

**NORWALK CONSERVATION COMMISSION MINUTES**

Conservation Commission  
**May 22, 2007**

ATTENDANCE: Anne Cagnina, Chair; Karen Destefanis, Vice Chair; Ed Holowinko; Beth Ackerman; Matt Caputo; Andy Kydes; Chris Handrinos

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHER: Emily Wilson, recently appointed alternate Commissioner

CALL TO ORDER

The meeting was called to order at 6:07 PM.

ROLL CALL

Ms. Cherichetti called the roll.

PRESENTATION - King Industries - EPA Performance Track for environmental performance

PERMIT MODIFICATION

a) #S06-247A – 141 Wolfpit Avenue – Teran – Corrective Action Permit Modification to alter grading plan and limit of disturbance from wetland

Mr. Caputo recused himself from this item.

Ms. Cherichetti reviewed the changes to the application.

**\*\* MS. ACKERMAN MOVED TO APPROVE THE FOLLOWING RESOLUTION:  
RESOLVED:**

**THAT CONSERVATION APPLICATION #S06-247A TO MODIFY PERMIT #S06-247 TO ALTER THE GRADING PLAN AND THE LIMIT OF DISTURBANCE FROM THE WETLAND, BE GRANTED TO LEGACY DEVELOPMENT LLC FOR PROPERTY AT 141 WOLFPIIT AVENUE, NORWALK, CT, [DISTRICT 5, BLOCK 16, TAX LOT 427] WITH THE FOLLOWING CONDITIONS:**

**1. ALL SPECIAL CONDITIONS OF THE ORIGINAL PERMIT SHALL REMAIN IN EFFECT, EXCEPT WHERE SPECIFICALLY MODIFIED BELOW:**

**a. SPECIAL CONDITION #1 SHALL BE MODIFIED TO REQUIRE AN ADDITIONAL \$905.00 PERFORMANCE BOND BE POSTED IMMEDIATELY TO BE HELD FOR THE ADDITIONAL WETLAND BUFFER PLANTINGS CONDITIONED BY THIS PERMIT MODIFICATION;**

- b. SPECIAL CONDITION #3 SHALL REFER TO THE PLAN ENTITLED, “PROPOSED GRADING & PLANTING PLAN”, DATED 3/27/2007 AND LAST REVISED 5/18/2007, AS PREPARED BY LAND-TECH CONSULTANTS, INC.;
- c. SPECIAL CONDITION #4 SHALL BE MODIFIED TO READ, “A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED ADJACENT TO THE WETLAND IN THE WESTERN REAR OF THE PROPERTY. THE DESIGNATED BUFFER SHALL EXTEND FROM A LINE TEN (10) FEET UPHILL OF THE PROPOSED RETAINING WALL TO THE WETLAND LIMIT LINE. THE DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ENHANCED WITH THE PLANTING PLAN DESCRIBED ON THE SITE PLAN. THE SHRUBS MUST BE A MINIMUM OF THIRTY-SIX INCHES (36”) IN HEIGHT AT THE TIME OF PLANTING. THE AREA WITHIN THE DESIGNATED WETLAND BUFFER 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.
- d. SPECIAL CONDITIONS #6 AND 7 SHALL REFER TO THE PLAN ENTITLED, “PROPOSED GRADING & PLANTING PLAN”, DATED 3/27/2007 AND LAST REVISED 5/18/2007, AS PREPARED BY LAND-TECH CONSULTANTS, INC.
- \*\* MS. CAGNINA SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH FIVE IN FAVOR AND ONE ABSTENTION (MS. DESTEFANIS).

b) #S05-233 – 4 May Drive – Davidson – Modification of Permit to allow reduction of plantings conditioned in original approval

Mr. Caputo returned to the meeting at 6:30.

Ms. Cherichetti reviewed the application and additional information. Ms. Ackerman said that because there was more vegetation on the site than when it was last reviewed, she was amenable to approving half the original required plantings.

Mr. Caputo said he did not remember another case involving such a large reduction in required plantings. Ms. Cherichetti said the site had been moderately well vegetated prior to clearing, and that the clearing had been substantial. She said a two-thirds reduction would be too sparse and possibly allow the growth of invasive plants.

