

**NORWALK CONSERVATION COMMISSION MINUTES**

**FEBRUARY 15, 2005**

ATTENDANCE: Karen Destefanis, Chair; Marny Smith; Anne Cagnina; Susan Llorca; Ed Holowinko; Beth Ackerman

STAFF: Alexis Cherichetti, Senior Environmental Officer

**CALL TO ORDER**

Ms. Destefanis called the meeting to order at 6:08 p.m. Ms. Cherichetti called the roll.

**DISCUSSION**

a) The referral of Buildings & Facilities Management was tabled by Ms. Cherichetti because they had submitted an 8-24 review for the Planning Commission and this has to be done any time there is a proposed municipal improvement. The proposal was pulled. This is on 15 North Avenue.

Ms. Destefanis asked for the location of North Avenue and Ms. Cherichetti answered that it is part of Route 1, to the right side or east of the Laurel Athletic Club. It is a wooded neglected area that used to be a quarry which is now full of water near Tracey School. Mrs. Smith wanted to know if it is open to the public. Ms. Cherichetti explained that when they re-submit they will get more information. Mrs. Smith wanted to know if 8-24 is in the State Statutes, and Mrs. Cherichetti explained that it covers any municipal improvement. If it has to do with open space, they need to be aware of it.

b) Open Space Plan

Ms. Cherichetti said that she is still working with the inventory. She was supposed to get a large map done by today, but she does not presently have this map. All changes and editions have been made to the master list. There are some questions that they need to answer.

Ms. Cherichetti said that there are four major functions defined in the plan. From the master list, she is removing the city-owned property from the list of privately owned property and that the private properties are the ones they should focus on for ranking. Mrs. Smith interjected that Sammis Street is not included in the open space but it can be included since it is an open space. Ms. Cherichetti stated that she will have to figure out some other way of keeping track of those areas that do not have district, block and lot. It will be a separate list to be combined with the list. They are presently just known by names, i.e., Sammis Street, etc. The Public Works Dept. has expressed an interest in working with them on inventory of paper streets but it will take a certain amount of research. Mrs. Smith asked if paper streets belong to the city and Ms. Cherichetti answered that there are some private paper streets. Mrs. Smith asked if the tax assessor

could get a list of all the empty lots in Norwalk. Ms. Cherichetti stated that a map of vacant parcels, according to tax assessors' information was previously made available. Mrs. Smith asked if they could get a very big map because that would be a big help. Ms. Cherichetti stated that she will keep working on that and get reproduced copies when she gets the report done. Mrs. Smith offered to bring in the colored maps and it was agreed that she would bring them in next time.

Ms. Destefanis stated that it was now 6:30 and they would allot an hour for the next discussion.

c) Preliminary review of draft changes to Inland Wetland and Watercourses Regulations.

Discussion began on page 10 of the handout. Ms. Cherichetti gave an update on definitions. There were three questions that were checked out with the State's Inland Wetland office. One is the definition of the word "farming" and if they can now make farming more restrictive. Ms. Cherichetti answered no, the activity of farming is something that is allowed by the state and is an activity that does not require a permit. Section 1-1q. of the State Statutes includes a single definition of farms but it is equally inclusive. The DEP suggests that they keep the broad definition or adopt the entire definition that is in Section 1-1q. C.G.S. Some discussion followed. Ms. Ackerman asked why they wanted to further restrict this definition. Ms. Cherichetti referred to page 11, Section 7 to point out certain activities are permitted as of right

Regarding the definition for soil scientist, the State defines the position as a individual duly qualified with standards set by personnel management. In Connecticut, there is no certification program. There is a society of which you can become a member, but the Commission cannot require membership. Thirdly, the definition "essential to the farming operation" was discussed. The DEP interprets that to refer to all of the listed activities. On page 8, the definition of alluvial soil came up. Ms. Cherichetti advised not to add further scientific definitions.

Lastly, Ms. Cherichetti stated that the last definition that they wanted to discuss was the definition of "material". Mrs. Smith thinks they should eliminate the word 'bog'.

**\*\* MS. DESTEFANIS MADE A MOTION TO ELIMINATE THE WORD 'BOG' FROM THE DRAFT REVISIONS TO NORWALK'S REGULATIONS.**

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

**\*\* MOTION PASSED WITH 6 IN FAVOR, 1 OPPOSED (MS. ACKERMAN)**

On page 5 of the handout, Mrs. Smith spoke on amending the last sentence of the definition of regulated activity. Ms. Cherichetti agreed and also confirmed that they regulate activities, not areas.

Ms. Destefanis asked if, in section 604-4, the acres or less only referred to farm ponds. The Committee continued going over this particular sentence and Ms. Cherichetti said that it questions how the State interprets it. Ms. Destefanis stated that it is presently

unclear and that the State regulations are not perfect. More discussion followed on this subject. The Commissioners want to put in language to make it clear.

The discussion continued on to page 12 and Ms. Ackerman asked why a change from “substantial” to “significant” was made. Ms. Cherichetti answered that “significant” is used in the state definition. Discussion followed. Ms. Llorca said she was confused on B.(20). More discussion followed concerning golf courses and whether or not they disturb the character of the inland wetland area

Mrs. Cagnina had questions regarding the meaning of “minor” work. Some discussion followed concerning the meaning of “minor”. More discussion followed. Ms. Cherichetti did not remove ‘minor’ because that is how the State defines it. The use of the word would not cause a problem.

