

**NORWALK CONSERVATION COMMISSION MINUTES**

**MARCH 12, 2002**

**ATTENDANCE:** Matthew Caputo, Chairman; Lester Bell; Gerard Sciabbarrassi; Karen Destefanis; Chris Handrinos; Andrew Kydes; Lawrence Losio; Marny Smith

**STAFF:** Alexis Cherichetti, Environmental Officer; Michael Greene, Director of Planning and Zoning; Cheryl Vallerie

**CALL TO ORDER**

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

**RECEIPT OF APPLICATION**

**English – 20 Ells Street – SUBD#3524 – 2-Lot Subdivision Adjacent to Pond**

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

**\*\* MR. SCIABBARRASI SECONDED.**

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

**Attorney David Waters, representing the applicant, addressed the Commission. He stated that this property was the subject of a prior subdivision for 3 lots. He remarked that the Commission had issued a denial for the subdivision and one of the reasons was that there was a feasible alternative. He noted that tonight he was presenting that feasible alternative. He explained that the property was well oversized by zoning density and that there was 150' of frontage. He stated that they were here**

tonight only for the referral purpose of the 2-lot subdivision, given the fact that it was deemed to be a prudent alternative in the last application.

Mr. Caputo asked the Commissioners if they had any questions of Attorney Waters or of Don Straight, who was also present. The Commissioners did not. Mr. Caputo stated that from his review he felt the application was good and positive and he also thought that the Commission felt the same way. Ms. Smith said that most of the hemlocks they were planning to save needed attention but she added that the application did look good.

DiScala – 28 Yew Street - #S02-92 – Construction of New Single-Family House Adjacent to Wetlands and Watercourse

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

**\*\* MR. HANDRINOS SECONDED.**

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

Mr. DiScala stated that this was the first formal meeting with regard to this application and he noted that there had been 3 informal meetings where discussions occurred on how to make a residence work on this lot. He commented to the Commissioners that the application before them was the application that reflected the Commission's feelings and he added that Otto Theall was present if they had any questions.

Mr. Caputo stated that one of the issues brought up by the Senior Environmental Officer in a memo to the Commission was that a drainage report was to be done by a professional engineer. He asked Mr. DiScala for the status of the report. Mr. DiScala replied that he had done 15-20 subdivisions over the last 30 years and it had never been requested that a storm drain runoff report be performed for a single lot. He added that he was not given much time to prepare it. He said that it was a single building lot and it drained into a ditch and the runoff would not change it. He added that it did not seem to be critical to the issue. He commented that although the runoff would increase it would go to a drainage ditch that had been prepared by the City. However, he told Mr. Caputo if he insisted on it he would do it.

**Mr. Caputo remarked that the reason behind the request for the report was to determine how much more drainage and runoff there would be. Mr. DiScala said that they did not intend to have an asphalt driveway and that the additional runoff would be from the roof. Mr. Bell remarked that if the Senior Environmental Officer recommended it then it should be done. Mr. Theall interjected that the report might have been requested from time to time but personally he had not seen it done. Mr. Greene remarked that he had never seen it not done. Mr. Theall said that as an alternative they could have an engineer look at the proposal in an informal way rather than running through the TR55 calculations. He also said that another alternative would be to recommend underground storage.**

**Mr. Caputo asked Ms. Cherichetti if she felt the report was necessary. Ms. Cherichetti replied that she believed that there would be an increase in long-term drainage due to the increase of impervious surfaces. She noted that the report should cover drainage changes and blasting. Mr. Caputo remarked that Ms. Cherichetti was making a strong recommendation for the drainage report to be done. Ms. Cherichetti commented that the slope of the property had a lot to do with her recommendation.**

**Mr. Caputo stated that he wanted to focus on this issue because he felt it was one of the more important issues of the application. Mr. Handrinis asked if the front elevation could be seen from the street and Mr. DiScala replied that it could not. Mr. DiScala then went to the map and denoted the areas of the proposed structure as well as the flags on site to the Commissioners.**

**Mr. DiScala stated that he wanted to know the status of the application from the Commission's point of view. He said that he wanted to know if they had any questions or if there was any confusion or if there was anything else he needed to do. Mr. Sciabbarrasi pointed out that the retaining wall was on the wetland line and they had mentioned at one of the other meetings that since this wall was on the surface there would be nothing to prevent anything from going right in. He added that he did not have any suggestions at this time but possibly they could raise the wall above grade. Mr. DiScala responded that he was going to do that and he also mentioned that he had moved the house on the plans from 3' from the wetlands to 20' from it.**