\*\* MS. ACKERMAN MOVED TO APPROVE THE FOLLOWING RESOLUTION:  
WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK’S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE CONSERVATION COMMISSION FINDS THAT THE NUMBER OF PLANTING ORIGINALLY PROPOSED IS VERY DENSE;  
NOW THEREFORE BE IT RESOLVED:  
THAT CONSERVATION PERMIT MODIFICATION APPLICATION #S05-233B,

FOR MODIFICATION OF PERMIT #S05-233A TO ALLOW A REDUCTION OF REQUIRED PLANTINGS, BE GRANTED TO BOGA DAVIDSON, FOR PROPERTY AT 4 MAY DRIVE, NORWALK, CT SUBJECT TO THE FOLLOWING CONDITIONS:

1. THE NUMBER OF REQUIRED SHRUBS TO BE PLANTED MAY BE REDUCED TO NO LESS THAN FORTY FIVE (45) NATIVE SHRUBS AND THE NUMBER OF REQUIRED TREES TO BE PLANTED MAY BE REDUCED TO NO LESS THAN SIXTEEN (16) TREES.

2. THE WETLAND RESTORATION AS DETAILED IN THE PLAN ENTITLED, "WETLAND RESTORATION PLANTING PLAN", BY WETLAND RESOURCES, LLC AND AS MODIFIED ABOVE, SHALL BE FULLY IMPLEMENTED WITHIN ONE (1) MONTH OF ISSUANCE OF THIS PERMIT.

\*\* MR. HANDRINOS SECONDED THE MOTION.

Ms. Destefanis asked that the performance bond be reduced to reflect the lower number of plantings. Ms. Ackerman amended her motion to include a \$2600 performance bond.

\*\* THE MOTION PASSED UNANIMOUSLY.

#### DISCUSSION/DECISION

a) #S06-265 –78 Cranbury Rd./440 Newtown Ave. – Connecticut Friends School – Construction of a school and associated activities in and adjacent to wetlands and watercourses

Ms. Ackerman recused herself from this item and left the meeting at 6:50.

Ms. Cherichetti said she had distributed draft resolutions for approval and denial. She discussed voting procedures.

Ms. Cagnina said the wetland would be preserved under the proposal, and that she had no concerns.

Mr. Kydes said he would have preferred an outside consultant to help with interpretation, and expressed his concerns about a former commissioner's participation in the public hearing.

There was a discussion of the relative intensity of educational and residential uses of the site. Mr. Caputo discussed the ways in which the applicant had addressed his concerns. He said the applicant had submitted more credible data than the intervenor had.

Ms. Destefanis noted that much of the proposed work would take place in a disturbed area. Ms. Cagnina agreed. Ms. Cherichetti reviewed the proposed drainage system and discussed the wetlands on the site.

Mr. Kydes asked Ms. Cherichetti what the disturbance from a residential development would be. Ms. Cherichetti said it would depend on the development, and evaluated the alternative development submitted by the applicant.

Mr. Caputo said he was not convinced by the intervenor's claim that the proposed use would result in unreasonable pollution of a natural resource. There was a discussion of the drainage and septic systems.

Mr. Handrinos asked if a residential development would require a septic system for each unit. Ms. Cherichetti said it was unclear, because the residences might use the available sewer line. Ms. Destefanis noted that a septic system allows 80 percent groundwater recharge, while a sewer system allows none.

Ms. Destefanis suggested that the applicant be required to avoid wetland disturbance if it was necessary to remove underground tanks. Ms. Cherichetti suggested an additional condition.

**\*\* MR. CAPUTO MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

**WHEREAS,**

**THE CONSERVATION COMMISSION, UPON PUBLIC HEARING DULY NOTICED AND HELD AND FOLLOWING REVIEW OF THE RECORD, DOES NOT BELIEVE THAT THE APPLICATION AS SUBMITTED, #S07-265 BY CONNECTICUT FRIENDS SCHOOL CORP., IS REASONABLY LIKELY TO HAVE THE EFFECT OF UNREASONABLY POLLUTING, IMPAIRING OR DESTROYING THE PUBLIC TRUST IN THE AIR, WATER OR OTHER NATURAL RESOURCE OF THE STATE FOR THE FOLLOWING REASONS:**

