND BE GRANTED TO MATTHEW AND LISA FRY FOR PROPERTY AT 93 WITCH LANE, NORWALK, CT, [DISTRICT 6, BLOCK 32C, TAX LOT 16] WITH THE FOLLOWING CONDITIONS:

1. PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL PROVIDE PHOTO DOCUMENTATION OF THE SITE AND CROSS-REFERENCE THE PHOTOGRAPHS ON A SITE PLAN. PHOTOGRAPHS SHOULD REPRESENT WIDE-ANGLE VIEWS.
2. SILT FENCE OR HAY BALES SHALL BE INSTALLED ALONG THE LIMIT OF LAWN AS INDICATED IN ON THE PLAN ENTITLED, "ADDITIONS AND ALTERATIONS TO THE RESIDENCE OF MATT & LISA FRY, 93 WITCH LANE," DATED JANUARY 10, 2006 BY LAURENT DUPONT ARCHITECT, P.C. THE SILT FENCING IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON THE SITE.
3. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.
4. THOUGH THE PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN ONE (1) YEAR OF COMMENCEMENT.
5. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN PLANS ENTITLED, "ADDITIONS AND ALTERATIONS TO THE RESIDENCE OF MATT & LISA FRY, 93 WITCH LANE," DATED JANUARY 10, 2006 BY LAURENT DUPONT ARCHITECT, P.C., WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

MINUTES

January 10, 2006 minutes

As the Commission has not yet received these minutes, no action was taken on this item.

January 24, 2006 minutes

Corrections to the minutes of the January 24, 2006 meeting are as follows:

Page 2, 4th paragraph, 2nd sentence: add the word "City's" before "infrastructure."

Page 3, Public Hearings, 1st sentence, change to read: "Mr. Kydes, Ms. Ackerman and Ms. Smith recused themselves...."

Page 4, following motion to close the public hearing, add the sentence: "Mr. Kydes, Ms. Smith and Ms. Ackerman returned to the meeting."

Page 5, conditions, #5, change "hadn" to "hand."

Page 7, top of page, motion: remove Mr. Caputo's name from abstentions and add Mr. Kydes.

Page 8, conditions, #1, change "fo" to "of."

Page 8, conditions, #2, change "fot he" to "of the."

Page 8, conditions, #3, change "residence" to "residence."

Page 8, conditions, #5, last sentence, change "athat" to "that"

**** MR. CAPUTO MOTIONED TO APPROVE THE MINUTES OF JANUARY 24, 2006 AS AMENDED.**

**** MS. SMITH SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

COMMENTS OF STAFF

Ms. Cherichetti stated she had issued another Notice of Violation for 60 Crooked Trail. She said this was another case where the applicant received a zoning permit and bypassed the Conservation Commission. She believes the addition is on a wetland, and the applicant also built a deck with no permit. She has received no response from the applicant.

There was a brief discussion as to why Zoning permits are issued bypassing the Conservation Commission, followed by a brief discussion regarding hiring a part time environmental officer and consultant or consultant firm.

COMMENTS OF COMMISSIONERS

Ms. Smith reminded the Commission of the Open Space meeting to be held next week in the Community Room at City Hall at 7:00 p.m. on Thursday night. This was a rally to

save the White Barn property, which has been listed as one of the ten most significant open space areas on Ms. Cagnina's and Ms. Destefanis' list.

ADJOURNMENT

** MR. KYDES MOTIONED TO ADJOURN THE MEETING.

** MR. CAPUTO SECONDED.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 7:37 p.m.

Respectfully submitted,

Linda J. Hayes
Telesco Secretarial Services

