

NORWALK CONSERVATION COMMISSION MINUTES

FEBRUARY 26, 2002

ATTENDANCE: Gerard
Sciabbarrasi, Acting Chairman; Lester
Bell; Chris Handrinos; Andrew Kydes;
Karen Destefanis (6:25p.m.); Lawrence
Losio

STAFF: Alexis Cherichetti,
Environmental Officer; Michael Wrinn,
Assistant Director of Planning and
Zoning; Erin Leonard, Technical
Assistant

ABSENT: Matthew Caputo; Marny
Smith

CALL TO ORDER

Mr. Sciabbarrasi called the meeting to order at approximately 6:00 p.m.

PERMIT TRANSFER

10 and 20 Glover Avenue - #7330105.P00

(The tape recording started at this point in the meeting)

- ** MR. BELL MOVED APPROVAL OF THE ITEM.**
- ** MR. HANDRINOS SECONDED.**
- ** MOTION PASSED UNANIMOUSLY BY A SHOW OF HANDS.**

Mr. Sciabbarrasi welcomed Mr. Losio to the Commission and thanked him for his willingness to serve.

PERMIT MODIFICATION

Merritt Rivers Partners – 10 and 20 Glover Avenue - #733c0105.P00 Alteration to Bridge Construction Access in the Norwalk River, Water Vault and Traffic Signal

This was a permit modification to allow a different construction access for the bridge construction. They had been issued a violation for this and it had been finished and remedied so this was an after the fact permit modification. Additionally, the applicant wished to add a water vault and a traffic signal on the bank next to Main Avenue. The applicant had applied to the DEP for a modification and they were advised by the DEP that this work was beyond the scope of their original application and they needed to apply for a new permit.

Mr. Sciabbarrasi stated that the staff did not have any particular issues with this modification.

- ** MR. BELL MOVED APPROVAL OF THE ITEM.**
- ** MR. HANDRINOS SECONDED.**
- ** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

RECEIPT OF APPLICATION

Sautkulis – 20 Prince’s Pine Road - #S02-92 – Construction of an Addition and Associated Septic Upgrade Adjacent to a Wetland

It was determined that the application was complete.

- ** MR. BELL MOVED APPROVAL TO ACCEPT THE APPLICATION.**
- ** MR. HANDRINOS SECONDED.**
- ** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The applicant did not wish to make a presentation beyond what was stated in the application.

Mr. Bell commented that in visiting the site he noticed that there was work that had already started and there was no silt protection along the wetland area. Mrs. Sautkulis stated that they had an oil tank removed and there was some soil contamination and that had been remediated. Her understanding was that Connecticut Tank and Removal performed the work. It was determined that this type of project would receive an immediate response and no permit would be required. Ms. Sautkulis stated that they had tried to coordinate that work with the beginning of the work they were proposing this evening. However, it had taken a little longer and the dirt was sitting there and there was nothing she or her husband could do about it. Mr. Sciabbarrasi suggested that they try to have that completed before the beginning of the new work and this application would be back on the agenda in 2 weeks. Ms. Sautkulis mentioned that she and her husband were considering installing the utilities under the driveway area and she asked the Commission for its opinion on this. Mr. Sciabbarrasi responded that the minimal effect that it would have on the wetlands while it was being done would far exceed any problems with the power lines while they were over the wetlands. He added that if this were something they were interested in doing they should have it put on the plans for the next meeting. Mrs. Sautkulis mentioned that she had already been in contact with CL&P. Mr. Bell asked Mrs. Sautkulis if someone could stake the area where the new addition would be built so if any of the Commissioners went to the site they could visualize where it would be.

Prunotto – 132 ½ West Norwalk Road - #S02-91 – Construction of an In-ground Swimming Pool within Regulated Areas of a Watercourse

It was determined that the application was complete.

**** MR. BELL MOVED APPROVAL TO ACCEPT THE APPLICATION.**

**** MR. KYDES SECONDED.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

It was stated that the applicant was before the Commission 2 years ago but at that time the outline of the pool had been removed from the request. They had decided that they would return to the Commission when they were ready to install the pool. The extension on the prior permit had expired so they needed to file a new application. Mr. Sciabbarrasi stated that he had been to the site and he felt that the outside line of the pool should be moved a little further away and closer to the house. He felt that it should be moved approximately

10'-12' in so that the fence could be moved back. He added that the Commission would like to work within the confines of the space already provided in the plans. Mr. Sciabbarrasi commented that since there was a slope in the back that ran to the wetlands and with the new activity getting closer and closer to the wetlands the Commission would want the applicant to consider some type of planting along the wetland lines but he had not seen that in the application. It was determined that plantings had been done when the house was built but the applicant was amicable to working with staff to planting more. Mr. Sciabbarrasi stated that the applicant would want to contact staff as soon as possible so as not to delay the project any longer. It was determined that the applicant was also considering the construction of a patio and the Commission advised that anything the applicant might be considering should be shown on the plans and added to the permit application. Mr. Sciabbarrasi advised the applicant that if they had any questions they should call staff.