- 1. OTHER THAN STATEMENTS TO THAT AFFECT, THERE WAS NO CONCLUSIVE, CREDIBLE, TESTIMONY OR EVIDENCE THAT SUCH AN ADVERSE IMPACT WOULD LIKELY BE CAUSED BY THE PROPOSAL;**
- 2. THE STORMWATER MANAGEMENT PLAN, WHICH INDICATES THAT STORMWATER QUANTITY CONCERNS, INCLUDING PEAK FLOW RATES, WOULD BE REDUCED WITH THE PROPOSED DEVELOPMENT COMPARED WITH EXISTING CONDITIONS AND THAT STORMWATER QUALITY WOULD BE IMPROVED WITH THE INTRODUCTION OF PRIMARY AND SECONDARY TREATMENT METHODS, WAS DESIGNED BY A PROFESSIONAL ENGINEER AND THERE WAS NO OTHER EXPERT TESTIMONY OR EVIDENCE THAT THE PROPOSAL DOES NOT MEET EXISTING WATER QUANTITY AND QUALITY STANDARDS.**
- 3. THE PROPOSAL WOULD REDUCE THE AREA OF IMPERVIOUS SURFACE ON THE SITE.**
- 4. THE ON-SITE SEPTIC SYSTEM, WHICH MEETS ALL PERTINENT CT DEPARTMENT OF HEALTH STANDARDS, WAS DESIGNED BY A PROFESSIONAL ENGINEER AND THERE WAS NO EXPERT TESTIMONY OR EVIDENCE THAT THE PROPOSED DESIGN WOULD NOT MEET EXISTING STANDARDS.**
- 5. WITH THE PROPOSED SEDIMENTATION & EROSION CONTROL PLAN**



DURING CONSTRUCTION, IMPLEMENTATION OF STANDARD AND INNOVATIVE SHORT-TERM AND LONG-TERM BEST MANAGEMENT PRACTICES, ESTABLISHMENT OF A NATURAL VEGETATED BUFFER ADJACENT TO THE POND AND PROPOSED MULTIPLE SERIES OF PRIMARY AND SECONDARY STORMWATER TREATMENT PRACTICES, THERE WAS NO EVIDENCE THAT SEDIMENT OR PARTICULATE RUN-OFF WOULD INCREASE ON THE SITE;

6. THERE WAS NO CONCLUSIVE TESTIMONY THAT SIGNIFICANT DEFORESTATION WOULD RESULT FROM THE PROPOSAL, AND FURTHER, THAT ANY SUCH DEFORESTATION WOULD RESULT IN ANY SEVERE WETLAND IMPACT;

7. THE APPLICANT'S WETLAND SOILS DELINEATION WAS PERFORMED BY A PROFESSIONAL SOIL SCIENTIST WHO INSPECTED APPROXIMATELY 400 SOILS SAMPLES TAKEN WITH AN AUGER AND THERE WAS NO CREDIBLE OR CONCLUSIVE EVIDENCE PRESENTED THAT THIS DELINEATION WAS IN ERROR.

8. REGARDING WATER QUALITY, THE INFORMATION PROVIDED BY THE INTERVENOR'S ENVIRONMENTAL CONSULTANT FOCUSES ON EXISTING CONDITIONS (WHICH DID NOT RESULT FROM THE SUBJECT PROPOSAL) AND DRAFT STANDARDS AND FURTHER, DO NOT PRESENT ANY CONCLUSIVE EVIDENCE THAT THE WATER QUALITY OF THE POND IS REASONABLY LIKELY TO LESSEN WITH THE PROPOSED DEVELOPMENT.

9. THE POSITIVE WETLAND IMPACTS OF PROPOSED MITIGATION ACTIONS, INCLUDING BUT NOT LIMITED TO THE REASONABLY LIKELY SUCCESS OF CREATING WETLAND AREAS ADJACENT TO PREVIOUSLY DISTURBED WETLAND AREAS, OUTWEIGH THE NEGATIVE DIRECT IMPACTS TO WETLANDS.

10. THE PROPOSED PLAN LESSENS THE EXISTING DISCONNECTION OF EXISTING WETLAND 'POCKETS'.

11. ALL OF THE DIRECT IMPACTS ARE RELATED TO CONSTRUCTION OF THE PROPOSED DRIVEWAY AND EMERGENCY ACCESS WAY, AND WOULD BE DIFFICULT TO SUBSTANTIALLY LESSEN WITH ANY FEASIBLE AND PRUDENT DEVELOPMENT PROPOSAL.

