

NORWALK CONSERVATION COMMISSION MINUTES

MARCH 11, 2003

ATTENDANCE: Matthew Caputo, Vice Chairman; Andrew Kydes; Ed Holowinko; Lawrence Losio; Anne Cagnina; Karen Destefanis

STAFF: Alexis Cherichetti, Senior Environmental Officer

CALL TO ORDER

Mr. Caputo called the meeting to order at 6:15 p.m.

DECISIONS

110 Richards Avenue – Summit TL, LLC - #S03-136 – Construction of a Multi-family (54 Units) Dwelling with Associated Parking Lot, Storm Water Drainage and Landscaping Adjacent to a Wetland.

Ms. Cherichetti reviewed the memo dated March 4, 2003 with the Commissioners. She explained that the staff was concerned that the proposed recreation area might not meet zoning requirements but then they determined that it did. Ms. Cherichetti remarked that her concerns were with regard to the existing tree line limit beyond the tree line and shrubs. She asked the applicant if there would be esthetic plantings or plantings solely for demarcation.

Ms. Slayback stated that the revised plan had been keyed out between the wetland line and the discharge area. She went on to state that they were recommending warm weather grasses and field grasses. She explained that the lawn was shown on the plans beyond the shrub area. She added that there was some debris along the Post Road and that it would be removed along with any garbage bags that might be there once the snow was gone.

Ms. Cherichetti commented that this item had first been received at the last meeting and that tonight was the first opportunity for the Commission to make a decision. It was noted that four of the Commissioners present this evening could vote, since Ms. Cagnina and Ms. Destefanis were not present at the last meeting.

**** MR. LOSIO MOVED APPROVAL OF THE RESOLUTION THAT CONSERVATION APPLICATION #S03-136, FOR CONSTRUCTION OF A MULTI-FAMILY (54 UNIT) DWELLING WITH ASSOCIATED PARKING LOT, STORM WATER DRAINAGE AND LANDSCAPING ADJACENT TO A WETLAND, BE GRANTED, TO SUMMIT TL, LLC, FOR PROPERTY AT 110**

**RICHARDS AVENUE, NORWALK, CT, WITH THE FOLLOWING
CONDITIONS:**

- 1. A \$31,000.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ONE-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$7,000.00) SHALL BE ELIGIBLE FOR RELEASE AT THE END TO THE SECOND FULL GROWING SEASON AFTER THE PLAN IS FULLY IMPLEMENTED. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND/OR THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF ANY BOND MONIES.**
- 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. THE PLAN ENTITLED, "LANDSCAPE PLAN", DATED FEBRUARY 5, 2003, AND LAST REVISED FEBRUARY 21, 2003, BY ENVIRONMENTAL LAND SOLUTIONS, LLC SHALL BE REVISED TO INDICATE THAT ALL SMALL SHRUBS IN THE WETLAND MITIGATION PLANT LIST SHALL BE A MINIMUM OF 36 INCHES IN HEIGHT. THE AREAS BETWEEN THE WETLAND MITIGATION PLANTS AND THE WETLAND SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN. THE WETLAND MITIGATION PLANTING PLAN SHALL BE IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT, FOR ANY OF THE RESIDENCES.**
- 4. THE STAKED LOCATION OF THE SILTATION FENCING IS TO BE CLEARLY MARKED AND CHECKED BY THE CONSERVATION STAFF PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE, INCLUDING ANY CUTTING OF VEGETATION ON THE SITE.**
- 5. THE APPLICANT SHALL CAUSE TO BE PREPARED AN "AS BUILT" SURVEY OF THE PROPERTY THAT SHALL INCLUDE ALL WETLANDS AND WATERCOURSES, THE LIMIT OF LAWN AND A NOTE REFERRING THE READER TO THE OFFICE OF THE CONSERVATION COMMISSION FOR FURTHER INFORMATION ASSOCIATED WITH PERMIT #S03-136. THE SURVEY PLANS SHALL BE SUBMITTED FOR APPROVAL OF THE CONSERVATION COMMISSION STAFF AND THEN BE FILED ON THE NORWALK LAND RECORDS BY THE APPLICANT.**
- 6. A STONE DUST OR WOODCHIP FOOTPATH AND EXERCISE STATIONS MAY BE INSTALLED WITHIN THE DESIGNATED RECREATION AREA. PRIOR TO ANY OF THIS WORK, THE**