DECISION

Lemone – 10 Blue Mountain Road - #S02-88 – Construction of a New Single-Family House

Mr. Felix Lemone stated that his only comment was that he needed a back yard that would include an area for a swing set.

**** MR. KYDES MOVED APPROVAL OF THE APPLICATION WITH THE FOLLOWING CONDITIONS:**

- 1. A \$2,000 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON SITE PERMIT RELATED ACTIVITY. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING ONE FULL GROWING SEASON AFTER THE SEASON OF INITIAL PLANTING. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO THE RELEASE. THE BOND MUST BE MADE IN THE FORM OF A SAVINGS PASSBOOK.**
- 2. ONCE WORK ON THE PROJECT COMMENCES ALL ACTIVITY UNDER THIS PERMIT IS TO BE COMPLETED WITHIN TWO YEARS.**
- 3. 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.**
- 4. THE FIELD STONES FROM THE EXISTING STONEWALLS ON THE PROPERTY SHALL BE USED TO CONSTRUCT A DRY LAID STONE WALL ON THE PROPOSED 20' WETLAND BUFFER LINE. THIS WALL SHALL BE AT LEAST 2' IN HEIGHT AND SHALL EXTEND FROM THE NORTHERN PROPERTY LINE TO THE SOUTHERN PROPERTY LINE.**
 - 5. THE SILTATION FENCING IS TO BE INSTALLED, SECURELY ANCHORED AND CHECKED BY CONSERVATION STAFF PRIOR TO COMMENCEMENT OF THE PROJECT.**

Mr. Sciabbarrasi stated that the map indicated a 71' distance to the property line and he wanted all of the Commissioners to be aware that the wetland line was 58'.

**** MS. DESTEFANIS SECONDED.**

Mr. Bell asked the applicant if he were accepting the conditions and the applicant replied that he had not heard the conditions before this evening and he was not sure if he followed them. Ms. Cherichetti explained to him why native stones were needed to make a demarcation of the buffer line. The applicant asked if he could use plants instead so he could get back there and pull out debris. He noted that the area probably had a dozen Christmas tree carcasses on it and he added that there were also many bottles. He was concerned about liability due to the fact that youngsters went back there. Ms. Cherichetti suggested that the condition be amended to include one 3' break in the wall.

**** MOTION PASSED BY VOICE VOTE WITH FIVE IN FAVOR (MESSRS. SCIABBARRASI, BELL, HANDRINOS, KYDES, MS. DESTEFANIS) AND ONE ABSTENTION (MR. LOSIO).**

RELEASE OF BOND

**Shorehaven Gold Club – 14 Canfield Avenue - #652a.S97 & #692.S99 –
Pond Dredging at 1st and 13th Tees**

Ms. Cherichetti stated that the project had been completed 2 years ago and all the conditions of the original permit and the modification had been satisfied.

**** MS. DESTEFANIS MOVED APPROVAL OF THE ITEM.**

**** MR. BELL SECONDED.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Martinez – 210 Ely Avenue - #S00-39 – Construction of a Two-Family Residence Adjacent to a Wetland

**** MR. BELL MOVED APPROVAL OF THE ITEM.**

**** MS. DESTEFANIS SECONDED.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

Tomas – 22 Ferris Avenue - #727.S00 – 9 Apartments Adjacent to Wetlands

Ms. Cherichetti commented that all the conditions had been satisfied and this application did not have any required plantings. She said that there was a 6' fence and a deed restriction that stated anything beyond the fence should be left in its natural state in perpetuity.

**** MR. BELL MOVED APPROVAL OF THE ITEM.**

**** MR. KYDES SECONDED.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

INFORMAL DISCUSSION

66 West Norwalk Road – Mark Maidique – Construction of Single-Family House Adjacent to a Wetland and Watercourse

Mr. and Mrs. Maidique stated that they were not currently owners of the property but they did have a bid on it. He explained that they were now performing their due diligence to ascertain if they could actually move forward and build on the property. He said that he and his wife were from Miami and there were not really any wetland concerns there. He went on to say that they were moving to the area and that he was an architect and wanted to build a house but was unaware of the standards for building near wetlands. He noted that the wetlands had been staked.