12. THE ALTERNATIVE SUGGESTED OF MOVING THE PROPOSED BUILDING, AND SEPTIC AND PARKING TO THE NORTHERN PORTION OF THE PROPERTY WOULD RESULT IN A MORE SIGNIFICANT LOSS OF CURRENTLY UNDISTURBED FORESTED AREA AND WOULD, IN ADDITION TO THIS DEFORESTATION, LIKELY REQUIRE THE SAME OR GREATER WETLAND IMPACTS AS THE PROPOSED.

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND

WHEREAS, A FEASIBLE AND PRUDENT ALTERNATIVE THAT WOULD HAVE LESSER NEGATIVE IMPACT ON THE WETLANDS AND WATERCOURSE WAS NOT SHOWN TO EXIST; AND

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-265, TO CONSTRUCT A SCHOOL BUILDING AND ASSOCIATED ACTIVITIES IN AND ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO CONNECTICUT FRIENDS SCHOOL CORP.FOR PROPERTY AT 78 CRANBURY ROAD / 440 NEWTOWN AVENUE, NORWALK, CT, [DISTRICT 5, BLOCK 30, TAX LOTS 2 & 1A] WITH THE FOLLOWING CONDITIONS:

1. A \$13,000.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$11,000.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT THE END OF THE SECOND FULL GROWING SEASON AFTER THE PLANTING PLAN HAS BEEN FULLY IMPLEMENTED. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF ANY PORTION OF THE BOND.
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. PRIOR TO THE COMMENCEMENT OF ANY ON-SITE ACTIVITY, THE APPLICANT SHALL STAKE THE LIMIT OF DISTURBANCE IN THE FIELD. THE WETLAND FLAGS MUST ALSO BE RE-FLAGGED, AS NECESSARY, PRIOR TO COMMENCEMENT OF SITE WORK. DELINEATION OF THE LIMIT OF DISTURBANCE AND WETLAND AREAS SHALL BE INSPECTED AND APPROVED BY CONSERVATION STAFF.
4. PRIOR TO THE COMMENCEMENT OF ANY ON-SITE ACTIVITY, DESIGN AND PLANTING DETAILS FOR THE PROPOSED RAIN GARDENS SHALL BE SUBMITTED BY THE APPLICANT AND APPROVED BY CONSERVATION STAFF.
5. PRIOR TO THE COMMENCEMENT OF SITE WORK, TREE PROTECTION SHALL BE INSTALLED FOR ALL TREES TO BE SAVED THAT LIE WITHIN THE LIMIT OF DISTURBANCE OR WITHIN FIVE (5) FEET OF THE LIMIT OF DISTURBANCE.
6. UNLESS SPECIFICALLY MODIFIED BY THIS PERMIT, ALL SEDIMENTATION & EROSION CONTROLS SHALL BE INSTALLED IN THE LOCATIONS INDICATED ON THE PLAN ENTITLED "SITE GRADING AND SOIL EROSION CONTROL PLAN ", DATED FEBRUARY 13, 2007 AND LAST REVISED APRIL 10, 2007 BY MCCHORD ENGINEERING ASSOCIATES. CONTROLS ARE TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF LAND DISTURBANCE.
7. PRIOR TO THE COMMENCEMENT OF ON-SITE ACTIVITY, THE APPLICANT SHALL DEVELOP AND SUBMIT A LAWN AND LANDSCAPE MANAGEMENT PLAN TO THE CONSERVATION OFFICE FOR REVIEW AND APPROVAL. THE PLAN MUST INCLUDE A DETAILED PLAN FOR THE MANAGEMENT OF ALL

LAWN AREAS, ORNAMENTAL LANDSCAPE AREA, WETLAND BUFFER AND WETLAND AREAS. THE PLAN MUST DETAIL PROTOCOLS FOR THE APPLICATION OF FERTILIZERS, APPLICATION OF PESTICIDES, AND BEST MANAGEMENT PRACTICES (BMPS) FOR MINIMUM NEGATIVE ENVIRONMENTAL IMPACTS. ADDITIONALLY, THE LAWN AND LANDSCAPE MANAGEMENT PLAN MUST INCLUDE THE FOLLOWING:

g. A SOIL TEST MUST BE PERFORMED NO MORE THAN 90 DAYS PRIOR TO THE APPLICATION OF ANY FERTILIZER, WHICH ARE TO BE APPLIED AT A RATE SUITABLE FOR THE TESTED SOIL CONDITIONS.