- LOCATION OF THESE FEATURES MUST FIRST BE FLAGGED IN THE FIELD AND THE LOCATION APPROVED BY THE CONSERVATION STAFF. THE INSTALLATION OF THESE FEATURES SHALL NOT INVOLVE ANY GRADING AND SHALL CAUSE MINIMAL DISTURBANCE TO THE EXISTING WOODLAND VEGETATION.**
- 7. ALL PROPOSED WETLAND MITIGATION WORK, INCLUDING THE REMOVAL OF FILL IN THE WETLAND AND INSTALLATION OF THE MODIFIED OUTLET CONTROL STRUCTURE, SHALL BE COMPLETED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT, FOR ANY OF THE RESIDENCES.**
 - 8. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT IS TO BE COMPLETED WITHIN THREE YEARS.**

**** MR. KYDES SECONDED.**

Ms. Cherichetti requested that Mr. Losio amend his motion to change Condition #3 to refer to the landscape plan revised on March 10, 2003.

**** MR. LOSIO MOVED APPROVAL TO AMEND CONDITION #3 IN THE MOTION TO REFLECT THAT THE LANDSCAPE PLAN WAS LAST REVISED ON MARCH 10, 2003.**

**** MR. KYDES SECONDED THE AMENDMENT.**

**** MOTION PASSED WITH FOUR (4) IN FAVOR (MESSRS. CAPUTO, LOSIO, KYDES AND HOLOWINKO) AND TWO (2) ABSTENTIONS (MS. CAGNINA AND MS. DESTEFANIS).**

**** MAIN MOTION PASSED WITH FOUR (4) IN FAVOR (MESSRS. CAPUTO, LOSIO, KYDES AND HOLOWINKO) AND TWO (2) ABSTENTIONS (MS. CAGNINA AND MS. DESTEFANIS).**

DISCUSSION

442 Main Avenue Proposal – Permit Requirement Determination

Ms. Cherichetti stated that the nature of this issue had been discussed in the past regarding the use of a summary permit versus a declaratory permit. She explained that this proposal would require a summary permit based on the activity involved in the project and its proximity to the wetland. Ms. Cherichetti went on to state that her assessment of the project resulted in more than a minimal impact to the wetland. Mr.

Losio pointed out that by definition this project would require more than a declaratory permit.

Ms. Cherichetti recommended that the permit issued be based on the activity and size of the project and in this case a summary permit would be warranted. The consensus of the Commission was to support the recommended that Ms. Cherichetti had made.

ACCEPTANCE OF MINUTES FROM FEBRUARY 25, 2003

The following corrections were made to the minutes:

Page 1, 1st Line: Correct the name "Mathew" to read "**Matthew**" and the title "Chair" to "**Vice Chair**". 5th Paragraph: Correct the name "Slabin" to read "**Slayback**".

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

**** MR. LOSIO SECONDED.**

**** MOTION PASSED WITH (4) IN FAVOR (MESSRS. CAPUTO, LOSIO, KYDES AND HOLOWINKO) AND TWO (2) ABSTENTIONS (MS. CAGNINA AND MS. DESTEFANIS).**

COMMENTS OF STAFF

Declaratory Permits

Ms. Cherichetti stated that the following six (6) Declaratory Permits had been issued in 2003:

1. **Sunrise Hill Condominiums**

A large condominium complex that has a watercourse running through it. The residents had rebuilt the patios and a blanket permit will be obtained stating that all the patios would be the same.