Mr. Maidique informed the Commission that his plan would be to build a carriage house at the present time and then later on build a larger house a little bit further away. Mr. Bell asked what the distance of the main house would be from the wetlands and Mr. Maidique replied that it would be approximately 17'-18'. Ms. Cherichetti noted that there was a small intermittent brook related to the wetlands that ran along the property. Mr. Maidique stated that the carriage house would eventually become a garage after the main house was built. He informed the Commission that there was a 100-year flood zone at the back of the property so he would not be able to build in that area. A discussion ensued regarding the back area of the property and Mr. Bell asked Mr. Maidique if he could stake the area so the Commissioners could review the area. Mr. Maidique replied that he could do so.

Ms. Cherichetti stated that as an option the applicant could build in the flood zone but it would require flood insurance. Mr. Greene stated that the applicant would have some tricky issues building the carriage house first as a residential structure with regards to zoning. He remarked that standing in and of itself it was not a problem, as it appeared to comply with zoning. However when he was ready to construct the house it would be a problem because he would have an accessory structure that would not be in compliance with zoning regulations. He explained that zoning would require that the house be at least 70' away from an accessory structure so he would be required to present to the Zoning Board of Appeals who would most likely look at this as a self created hardship. He added that the use of the accessory structure did not matter. He pointed out that if they placed it another 30' back it would be in compliance. He suggested that the carriage house be constructed so that it might be able to be attached to the main house in the future. Mr. Maidique stated that he was interested in building a house that was as close to the antique historical houses in Connecticut from the late 1700's, early 1800's. He pointed out that houses in those eras did not have attached garages, which was why he would like to keep it detached.

Mr. Bell stated that the plans left a lot to be desired for the applicant's future plans because it would be left up in the air if he would obtain a variance. Mr. Sciabbarrasi recommended that the applicant present at an informal hearing to Planning and Zoning to ascertain what the Zoning Commission felt about the plans. He noted that even though the Commissioners present this evening had some concerns they were probably workable.

Mr. Maidique stated that he would prefer not to build on the flood line and remarked to the Commission that the main house would be approximately 2,200 sq. ft. Mr. Sciabbarrasi informed Mr. Maidique that the Commissioners would be visiting the site and he advised him that he should contact Planning and Zoning and then schedule another presentation before the Conservation Commission. Mr. Maidique stated that he could stake the property by next Wednesday and this was fine with the Commissioners.

ACCEPTANCE OF MINUTES

December 11, 2001

Mr. Sciabbarrasi advised that they would have to table the acceptance of these minutes to the next meeting.

January 22, 2002

Page 5, Mr. Sciabbarrasi stated that the sentence: "Mr. Sciabbarrasi asked if that was referring to Lot 2, Mr. Straight said he was not." made no sense to him. He said that he knew he had asked if he was considering a 2-Lot subdivision and he was told that Mr. Straight was not. He said that the minutes should reflect that.

Page 5, Under Violations: Change 18' to **18"**.

**** MR. KYDES MOVED APPROVAL OF THE MINUTES AS CORRECTED.**

**** MS. DESTEFANIS SECONDED.**

**** MOTION PASSED WITH FOUR (4) IN FAVOR (MESSRS. SCIABBARRASI, BELL, KYDES AND MS. DESTEFANIS) AND TWO ABSTENTIONS (MESSRS. LOSIO AND HANDRINOS).**

COMMENTS OF STAFF

Current Violations – See Attachment

Ms. Cherichetti said that with regards to the Rivas file three homeowners shared a common drive. She added that they had sent a letter indicating that they would accept responsibility for its stability and maintenance. She said that one of the conditions of the permit was that these homeowners hire a certified engineer to verify that the driveway was stable because they had stated that if anything should happen due to the fact that the City made them remove it, they would hold the City responsible. She remarked that after this request had been made the homeowners had retracted that statement. She said that she would be calling them shortly to work through the last of the conditions.

Ms. Cherichetti asked the Commission if they would agree to forego the engineer's stability certification if the homeowners agreed that this was their responsibility. Mr. Bell remarked that it would be all right as long as the homeowners put that statement in writing. Mr. Sciabbarrasi recalled that the condition had been made only because the homeowners had made the assertion that the City would be responsible. He added that if they were retracting that statement then they could feel free to drive over the driveway that they so carefully put in place.

COMMENTS OF COMMISSIONERS

There were none this evening.

UPCOMING MEETINGS

March 12, 2002

March 26, 2002

ADJOURNMENT

**** MR. BELL MOVED APPROVAL TO ADJOURN THE MEETING.**

**** MR. HANDRINOS SECONDED.**

**** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The meeting adjourned at 7:00 p.m.

Respectfully submitted,

Ann Marie DeLuca

Telesco Secretarial Services