b. IN ORDER TO REDUCE NEGATIVE IMPACTS TO THE WETLAND/WATERCOURSE SYSTEM FROM THE APPLICATION OF EXCESSIVE NUTRIENTS AND TOXICANTS, ALL FERTILIZERS APPLIED TO THE SITE MUST BE LISTED BY THE ORGANIC MATERIALS REVIEW INSTITUTE (OMRI). THE ORGANIC NATURE OF THESE FERTILIZERS RESULT IN PRODUCTS THAT HAVE A SLOW-RELEASE FORM OF NITROGEN AND LESS EXCESSIVE PHOSPHORUS CONTENT.

c. PESTICIDES SHOULD BE USED ONLY WHEN ABSOLUTELY NECESSARY. AN INTEGRATED PEST MANAGEMENT (IPM) METHOD OF CONTROL MUST FIRST BE ATTEMPTED. WHEN A CHEMICAL PESTICIDE IS UNAVOIDABLE, AN APPROPRIATE PESTICIDE THAT IS OMRI-LISTED SHOULD BE USED.

d. DUMPING OF ANY LAWN OR YARD WASTE, INCLUDING GRASS CLIPPINGS, WITHIN A DESIGNATED WETLAND BUFFER OR WETLAND IS PROHIBITED.

8. THE APPLICANT SHALL CAUSE TO HIRE A PROFESSIONAL WETLAND SCIENTIST OR CERTIFIED ECOLOGIST OR BIOLOGIST INSPECT THE SITE TWICE PER MONTH AND TO SUBMIT A WRITTEN REPORT TO THE CONSERVATION OFFICE ONCE EVERY MONTH. THE ABOVE INSPECTION AND REPORTING SHALL COMMENCE AT THE START OF SITE WORK AND CONTINUE WHILE THE SITE IS UNDER ACTIVE CONSTRUCTION AND ANY PORTION OF THE SITE IS NOT STABILIZED. THE REPORTS MUST DESCRIBE THE STATE OF CONSTRUCTION, THE CURRENT EFFECTIVENESS OF THE SEDIMENTATION AND EROSION CONTROLS, ANY REQUIRED WORK TO KEEP THE ACTIVITIES IN COMPLIANCE WITH THIS PERMIT, AND ANY OBSERVED IMPACTS TO THE WETLAND OR WATERCOURSE.

9. PRIOR TO THE COMMENCEMENT OF SITE WORK, A REPORT DETAILING THE ON-GOING WILDLIFE SURVEY OF THE PROPERTY MUST BE SUBMITTED. IN PARTICULAR, THE SURVEY REPORT SHOULD INCLUDE HABITAT DESCRIPTIONS, A REPTILE AND AMPHIBIAN SPECIES LIST, AND THE SURVEYOR'S QUALIFICATIONS.

10. A THOROUGH INSPECTION FOR BOX TURTLES SHALL BE PERFORMED BY A QUALIFIED INDIVIDUAL A MINIMUM OF 48 HOURS IN ADVANCE OF THE COMMENCEMENT OF SITE WORK AND AGAIN WITHIN TWO DAYS FOLLOWING THE INSTALLATION OF THE SILT FENCE.

11. ALL NEW CATCH BASINS INSTALLED ON THE PROPERTY MUST HAVE DEEP SUMP BASINS AND BE FITTED WITH A BELL-TYPE TRAP.

12. PRIOR TO THE COMMENCEMENT OF ON-SITE ACTIVITY, THE APPLICANT



SHALL DEVELOP AND SUBMIT A STORMWATER MAINTENANCE PLAN TO THE CONSERVATION OFFICE FOR REVIEW AND APPROVAL. THE PLAN MUST INCLUDE A DETAILED ACTION PLAN AND SCHEDULE FOR THE INSPECTION, CLEANING, REPLACEMENT AND GENERAL MAINTENANCE OF THE CATCH BASINS, UNDERGROUND RETENTION GALLERIES AND DETENTION BASIN ON THE PROPERTY. THE ABOVE DETAILED PLAN AND SCHEDULE MUST MEET OR EXCEED THE RECOMMENDED SCHEDULE OF MAINTENANCE RECOMMENDED BY MANUFACTURER OF EACH DEVICE.