**Mr. Bell commented to Mr. DiScala that the Commission might require a 20' buffer from the wetland to the wall and Mr. DiScala remarked that then there would not be a front yard. Mr. DiScala said that he felt he had**

more than compromised in the new plans. Mr. Bell remarked that the new plans increased the size of the house. Mr. DiScala replied that the footprint was bigger but the living space was less. Mr. Greene said that he disagreed with Mr. DiScala's statement and added that the staff would check on it. Mr. DiScala mentioned that Peter Hart, who drew the plans, said that it was smaller. Mr. Caputo asked if there would be City water and Mr. DiScala replied that there would be and there would also be City sewer service.

Ms. Cherichetti said that the wall would be at least 9' minimum. Mr. Caputo asked what type of basement would be constructed and Mr. DiScala replied that it would be a full basement. He described the deck area and mentioned that they would like to raise the land along the driveway. He added that they were trying to create something acceptable to the Commission and for someone to live there.

Ms. Smith said that there were a lot of unknown conditions and added that it was a precarious piece of property. Mr. DiScala said that they had reduced the living spaces and the garage; they increased the distance from the wetland and decreased the height of the wall. He added that they also had 3 separate meetings to discuss what the Commission wanted. Ms. Smith asked Mr. DiScala if he had owned the property for a long time and Mr. DiScala replied that his cousin owned the property. Mr. Bell interjected that just because someone owned the property did not mean they had to build on it.

Mr. DiScala stated that before 1985 the ditch was not on the property. Mr. Bell said that he found it interesting that with every application Mr. DiScala had before the Commission there was always a ditch on the property, never a brook or a watercourse. Mr. Bell stated that this was a difficult area and he felt that the negative impact from blasting would be a problem. Mr. DiScala asked what the problem would be and Mr. Bell replied that he would be taking away wetland. Mr. DiScala responded that he had been asked to increase the buffer at the last meeting and there had been no objections from any of the Commissioners.

Mr. Caputo asked Ms. Cherichetti if she had any other concerns. Ms. Cherichetti replied that there was a short-term concern regarding soil and erosion controls since the property did have a significant grade as well as the proximity of filling in the grade to the slope. She added that she was not certain if a silt fence could retain all the possible erosion after



excavation and she did not know where the soil was going to be stored in the meantime.

Mr. Caputo asked if soil and erosion controls would be implemented and Mr. Theall replied that he had prepared a report that included a rather lengthy narrative and also some notes on site preparation and site stabilization. He asked the Commissioners to review it. He pointed out that a lot of the information had been developed at a site in Stratford that was closer to the wetland and steeper. He said that the location of the silt fence could be off to the wetland line. He added that its location on the revised plan could be due to the original location of the wall. Mr. Bell asked if the retaining wall could be restored with the silt fence in place and Mr. Theall replied that the silt fence was usually put in first. Mr. Theall commented that would be the constraint because they wouldn't want to do construction and backfilling without the silt fence in place. He added that they would be working in a tight area.

Ms. Smith asked where the dirt would be put and Mr. DiScala replied that they would probably be disturbing 1/3, not quite 1/2 of the lot, which was good because there would not be any stockpiling. He added that the only materials that would be brought in would be fill and gravel. He said that he could make the front 18' instead of 20'. He noted that 2' wouldn't be giving up a lot if it resolved the Commission's issues. Mr. Kydes asked if the retaining wall was made of concrete and Mr. DiScala replied that it would be made of all stone. Ms. Cherichetti asked where the excavated material would be placed and Mr. DiScala replied that it would go around the lower east end areas of the house. Mr. DiScala added that they had to get the foundation of the house in so they could start construction. He said that the best way would be to excavate the area of higher elevation and take that area and move the fill to the higher elevation while the house was being constructed simultaneously.

Mr. Greene pointed out that usually these were things that were shown in a plan. He added that the plan would show stockpile A and stockpile B. Mr. DiScala stated that they did not need to stockpile because it would be going into the wall as they excavated it. He noted that they could stockpile in the front setback if the Commission wanted one. Ms. Cherichetti said that addressing a stockpile would be a start to devising a soil and erosion control plan. She remarked that she did not feel that there was enough information on the plans with regard to the soil and erosion control plan.