2. **99 Nursery Street**

An in ground swimming pool is being installed.

3. **12 Derby Road**

The residents are getting a shed.

4. 8 Willard Road

The property is adjacent to the current Emissions Office on Westport Avenue. Gault Stone purchased this property and Gravel and the new owner will install an improved drainage system.

5. 532 Flax Hill Road

The residents are installing a deck approximately 12 feet from a wetland.

6. 17 Bumblebee Lane

The new owners purchased the house which included a large deck and above ground swimming pool, neither of which had a permit. They are removing the pool and decreasing the size of the deck.

PROGRESS REPORT

Ms. Cherichetti stated that a discussion was needed for the agenda of the March 18th meeting. She noted that the last time the Commission met three times in one month was January. She suggested that the next meeting be set strictly for discussion on the four chosen priorities. It was determined that the Hepa discussion was scheduled for the first meeting of April and that the mid-April meeting would be for discussion on the protocols of being a Commissioner. Ms. Cherichetti recommended that the Commission stay with the topics covered at the last meeting and the Commissioners concurred. She also recommended that the discussion of the CL&P appeals be moved to the end of tonight's agenda. She added that the Commissioners would probably want to go into Executive Session for this discussion.

**** MS. DESTEFANIS MOVED APPROVAL TO MOVE ITEM C UNDER COMMENTS OF STAFF TO THE END OF THE MEETING.**

**** MR. LOSIO SECONDED.**

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

COMMENTS OF COMMISSIONERS

Proposal to Support Community Garden Initiative – Ed Holowinko

Mr. Holowinko mentioned that this item had been raised at the last meeting and there was a positive consensus by the Commissioners but more information was requested. He stated that the City could sponsor a Community Garden by utilizing one of the empty sites for the planting of flowers and vegetables. Mr. Holowinko went on to state that he had met with Mayor Knopp yesterday and that the Mayor was very supportive of this project. He added that the Mayor envisioned that each school would have its own plot of land and residents would have the rest. He noted that a list of vacant lots that could be used would be compiled by the City. Mr. Holowinko remarked that a Public Hearing should be held and that Flax Hill Park and Cranberry Hill had been proposed as alternate sites if Fodor Farms did not work out.

Mr. Holowinko informed the Commission that soil testing would have to be performed and aerial shots would be necessary to determine the exact location. He also said that this project had been compared to a similar project in Darien. He mentioned that there were 120 plots in Darien and the town charged \$15.00 per plot. He added that this was a yearly fee and the project was very popular. Mr. Holowinko commented that the community garden could be temporary if the long-term usage for the park indicated that the land would be needed for another purpose.

A discussion ensued regarding the soil testing that would need to be performed and the associated costs. It was determined that the mechanical fees could be \$1,000.00 a day and that the cost for testing the samples was \$100.00 per sample. All in all it was determined that the cost could range from \$10,000.00 to \$20,000.00. Mr. Holowinko advised the Commission that he had received the impression from Mayor Knopp that it would not be a problem for the City to fund this project to get it started. He added that the role of the Commission was to organize the project and enable it to begin.

Another discussion ensued regarding the need for a Public Hearing to address the issue of additional traffic and noise. Ms. Cherichetti interjected that a Public Hearing would more than likely be held by the Common Council due to the fact that the City was the landowner and would need to get public input on this proposed change of use. She noted that it would also be appropriate for the hearing to be held by a Common Council Committee.

Mr. Caputo asked Ms. Cherichetti to contact Corporation Counsel to find out who physically did the closing for the City on this property. He noted that this had previously been considered a school site and it might be discovered that there were good places and bad places on the lot. Ms. Cherichetti stated that she would pull the map on the property to determine if there were any wetlands on the property.

Mr. Caputo stated that this item should be kept on the agenda each week so that the Commissioners could be updated at the end of each meeting as to its status.