13. ALL PROPOSED WETLAND MITIGATION WORK, AS DEPICTED IN PLANS ENTITLED "WETLAND MITIGATION PLAN (LP2)" AND "LANDSCAPING AND LIGHTING PLAN (LP1)", DATED FEBRUARY 13, 2007 AND LAST REVISED APRIL 10, 2007 BY ENVIRONMENTAL LAND SOLUTIONS LLC, SHALL BE COMPLETED WITHIN ONE (1) YEAR OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

14. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT IS TO BE COMPLETED WITHIN TWO (2) YEARS.

15. UNLESS SO MODIFIED BY ANY OF THE ABOVE CONDITIONS, ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED "CONNECTICUT FRIENDS SCHOOL, 78 CRANBURY ROAD, NORWALK, CT; SHEETS LP1, LP2, SE1, SE2, SE3, SE4, SE5 AND DT1", DATED FEBRUARY 13, 2007 AND LAST REVISED APRIL 10, 2007 BY ENVIRONMENTAL LAND SOLUTIONS OR MCCHORD ENGINEERING, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

\*\* MR. HOLOWINKO SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH FIVE IN FAVOR AND ONE OPPOSED (MR. KYDES).

a) #S07-269 – 210 Rowayton Avenue – United Church of Rowayton – Expansion of parking adjacent to wetland

There was a discussion of the practicality of requiring the additional parking to be gravel rather than paved.

\*\* MR. CAPUTO MOVED TO APPROVE THE FOLLOWING RESOLUTION:  
WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT CAUSE SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS ON THE WATERCOURSE;  
NOW THEREFORE BE IT RESOLVED:  
THAT CONSERVATION APPLICATION #S07-269, TO INSTALL ADDITION PARKING SPACE ADJACENT TO EXISTING PARKING LOT ADJACENT TO A WETLAND BE GRANTED TO UNITED CHURCH OF ROWAYTON, FOR



PROPERTY AT 210 ROWAYTON AVENUE, NORWALK, CT [6-23A-1], WITH THE FOLLOWING CONDITIONS:

1. A \$1,700.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$1,300.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.
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. PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL CLEAN ALL PORTIONS OF THE WETLAND AND ITS UPLAND REVIEW AREA ON THE APPLICANT'S PROPERTY OF MANMADE DEBRIS AND LANDSCAPING DEBRIS. AREAS WITHIN THE UPLAND REVIEW AREA SHALL NOT BE USED FOR THE ACCUMULATION OF LANDSCAPING DEBRIS.
4. PRIOR TO THE COMMENCEMENT OF ON-SITE ACTIVITY, THE PROPERTY OWNER SHALL DEVELOP AND SUBMIT A STORMWATER MAINTENANCE PLAN TO THE CONSERVATION OFFICE FOR REVIEW AND APPROVAL. THE PLAN MUST INCLUDE A DETAILED ACTION PLAN AND SCHEDULE FOR THE INSPECTION, CLEANING, REPLACEMENT AND GENERAL MAINTENANCE OF THE CATCH BASINS, CATCH BASIN INSERTS, UNDERGROUND GALLERIES AND VEGETATED DRAINAGE SWALE ON THE PROPERTY. THE ABOVE DETAILED PLAN AND SCHEDULE MUST MEET OR EXCEED THE RECOMMENDED SCHEDULE OF MAINTENANCE RECOMMENDED BY MANUFACTURER OF EACH DEVICE. THE OWNER SHALL CAUSE TO HAVE PROMPT SERVICE AND MAINTENANCE PERFORMED TO THE STORMWATER TREATMENT DEVICES ON THE PROPERTY IN THE MANNER AND FREQUENCY DETAILED IN THE APPROVED STORMWATER MAINTENANCE PLAN AND PROVIDE DOCUMENTATION, UPON REQUEST OF THE CONSERVATION OFFICE, OF THE COMPLIANCE WITH, AND COMPLETION OF, THE PROTOCOLS DETAILED IN THE STORMWATER MAINTENANCE PLAN FOR EACH CALENDAR YEAR.
5. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED IN THE LOCATION INDICATED ON THE PLAN ENTITLED, " PROPOSED PARKING LOT EXPANSION CONSTRUCTION PLAN", DATED 1-4-2007 AND LAST REVISED 5-11-2007 BY GRUMMAN ENGINEERING LLC. THE SEDIMENTATION AND EROSION CONTROL MUST BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE. THE CONTROL MUST REMAIN PROPERLY INSTALLED

UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.