**Mr. Caputo stated that if the Senior Environmental Officer was asking for certain things the Commission would probably tend to agree with her. Mr. DiScala replied that he agreed but he felt that he should be given more time to comply with the requests. He added that he had submitted his application 8 weeks ago and he did not have much time to prepare. He mentioned that he was only given 4 days. Mr. Greene stated that the beginning application was supposed to be complete. Mr. DiScala replied that the application came with a list and the list indicated what was supposed to be done. Mr. Greene stated that the staff would check on it. Mr. DiScala said that he could not secure an engineer to do a storm water runoff report in such short time.**

**Mr. Caputo suggested that if there were any confusion regarding what would assist staff and the Commission in making decisions then it should be made clear and be provided to Mr. DiScala by tomorrow. Mr. DiScala said that he was not trying to be argumentative and that he would do what the Commission wanted so that he could have this application approved. Mr. Caputo suggested that Ms. Cherichetti compose a letter with respect to the specifications and Mr. Greene interjected that a letter had been issued on February 21<sup>st</sup> indicating what was needed. Mr. Caputo advised Mr. DiScala that the items contained in that letter were what was needed to help guide the Commission in making their decision. Mr. Greene pointed out that in the past Mr. DiScala had asked for a landscape plan to show how a slope was legitimized. Mr. DiScala said that he wanted to know specifically and then he would do what the Commission wanted and he would come back.**

**Ms. Cherichetti stated that one of the items in the letter she wrote was in regard to the alternative plan and the discussion of it. She went on to state that the house with the "L" shape was not mentioned in previous discussion. Mr. DiScala said that he had been told in a previous discussion that it was not appropriate and Mr. Caputo interjected that nothing had been formally decided.**

**Mr. Caputo commented to Mr. DiScala that his concern seemed to be that the alternative was not much of an alternative at all due to the size of the house and the location of the footprint. Mr. DiScala explained that at the first informal meeting the plan was not liked, then new plan was not liked at the second informal meeting and the plan that he presented tonight came out of the suggestions made at the third informal meeting but there was still a problem. Mr. Caputo stated that even if that were the case there was no formal application before the Commission and things would now**

be reviewed in depth. He remarked that the Senior Environmental Officer was not happy with this plan and he asked him if he had looked into any other alternatives. Mr. DiScala replied that between himself and his colleagues they had reviewed everything and the plan presented tonight was the third alternative.

Mr. DiScala stated that he was willing to work on the plan but he would rather not guess at it and he asked the Commissioners to tell him what they wanted. Mr. Bell stated that in essence Mr. DiScala was asking the Commission to give him an informal approval and they would not do that. He went on to state that Mr. DiScala had to bring a plan back to the Commission and remarked that the Commissioners were not builders they were in the conservation business. Mr. Greene interjected that Mr. Bell had asked what it would look like if the wall were moved 20' and even though Mr. DiScala had replied and said what it would look like the Commission could request that Mr. DiScala bring back a plan. Mr. Bell said that he felt there should be a bigger buffer between the wetland and the disturbance and there should be a natural buffer. Mr. DiScala replied that they had offered a 20' buffer and Mr. Bell remarked that had been one of his concerns.

Mr. Caputo read from Ms. Cherichetti's memo and noted that she indicated that the applicant should explore other alternatives. He said this included a smaller footprint using the driveway entrance and pulling the limited retaining wall but that nothing had been explored. He explained that Ms. Cherichetti was basically laying out some suggestions for possible, prudent and feasible alternatives. He remarked that the staff would prepare a list of the things contained in the February letter to Mr. DiScala and he asked staff that it be done tomorrow and given to Mr. Theall and the group.

Speaking for himself, Mr. Caputo told Mr. DiScala that he had no problem allowing extra time for him to put this all together. Mr. Bell questioned what might happen with the blasting and Ms. Cherichetti said that Mr. DiScala had not known. Mr. Bell pointed out that this issue would be an important factor for the Commission in considering their decision. Mr. Theall stated that it would be part of the engineering report. He noted that they had advised that it would be either blasting or ripping of the material.

Mr. Greene advised the Commission that they needed to make a decision if this was an activity that would require a public hearing. He informed the Commissioners that if they were considering a hearing they would have to



say so now because the hearing would take place a month after they decided that they wanted one. He added that if they felt this was a significant activity they would want to hold a hearing. Ms. Cherichetti interjected that either way they should get an extension of the permit application. After a short discussion the consensus of the Commission was that a hearing would not be required at this time.