Proposal to Support Legislative Changes to the Structure of CT Siting Council – Ed Holowinko

Mr. Holowinko stated that Bob Duff had introduced legislation that had cleared the Common Council and it would appear on the Legislative Agenda this year for consideration. He read the Statement of Purpose to the Commissioners, which was related to the Energy Planning Council and the duties of the Connecticut Siting Council. He pointed out that basically the Act was changing the duties of the Siting Council. He remarked that the Siting Council would remain the same and the Energy Planning Council would provide information to the Siting Council. A discussion ensued regarding which Council would be in charge in the end. Mr. Holowinko pointed out that this was not clear because this was only a proposed Bill and there would more than likely be revisions. Mr. Caputo gave examples of the questions that would have to be examined and ironed out regarding who would be in charge of whom.

Ms. Cherichetti interjected that the original request was that the Conservation Commissioners as a whole supported this Legislative change and submit a letter of support that included a request for defining roles for each Council. Mr. Losio stated that the Conservation Commission would send a letter encouraging the Legislature to consider modifying the way in which the Siting Council currently conducted its business. He added that the letter would also indicate that checks and balances needed to be put in place without supporting this particular piece of legislation because the language was unclear.

Mr. Caputo stated that he agreed with Mr. Losio. He went on to state that the letter should mention that the Commission looked forward to seeing a Bill with more specificity. He reiterated that the Commission would not support the Bill as currently written but that it did support the oversight of the Siting Council. He added that the Siting Council should be responsive to local needs and concerns.

Ms. Cherichetti stated that she would draft a letter to that affect and also one that may or may not be sent to other Conservation and Wetland Commissions. She remarked that possibly by the meeting of March 18th Mr. Holowinko could determine whom the letter would best be addressed to in supporting a checks and balances system.

At 7:15 p.m. Mr. Caputo called a recess.

Mr. Caputo called the meeting back to order at 7:35 p.m.

PUBLIC HEARING – Continuation

371 Chestnut Hill Road – Vey - #S02-125- Five (5) Lot Subdivision with Associated Septic Systems, On Site Wells and Storm Water Drainage in and Adjacent to a Wetland and Watercourse

Mr. Caputo explained that this was a continuation of a Public Hearing held at a previous meeting. Ms. Cherichetti stated that at the January 28, 2003 meeting a member of the public had asked about the impacts of the development on ground water. She went on to state that a Commissioner had asked the applicant to submit a ground water budget that would list the impact for the proposed activity so that the Commission would have additional information to consider. Ms. Cherichetti commented that on February 21, 2003 the applicant submitted ground water budget computations and a letter dated February 20, 2003 from McCord Engineering Services. She recounted that upon receiving this information she mailed it out and then spoke to Ms. Destefanis, the Commissioner who had requested the report. She added that Ms. Destefanis had been very surprised at the results. Ms. Cherichetti stated that Ms. Destefanis had reviewed the computations and decided that this was not the information she had in mind when she made her request.

Ms. Cherichetti said that the applicant had made a sincere effort to mirror models that could occur and that many variables had been used. She added that unfortunately so many variables had been used that the information lost its purpose. She remarked that Ms. Destefanis had suggested a method that could be utilized to calculate the Ground Water Budget for the site and that this method was relayed to the applicant. Ms. Cherichetti said that the applicant clarified the report and resubmitted it.

Mr. Caputo thanked Ms. Destefanis for her assistance and it was noted that Ms. Destefanis held a Masters degree in Hydrogeology and a Bachelors degree in Geology. Mr. Caputo asked Ms. Destefanis to submit her resume so that it would become part of the file and he also asked Ms. Cherichetti to do the same. He added that Ms. Cherichetti should submit her resume with each and every application.