Regarding proposed section 60A-5 ‘Activities Regulated by the State’, Mrs. Smith asked why does this appear in our regulations. Ms. Cherichetti stated that the city does regulate navigable some waters, but in some circumstances the Army Corps would be involved with these. Some discussion followed concerning the Dam Safety Program. More discussion followed on items one through six and the different entities that would have jurisdiction. Mrs. Smith indicated typos on bottom of page 13. It should read ‘affecting wetlands’ and not ‘affection wetlands.’

Ms. Destefanis asked if there were any questions on page 14 regarding Dam Removal. Some discussion followed, i.e., if a dam was required to be removed, this Commission could not regulate that. They could regulate restoration or regrading activities after the dam is removed, Ms. Cherichetti said. On page 15, under Sect. 60A-6 “Licensing of Regulated Activities”, there was a new inserted subsection “B”. Ms. Cherichetti spoke on the organization being different. This is more of a re-organization. Mrs. Smith stated that a high fee schedule is not changed.

There was some discussion regarding “Plenary” being changed throughout the document to Significant Regulated Activity. Ms. Ackerman under “C.” on page 16 said that she had a question about the waiver of requirements. Ms. Cherichetti stated that there is an application form and applicants have to submit that. Ms. Destefanis confirmed that the form requires a signature. Mrs. Smith asked which constitutes ‘certification’. Ms. Cherichetti answered that it is a signed statement which is part of the application form and it does not have to be notarized.

On page 19, Ms. Ackerman asked what was meant by “an additional summary map shall be provided on one sheet”. Ms. Cherichetti explained that such summary would be used for a large property.

Ms. Destefanis stated that they would go through just to the end of page 24 tonight. On page 21, Ms. Destefanis questioned the term compass rose. Ms. Ackerman went back to page 20 and asked if survey tapes were ever called flags. Ms. Cherichetti stated that they change it to say survey tapes or flags. Ms. Ackerman asked about the phrase “breast



height” and Ms. Cherichetti stated that it is a technical term. On page 20, Ms. Destefanis said that parenthesis should be put around “sq. ft.” for consistency. Ms. Ackerman began a discussion on prudent alternatives. Ms. Destefanis stated that the finding of an alternative was the Commission’s determination. Some discussion followed. Ms. Cherichetti said the regulation is saying that the applicants have to explain to us why certain alternatives will not work. Further discussion followed regarding prudent alternatives. Ms. Ackerman gave an illustration to substantiate her point of view and voiced her opinion that they give applicants an opportunity to submit a sketch alternative. On page 22, Ms. Ackerman said there was a big paragraph that was deleted and Ms. Cherichetti stated that it was just moved to a later section

#### COMMENTS OF STAFF

Ms. Cherichetti handed out next week’s agenda and packets. The Committee discussed options in the 2005 DEP Training Brochure, including the nearest training sites. The City will pay for anyone on the Commission to attend any of these sessions. The date of the river Clean Up was noted to be Saturday, April 2, 2005. The Commission would be happy to endorse this event. The contact person for Norwalk is Diane Laurichella and Michelle Clarkin. The staff will work on advertising and the Commissioners will attempt to participate.

#### COMMENTS OF COMMISSIONERS

a.) Commissioner Cagnina - Sammis Street

The bridge was closed several years ago. It is now a footpath which is very pretty and is city-owned property.

Some discussion followed as the members surveyed the map and illustration. Ms. Cherichetti believes there was a covenant signed in the 1980’s that the owners would give away any right they had to egress and ingress. The issue with Sammis Street is this restrictive covenant. Change could not be made prior to an 8-24 referral to the Planning Commission. This referral has not been submitted yet. The proposal is to keep the footpath there but move it and straighten it out to make room for a driveway. Ms. Cherichetti has already requested that the Conservation Commission be referred to when a 8-24 submission is made. Mrs. Smith stated that this property is under water at very high tide. Mrs. Cagnina asked if they could, as a Commission, write a letter to the Planning Commission stating that they do not want to lose this property. Ms. Cherichetti stated that in the end, the Common Council makes the decision. Mrs. Cagnina feels it is like the issue of the paper street. Mrs. Smith stated that there is also a pumping station there, and that perhaps they need to get it undesignated as a street. They are all invited to come out and take a walk on the property. Ms. Cherichetti will let the Commission know when and if it is referred to the Planning Commission.

(a) Mrs. Smith stated that last Tuesday she was out sick and the approval of 200 Rowayton Avenue disappointed her. The back lot of this individual owner would have a lot of fill in it. She does not think it is right. Ms. Cherichetti advised her to not discuss her views regarding future development applications. Mrs. Smith feels it needs further review

and suggested two sites instead of three. Ms. Cherichetti stated that it would have been possible to discuss last week, but it is impossible at this point because it has already been approved.

ADJOURNMENT

\*\* MS. DESTEFANIS MADE A MOTION TO ADJOURN THE MEETING.

\*\* MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Jean Tucker

Telesco Secretarial Services