6. THE PLANTINGS FOR THE PROPOSED DRAINAGE SWALE AT THE DRAINAGE OUTLET SHALL BE MODIFIED AS FOLLOWS: FIVE (5) ADDITIONAL FERNS OR FORBS SHALL BE PLANTED, FOR A TOTAL OF FIFTEEN; SHRUBS MUST BE A MINIMUM OF THIRTY INCHES (30") IN HEIGHT AT THE TIME OF PLANTING, THE CONTAINERS OF FORBS OR FERNS ARE TO BE ONE QUART SIZE OR GREATER; ALL PLANTS, INCLUDING THE PROPOSED SHADE SEED MIX, MUST BE NATIVE TO CONNECTICUT.

7. ALL OTHER PROPOSED SHRUBS AND TREES WITHIN THE UPLAND REVIEW AREA SHALL BE NATIVE TO CONNECTICUT. ALL SHRUBS MUST BE A MINIMUM OF THIRTY INCHES (30") IN HEIGHT AT THE TIME OF PLANTING.

8. ANY TREES, NOT SPECIFICALLY MARKED TO BE REMOVED, LOST WITHIN THE UPLAND REVIEW AREA DUE TO CONSTRUCTION-RELATED DAMAGE SHALL BE REPLACED WITH A NATIVE SHADE TREE, 2' CALIPER. ANY SUCH PLANTED TREE WOULD THEN BE CONSIDERED PART OF THE WETLAND PLANTING PLAN.

9. ALL PROPOSED PLANTINGS WITHIN THE UPLAND REVIEW AREA MUST BE FULLY IMPLEMENTED IMMEDIATELY FOLLOWING THE INSTALLATION OF THE STORMWATER DRAINAGE SYSTEM.

10. THOUGH THIS PERMIT EXPIRES IN FIVE (5) YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN SIX (6) MONTHS OF THE COMMENCEMENT OF ACTIVITY.

\*\* MR. KYDES SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH SIX IN FAVOR AND ONE OPPOSED (MS. ACKERMAN).

b) #S07-270 – 121 Keeler Avenue – Royce – Corrective action driveway expansion adjacent to wetland

Ms. Cherichetti reviewed the application. There was a brief discussion.

\*\* MR. CAPUTO MOVED TO APPROVE THE FOLLOWING RESOLUTION:  
WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT CAUSE SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS ON THE WATERCOURSE;  
NOW THEREFORE BE IT RESOLVED:  
THAT CONSERVATION APPLICATION #S07-270, TO PERFORM CORRECTIVE ACTION INSTALLATION OF A DRIVEWAY AND DRAINAGE BE GRANTED TO SEAN ROYCE , AT 121 KEELER AVENUE, NORWALK, CT [5-69-28], WITH THE FOLLOWING CONDITIONS AND MODIFICATIONS:

1. A \$ 1,100.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$450.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.
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. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED NO LESS THAN FIVE (5) FEET UPHILL OF THE DELINEATED WETLAND LINE. THE SEDIMENTATION AND EROSION CONTROL MUST BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE. THE CONTROL MUST REMAIN PROPERLY INSTALLED UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.
4. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR DOWN SLOPE OF THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE, UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.
5. THE WETLAND BUFFER ENHANCEMENT PLAN, AS DETAILED IN THE PLAN ENTITLED, "PROPOSED SITE MAP; 121 KEELER AVE.", BY SEAN ROYCE, DATED 4/6/2007, SHALL BE MODIFIED TO INCLUDE A TOTAL OF SIX (6) SHRUBS TO BE PLANTED IN THE AREA BETWEEN THE PROPOSED DRIVEWAY AND SETTLING BASIN AND WETLAND FLAGS #1-5. ADDITIONALLY, THE AREA DESCRIBED AS "GRAVEL SETTLING POND" SHALL BE PLANTED WITH A MIXTURE OF A MINIMUM OF THIRTY (30) NATIVE FORBS OR FERNS. THE SHRUBS MUST BE A MINIMUM OF THIRTY INCHES (30") IN HEIGHT AT THE TIME OF PLANTING, THE CONTAINERS OF FORBS OR FERNS ARE TO BE ONE QUART SIZE OR GREATER. ALL PLANTS MUST BE NATIVE TO CONNECTICUT.
6. THE 'POND' OR BASIN SHALL BE MODIFIED SO THAT IT IS A MINIMUM OF TWENTY (20) FEET IN DIAMETER. THE DUG OVERFLOW OUTLET FOR THE BASIN MUST BE AT AN ELEVATION AT LEAST FOUR (4) INCHES ABOVE THE BASIN BOTTOM AS WELL AS THE WETLAND ELEVATION IN THAT LOCATION.
7. THE "POLYCAST SURFACE DRAIN" NOTED ON THE PLAN MAY NOT BE INSTALLED AS SHOWN.
8. THE WETLAND BUFFER ENHANCEMENT PLAN, WHICH INCLUDES THE IMPLEMENTATION OF THE PROPOSED DRAINAGE AND THE ABOVE-