Mr. DiScala stated that he would like to have Mr. Theall review the list with Ms. Cherichetti and then he would fine-tune it and get the Commission what was needed. Mr. Caputo stated that if this issue was pushed beyond the next 2 weeks Mr. DiScala could acquire an extension.

Riverwalk Association – Riverwalk Lane – Lot 5A - \$\$02-93 –  
Construction of New Single-Family House Adjacent to Five Mile River

Riverwalk Association – Riverwalk Lane – Lot 7A - \$\$02-94 –  
Construction of New Single-Family House Adjacent to Five Mile River

**\*\* MR. BELL MOVED APPROVAL TO ACCEPT THE APPLICATIONS.**

**\*\* MS. DESTEFANIS SECONDED.**

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

Attorney David Waters, representing the applicant, stated that this was the last 2 lots of 3 lots to become a subdivision. He went on to state that all of the lots including the original lot had now been developed. He reviewed Lots 5A, 6A and 7A on the map with the Commissioners and explained what the applicant proposed to do. He advised the Commission that they would be combining 3 approved lots to make 2 lots and build 2 residences instead of 3. Attorney Waters commented that Lot 4A had an area of wetlands that ran through it. He noted that they went back to the approvals of their development plans and ascertained what was approved for plantings for 4A and 8A so along the river the plantings were the same as all the ones the Commission had already reviewed and approved.

Attorney Waters stated that Riverwalk Lane originally had an easement running between 5A and 6A. Mr. Straight pointed out that it still existed but the pipe itself would be moved and he denoted to the Commission



where it could run. He said that there would be no impact as a result of the relocation because it would come out to the same point. He added that the pipe was directed around the residence instead of through it.

Attorney Waters stated that they proposed that the minimum distance between the wetlands was 50' and the minimum distance between the wetlands and the disturbance was 26'. He said that they were proposing plantings and a stonewall, which they believed provided adequate protection. In addition, he said that on the next lot over, 7A, the minimum distance between the wetland and the residence was 50' and between the residence and the silt fence was 35'. Attorney Waters remarked that there would be a continuance of the stonewall and an above ground oil tank. He explained that they had looked at alternatives and that the one obvious alternative to the plan was to build 3 houses. However, they felt that the preferable action to take was to make the site into 2 lots because it was a tight site and the houses would be wider along the street. He noted that they felt this was the better alternative.

Attorney Waters stated that another alternative they discussed was potentially adding more plantings to the buffer and he said that they would be happy to meet with Ms. Cherichetti to discuss this. Ms. Smith stated that there were a lot of boulders on the property. Mr. Caputo asked Ms. Cherichetti if there were any significant issues regarding the application. Ms. Cherichetti replied that the silt fence was down between lots 5A and 7A. Attorney Waters interjected that they would make certain that it was immediately resolved. Mr. Handrinos commented on the boulders and Attorney Waters replied that for the most part they would be used as part of the wall. Ms. Cherichetti stated that she could supply boulder specifications at the next meeting.

Mr. Strait commented that the stones on Lots 5A and 7A were specified on all the plans as having 12' minimum dimensions but they could change that if its too small. Ms. Cherichetti responded that they should be larger. Mr. Strait remarked that the driveways were short and steep and were at the end of the cul-de-sac. He added that they did not want the driveways to be gravel. Mr. Strait commented that then they would have a drainage flow and they were being proactive by putting in a plunge pool at the end of the road. He closed by stating that they thought it was best to leave the outfall location where it was because of the disturbance.

## **DECISION**

### **Sautkulis – 20 Prince’s Pine Road - #S02-91- Construction of an Addition and Associated Septic Upgrade Adjacent to a Wetland**

**Mr. Caputo stated that he would recuse himself from this item and the next item and that Mr. Losio would be voting in his place. He turned the Chairing of the meeting over to the Vice Chairman, Mr. Sciabbarrasi.**

**Ms. Sautkulis commented that a request had been made when the application was submitted that the runoff be addressed. She stated that they addressed the issue with bales of hay. Mr. Bell asked if any alternative sites had been investigated for the installation of the new septic tanks. Ms. Sautkulis replied that the location of the well in the back of the property prohibited them from installing the septic system there because it needed to be 75’ away and given the location of the wetlands there was no other option. She mentioned that the house was always at its present location and there was a grading problem. Mr. Bell cautioned what might happen should there be a backup of the system. Ms. Smith asked how much assistance the Commission could give an applicant in the planning of a project as she felt they should give the applicant an idea of how it should look.**

