

NORWALK CONSERVATION COMMISSION MINUTES

March 8, 2007
Special Meeting

ATTENDANCE: Karen Destefanis, Vice Chair; D. Seeley Hubbard; Matthew Caputo; Ed Holowinko

STAFF: Alexis Cherichetti, Senior Environmental Officer; Attorney Robert Maslan, Assistant Corporation Counsel

CALL TO ORDER

The meeting was called to order at 6:40 PM.

ROLL CALL

Ms. Cherichetti called the roll.

SHOW-CAUSE HEARING

a) #V06-781– 379 Chestnut Hill Road – Vey/Canevari - Performing regulated activities, including removal of vegetation and clear-cutting, in and adjacent to a wetland without a permit

Ms. Cherichetti described the Cease & Restore order issued to the property owner. She noted that the owners had informed her that they were unable to attend the meeting when it was scheduled for March 2, 2007, and that the meeting had been rescheduled for March 8, 2007.

Ms. Cherichetti described the complaints that had prompted the initial Notice of Violation and her subsequent site visit. She also read a Violation Warning issued to the property owner in 2005.

The commissioners reviewed photographs of the site taken shortly after complaints were received.

Ms. Cherichetti then explained that the Notice of Violation contained three directives, and noted that the owner had complied with the directive requiring wetland delineation. She said the owner had submitted a letter claiming that the tree removal was an as-of-right activity because he intended to use the space as pasture. She noted that the commissioners had disagreed with the owner's conclusions, and described the resulting Cease & Restore order. She also reviewed additional materials that had been added to the violation file.

Ms. Destefanis asked if the owner's claim of agricultural use was valid. Ms. Cherichetti said she did not think so. Attorney Maslan described the as-of-right agricultural activities allowed by statute. He noted that the state Supreme Court had rejected a similar claim in 1996. He explained that preparation for as-of-right activities was not considered as-of-right – for instance, swimming is an as-of-right activity, but damming a stream to create a pond for swimming is not.

Ms. Cherichetti described the site and surrounding properties. She noted that there was no existing cropland.

There was a brief discussion of what constitutes farming use.

Attorney Maslan suggested leaving the hearing open because the owner was not in attendance. He said this would not prevent the Commission from taking interim action. Ms. Cherichetti suggested modifications to the Cease & Restore order.

The commissioners reviewed the site survey. Ms. Cherichetti noted that the site was part of a subdivision approved by the Commission in 2004, and pointed out lot line revisions that had changed since then. There was a discussion of lot line revisions.

Ms. Destefanis asked how the lot line revisions affected the plans that had been approved. There was a discussion of whether the owner would need to apply for a permit modification.

There was a discussion of the ownership of the lots and which owners had been notified of the Cease & Restore order.

There was a discussion of whether or not to modify the Cease & Restore order.

** MR. CAPUTO MOVED TO CONTINUE THE SHOW-CAUSE HEARING TO MARCH 27, 2007 AT 7 PM.

** MR. HOLOWINKO SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

** MR. CAPUTO MOVED TO ADJOURN THE MEETING.

** MS. DESTEFANIS SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 7:40 PM.