Mr. Caputo asked Ms. Destefanis if there was anything she wanted to clarify in the report that had been received. Ms. Destefanis replied that she had reviewed the revised report and the calculations were similar to what she had independently determined. She added that she was satisfied with the numbers and the overall conclusion that the proposed subdivision would not have a detrimental impact to the five homes provided that there was a septic system.

Mr. Caputo stated that the scope of the Public Hearing this evening was limited to the water budget report and that the applicant would have the opportunity to present information pertinent to that issue. He then explained the protocol for the Public Hearing and Ms. Cherichetti advised that the Public Hearing had to be concluded this evening. She added that following the closing of the hearing the Commission had up to 35 days to render its decision which was a timeframe of as soon as tonight or as late as the meeting of April 8, 2003. Mr. Caputo cautioned the assembly to be mindful of mutual respect and dignity when making their presentations.

Attorney Robert Genuario, representing the applicant, addressed the Commission. He stated that his presentation would relate solely to the ground water report and particularly the addendum that Commissioner Destefanis had requested. Steve McAllister, the engineer, explained that the initial report had included total infiltration of all activities on the site. He noted that only the percentage that entered the ground water supply was required. Mr. McAllister presented the statistics to the Commission and remarked that he believed the demand of the five homes on the property was less than supply and only under severe conditions would that supply be compromised. He added that the addendum was a bedrock level, 100' below the surface.

Mr. Genuario asked the Commissioners if they had any questions and they did not.

Before calling the first public speaker, Mr. Caputo reminded the assembly that there should be no comments made outside the area that was listed on the agenda. Mr. Caputo asked if there was anyone present who wished to speak in favor of the project. There was no reply. Mr. Caputo then asked if there was anyone present who wished to speak in opposition of the project.

Ms. Diane Lauricella, 249 Chestnut Hill Road and P O Box 304 Main Avenue, Norwalk, addressed the Commission. She stated that she wanted to speak to the issue as related to the charge to the Commission at the last Public Hearing. She went on to state that she was a member of the Cranberry Hill Association and noted that she felt that the calculation of the water budget was in error due to the fact that incorrect standards had been used. She added that the report had not addressed the use of the commonly calculated standard.

Ms. Lauricella stated that she had retained an expert to review the original report. She reviewed the findings of the expert with the Commission and respectfully asked that the water budget report be rendered null and void due to the fact that proper standards were not used. Ms. Lauricella commented that the applicant had not presented and properly discussed alternatives. She maintained that this did not allow for the Commission to properly weigh which scenario was best.

Ms. Lauricella stated her opposition to the fact that the public had not been given the opportunity to review the addendum that was requested by a Commissioner nor were they given the opportunity to review the results. Ms. Lauricella then commented about a dateless letter in the file that she felt had been inserted after the deadline. She took exception to the fact that the public had not been given the opportunity to observe that particular document and asked that it be ignored with regard to this application.

Ms. Lauricella then discussed her conversation with a sanitarian at the Health Department regarding the well placement. Mr. Genuario voiced his objection to this issue being discussed but Ms. Lauricella responded that she felt the issue did deal with the ground water. Attorney Genuario stated that he would withdraw his objection if Ms. Lauricella's

comment would be to the amount of water taken out of the ground. Ms. Cherichetti interjected that the locations of the wells would not have any impact to the ground water report. It was determined by the Commission that this was a location issue.

Lastly, Ms. Lauricella submitted a consultant's report to each of the Commissioners and the applicant. She noted that it was felt that the impact was greater and she asked that the separation distances of the wells be revisited. Mr. Caputo reiterated that the location of the wells was not germane to the ground water budget. Ms. Lauricella debated the point with Mr. Caputo.

Ms. Cherichetti clarified that there had been no directive issued by Ms. Destefanis other than what the Commissioner had said at the last meeting. Ms. Lauricella asked the Commission to either deny the application without prejudice or request that the applicant remove one house from the proposal. Ms. Lauricella closed by stating that she felt the applicant submitted information after the deadline and the information that was submitted omitted the use of the correct procedures and standards.