**Ms. Cherichetti remarked that there were no landscaping or planting plans at the current time for this property. She stated that in her memo dated March 5<sup>th</sup> there was a specific condition that some sort of planting plan be submitted. Mr. Bell asked Ms. Cherichetti if she could help Ms. Sautkulis with the planting plan. Mr. Sciabbarrasi remarked that he thought the Commission would be recommending a planting plan so that someone from the Commission would be overseeing the project. He pointed out that condition #5 stated that the new tank should be no closer than the one that already existed. Ms. Cherichetti stated that she would add condition #6 that it had to meet the health code.**

**\*\* MR. BELL MOVED APPROVAL OF THE APPLICATION SUBJECT TO THE FOLLOWING CONDITIONS:**

- 1. A \$1,500 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL GROWING**

**SEASON AFTER THE SEASON OF INITIAL PLANTING. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO THE RELEASE OF THE BOND. THE PERFORMANCE BOND MUST BE IN THE FORM OF A SAVINGS PASSBOOK.**

- 2. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT IS TO BE COMPLETED WITHIN 2 YEARS.**
- 3. THE SILTATION FENCING IS TO BE INSTALLED, SECURELY ANCHORED, AND CHECKED BY THE CONSERVATION STAFF IN THE FIELD BEFORE COMMENCEMENT OF ANY PERMIT-RELATED WORK.**
- 4. A PLANTING PLAN SHALL BE SUBMITTED PRIOR TO THE COMMENCEMENT OF ANY PERMIT-RELATED WORK. SUCH PLAN MUST HAVE A MINIMUM OF TEN SHRUBS, NO LESS THAN 2-3 FEET IN HEIGHT, PLANTED IN THE AREA BETWEEN THE SEPTIC SYSTEM AND THE WETLAND LINE. THE SHRUBS MUST BE NATIVE TO CONNECTICUT.**

**\*\* MR. KYDES SECONDED.**

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

**Prunotto – 132 ½ West Norwalk Road - #S02-89 – Construction of an In-Ground Swimming Pool within Regulated Areas of a Watercourse**

**Ms. Smith asked if the Commission should be approving an application for a swimming pool at this particular time or should they table this item. She also questioned where the drainage might go if draining of the pool were needed. Mr. Sciabbarrasi remarked that a water company would probably supply the water and a condition should be added that drainage would have to be performed by a pump out truck and that the Commission had to be notified.**

*(From this point on the minutes have been transcribed from tape.)*

**A discussion followed regarding the pool being moved closer to the foundation of the house. It was determined that the pool was offset and 10' from the retaining wall. Also, in addition to the retaining wall there would be a fence in front of the wall surrounding the pool. Next, plantings by the**



water were discussed. Ms. Prunotto said that \$2,000 worth of shrubs had been planted and more plantings would be done. Mr. Bell said that he felt the permit had stated that this would remain natural and not be cut. He went on to say that then he had been told that pruning was an approved activity. It was mentioned that the natural plants had been cut back so far that there was no natural buffer per say or no buffer of any significant dimension. It was stated that given the grade of the property and that there was a paved driveway on a relatively steep slope the Commission might want to see an enhanced buffer beyond what was there presently. Also, the enhanced buffer was needed due to the footprint of the pool and patio. It was stated that the area should not be maintained as lawn and that there should be substantial undergrowth. The recommendation was that the plantings should go in at least 10' away from the edge of the water. Ms. Cherichetti read Special Condition #4 of the application.

**\*\* MR. BELL 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 AT LEAST ONE FULL GROWING SEASON AFTER THE SEASON OF INITIAL PLANTING. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO THE RELEASE OF THE BOND. THE PERFORMANCE BOND MUST BE 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. THE SILTATION FENCING IS TO BE INSTALLED, SECURELY ANCHORED, AND CHECK BY THE CONSERVATION STAFF IN THE FIELD BEFORE COMMENCEMENT OF ANY PERMIT-RELATED WORK.**
- 4. A PLANTING PLAN SHALL BE SUBMITTED PRIOR TO THE COMMENCEMENT OF ANY PERMIT-RELATED WORK. SUCH PLAN MUST HAVE A MINIMUM OF TWELVE (12) SHRUBS, NO LESS THAN 3-4 FEET IN HEIGHT, PLANTED AT LEAST TEN (10) FEET FROM THE POND'S BANK. THE SHRUBS MUST BE NATIVE TO CONNECTICUT. THE TEN (10) FOOT BUFFER SHALL NOT BE MAINTAINED AS LAWN AND**