Attorney Lisa Galati was listed on the sign up sheet but had to leave the hearing.

John Ferencz, 264 Chestnut Hill Road, addressed the Commission. He stated that he had reviewed the map and his concern was that he was relying on the Commission to determine all possible impacts. He noted that he was in favor of development as long as it was in the parameters of the Commission and other Commissions that would be ruling on this proposal. He added that he wanted to be certain that the water and the wells would be safe. Mr. Ferencz asked the Commissioners to be certain that the water was protected.

Mr. Ralph Corasanti, 7 Tulip Tree Lane, addressed the Commission. He stated that although he had heard the results of the reports he wondered if consideration had been given to the wells on his street once the families moved in. He also asked if the Commission had considered the density of the proposed project in squeezing four houses where probably one less would be better.

Stephen Coscia, 346 Chestnut Hill Road, addressed the Commission. He expressed his concerns over the change in his well water during the last 6 months. He noted that this had created a hardship for him and his family. He stressed that he relied on the Commission and he asked Ms. Destefanis of her definition of a severe drought. He also asked the Commissioner if she was comfortable with how a drought might affect wells at certain depths. Ms. Destefanis replied that the applicant had used the 40% standard in calculating the drought factor and she was comfortable with that.

Ms. Cherichetti interjected that the Commission's role in making a decision on this application was in the capacity of an inland wetland agency. She noted that the Commission's concern was the project's impact to wetlands and watercourses. Mr. Coscia commented that he could not afford to have an expert evaluate his well water and he appealed to the Commission to review this issue.

Mr. Caputo closed the public comments portion of the hearing at 8:35 p.m.

In rebuttal for the applicant, Mr. Genuario stated that the report entered into the record by Ms. Lauricella did not indicate that the ground water was inadequate but only criticized the way it was analyzed. He pointed out that other issues had been raised this evening that had no bearing to the ground water issue. Mr. Genuario closed by stating that he felt the evidence that he had presented earlier this evening was clear and that in particular there had been no contradictory evidence presented.

With regard to the accusation that information had been received and entered in the file after the due date Ms. Cherichetti stated that the paper Ms. Lauricella had picked up had nothing to do with this case but in fact belonged with a different application.

Mr. Caputo asked the Commissioners if they had any questions, rebuttals or discussions about the application in general. There were none.

Mr. Caputo closed the Public Hearing at 8:40 p.m.

DISCUSSION OF COMMISSIONERS

Mr. Losio stated that he felt the Commission should make a decision this evening on this application. He commented about the issue raised this evening regarding the amended report and the fact that it had not been made available to the public before tonight's meeting. Ms. Cherichetti explained that the regulations stated all documentation be made available for public inspection no less than 15 days prior to the Public Hearing. She further explained that she felt the information needed clarification since the applicant had submitted it but it had been erroneous. Mr. Caputo remarked that in essence this had been a clarification of information received.

Mr. Losio remarked that even without the issue of the ground water budget he still had concerns about the intensity of this development. He noted that the intensity had created the need for a proposal for an intrusion into the wetland, albeit a temporary one. He added that a proposal could have been brought forward that didn't cross the wetland. Mr. Losio commented that he was also uncomfortable with the development's intensity that would seem to point to placement of wells within single digit number of feet within the wetland boundaries. He said that his inclination at this time would be not to approve this subdivision.

Ms. Cagnina stated that she too was ready to vote on this proposal. She went on to state that she was not putting any weight on the ground water issue. She noted that the evident alternative was that the site was more suitable for three houses rather than four.

Mr. Holowinko said that if the application showed three houses the Commission would not have a problem with it. He noted that the problem was the sewer septic line going through the wetland.

Mr. Kydes stated that he had no objection with the additional house as long as the applicant could work with the wetland area.

Ms. Destefanis stated she had no comment to make on the application.