- MUST HAVE A VEGETATED GROUND COVER. THE AREA DIRECTLY IN FRONT OF THE DOCK, SHOWN AS A SLAB ON THE PLAN, MAY BE MAINTAINED AS LAWN.**
- 5. SILT FENCE OR CONSTRUCTION FENCE SHALL BE INSTALLED AT THE DRIP-LINE OF THE LARGE TULIP TREE IN THE REAR YARD PRIOR TO THE COMMENCEMENT OF ANY PERMIT-RELATED WORK.**

**\*\* MR. HANDRINOS SECONDED.**

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

**Mr. Caputo took his place as Chairman of the Commission.**

### **INFORMAL DISCUSSION**

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

**Mr. Maidique addressed the Commission. He stated that he was present to find out what concerns he should review in his looking at this property. He described the property to the Commissioners and his inexperience in dealing with wetlands. He discussed his original desire to construct a carriage house and future plans to construct the main house. He explained where these structures would be located. The flood way, the flood zone, the watercourse and the 100-year flood line were discussed.**

**Mr. Maidique described the type of home he would like to build on the site and how he wanted to maintain an old New England styled home. He discussed the buffer with the Commission and asked if heavy equipment could dig in the foundation. Mr. Caputo advised that the area would be silted where the wetland would be encroached, then the construction would be performed and the necessary repairs would be made. Ms. Cherichetti explained the limited disturbance to Mr. Maidique and Mr. Caputo explained how the length of the buffer for each application was determined on a case-by-case basis.**

**Mr. Bell advised Mr. Maidique that the buffer was definitely a concern to the Commission and he wouldn't want him to think that because there was no problem tonight that they would automatically approve the application**

when he next presented it to them. Mr. Maidique commented that he had not purchased the property at this point and he was reluctant to invest money in the property if he was not certain he could build on it.

Ms. Cherichetti read aloud #2 of Permitted Operations and Uses of the Regulations to assist Mr. Maidique in trying to determine if this was a building parcel.

### ACCEPTANCE OF MINUTES

December 11, 2001

**\*\* MR. HANDRINOS MOVED APPROVAL OF THE MINUTES AS DISTRIBUTED.**

**\*\* MR. KYDES SECONDED.**

**\*\* MOTION PASSED WITH FOUR (4) IN FAVOR (MR. CAPUTO, MR. HANDRINOS, MR. KYDES AND MS. DESTEFANIS) AND FOUR (4) ABSTENTIONS (MR. LOSIO; MS. SMITH; MR. BELL AND MR. SCIABBARRASI).**

### COMMENTS OF STAFF

**Current Violations**

**2 Twin Pond Drive – Rivas: Partial Completion**

**69 North Seir Hill Road – John and Connie Blair: Site Stabilized**

**91 Witch Lane – Lirot: Site Stabilized**

**21 Appletree – Henderson: Waiting for Application**

Ms. Cherichetti stated that she would have a full report at the next meeting. She discussed 21 Appletree with the Commission. She stated that they were still waiting for an application and noted that this was a small violation issued on March 8<sup>th</sup>. She added that the directive was to file a declaratory permit for the work and noted that there were many existing building permits on the lot. She said that no one had noticed that there

were wetlands on the property. She went on to say that she asked the property owners to either hire a soil scientist to prove that there were not wetlands on the property or to do a small declaratory application. She noted that they had until Friday to do either one.

### COMMENTS OF COMMISSIONERS

Mr. Bell stated that he had a concern regarding Oak Hills Park and the plans they had for a restaurant and driving range. He added that these venues could threaten the wetlands. Ms. Cherichetti stated that no formal plans had been filed. Mr. Caputo asked Ms. Cherichetti if she could investigate this matter. Ms. Cherichetti stated that there was an Oak Hills Park Authority and a liaison from the Commission could attend.

### UPCOMING MEETINGS

March 26, 2002

April 9, 2002

April 23, 2002

### ADJOURNMENT

- \*\* MR. BELL MOVED APPROVAL TO ADJOURN.
- \*\* MR. SCIABBARRASI SECONDED.
- \*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.

Respectfully submitted,

Ann Marie DeLuca

Telesco Secretarial Services