**** MR. LOSIO MOVED APPROVAL TO RESOLVE** that the conservation application #s02-125, for a five-lot subdivision, which would involve future construction of associated septic systems, on-site wells and storm water drainage in and adjacent to a wetland and adjacent to a watercourse be denied to Wenche Vey for property at 371 chestnut hill road, Norwalk, CT for the following reasons:

1. the applicant failed to fully explore and develop feasible and prudent alternatives that would enable a lesser impact to the wetland. Section 60a-8, 4(b) requires the commission make the finding that no feasible and prudent alternative exist with a lesser impact to the wetlands and watercourses. the applicant failed to fully explore alternatives that would accommodate development while not resulting in work directly within nor immediately adjacent to the wetland.
2. the commission found the proposed intensity of development, which would result in the disturbance of a wetland as well as multiple areas of disturbances directly adjacent to a wetland, to present unjustified and unacceptable negative impacts to the wetland and wetland resources. the intensity of the proposed development would result in future regulated activities, which would be made inevitable by the proposed development, that would result in negative impacts to the wetland including the disturbance of the wetland by trenching to install septic system pipe, increased potential for direct pollution of the wetland, construction of storm water structures, installation of multiple drinking water wells and installation of future septic galleries directly adjacent (within 25 feet) of a wetland.
3. the upland soils surrounding the wetland are not conducive to the intensity of the development proposed. the proposed future land uses within these well-drained to somewhat excessively well-drained soils, including the installation of four additional one site septic systems and underground storm water detention systems, may result in additional negative impacts to the wetland.
4. in particular, the commission found the future development of builder's lot '7', which would require crossing the wetland with sanitary septic pipe, would pose an unjustified adverse impact on the wetland. the development of this lot would result in the disturbance approximately 700 square feet of wetland soils. the future development would also require the establishment and maintenance of a septic system access route; this route would be installed a minimum of five (5) feet from the wetland and would negate the establishment of any future functioning natural vegetated buffer to the wetland **in this** area, foreclosing any future ability to protect this portion of the wetland from the impacts of adjacent development.

5. the application lacked a comprehensive mitigation plan. other than the localized mitigation plan for the directly impacted wetland area, no attempt was made to enhance the wetland system. instead, for the entire length of the wetland, east of the wetland, the applicant proposed the installation of lawn a minimum of five (5) feet and a maximum of twenty-five (25) feet from the wetland. further, no enhancement of a natural vegetated buffer was proposed to mitigate the extensive proposed development east of the wetland. the commission found that the net effect of the proposed construction, development and the expansion of lawn, coupled with the lack of any buffer enhancement reflects an unjustifiable likelihood of degradation to the wetland through pollutant loading, increased erosion and diminishment of habitat values.

** MS. CAGNINA SECONDED.

** MOTION PASSED WITH FIVE (5) IN FAVOR (MESSRS. CAPUTO, LOSIO, HOLOWINKO, MS. CAGNINA AND MS. DESTEFANIS) AND ONE OPPOSED (MR. KYDES).

** MR. LOSIO MOVED APPROVAL FOR THE COMMISSION TO GO INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING THE CL&P LITIGATION.

** MS. DESTEFANIS SECONDED.

** MOTION PASSED WITH FIVE IN FAVOR MESSRS. CAPUTO, LOSIO, HOLOWINKO, MS. CAGNINA AND MS. DESTEFANIS) AND ONE ABSTENTION (MR. KYDES).

Mr. Kydes left the meeting at 9:00 p.m.

EXECUTIVE SESSION

CL&P Appeal of Decision to the Connecticut Siting Council

Mr. Caputo called the Executive Session to order at 9:05 p.m.

ADJOURNMENT

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

** SECONDED BY MANY.

** MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

Mr. Caputo adjourned the meeting at 10:00 p.m.

Respectfully submitted,

Ann Marie DeLuca

Telesco Secretarial Services