DESCRIBED PLANTINGS, SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF ISSUANCE OF THIS PERMIT.

9. ALL DISTURBED AREAS, INCLUDING THOSE MARKED "TO BE GRADED", MUST BE SEEDED AND MULCHED WITHIN TWO (2) DAYS OF GRADING.

10. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN SIX (6) MONTHS OF THE RECONVENING OF ACTIVITY.

11. ANY CHANGE TO THE OVERALL PLAN, UNLESS SPECIFICALLY MODIFIED BY THIS PERMIT, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, INCLUDING THE PLAN ENTITLED "PROPOSED SITE MAP, 121 KEELER AVE." BY SEAN ROYCE, DATED 4/6/2007, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

\*\* MR. HANDRINOS SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH SIX IN FAVOR AND ONE ABSTENTION (MS. DESTEFANIS).

Mr. Handrinos left the meeting at 8:15.

c) #S07-271 – 20 Betmarlea Drive – McGettigan – Construction of addition adjacent to wetland

This item was tabled at the request of the applicant.

d) #S07-272 – 125 Witch Lane – Parsons – Construction of addition adjacent to wetland and watercourse

Ms. Ackerman suggested that both silt fencing and hay bales be required because of the steep slope. There was a brief discussion.

\*\* MS. CAGNINA MOVED TO APPROVE THE FOLLOWING MOTION:  
WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT CAUSE SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS ON THE WATERCOURSE;  
WHEREAS, THE LIMIT OF DISTURBANCE WOULD BE WELL CONTAINED IN THE UPLAND AREA AND WOULD NOT BE IN VERY CLOSE PROXIMITY TO THE WATERCOURSE;  
NOW THEREFORE BE IT RESOLVED:  
THAT CONSERVATION APPLICATION #S07-272, TO CONSTRUCT A ADDITION ADJACENT TO A WATERCOURSE BE GRANTED TO CHRISTOPHER PARSONS , AT 125 WITCH LANE, NORWALK, CT [6-82-119], WITH THE FOLLOWING CONDITIONS AND MODIFICATIONS:

1. A \$ 600.00 PERFORMANCE BOND FOR SEDIMENTATION & EROSION

CONTROLS IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE BOND IS ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

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. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED IN THE LOCATION INDICATION ON PLANS ENTITLED, "PROPOSED SITE PLAN AND EROSION CONTROL", DATED 5-4-2007 BY LUIS F. GARCIA. THE SEDIMENTATION AND EROSION CONTROL MUST BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE. THE CONTROL MUST REMAIN PROPERLY INSTALLED UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.

4. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR DOWN SLOPE OF THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE, UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.

5. THOUGH THIS PERMIT EXPIRES IN FIVE (5) YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN EIGHTEEN (18) MONTHS OF THE COMMENCEMENT OF ACTIVITY.

6. ANY CHANGE TO THE OVERALL PLAN, UNLESS SPECIFICALLY MODIFIED BY THIS PERMIT, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, INCLUDING THE PLAN ENTITLED, "PROPOSED SITE PLAN AND EROSION CONTROL", DATED 5-4-2007 BY LUIS F. GARCIA, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

\*\* MR. CAPUTO SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH FIVE IN FAVOR AND ONE ABSTENTION (MS. DESTEFANIS).

e) #S07-273 – 595 Westport Avenue - Fairfield Residential, LLC – Installation of a monitoring well in a wetland

\*\* MR. KYDES MOVED TO APPROVE THE FOLLOWING RESOLUTION:  
WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT CAUSE SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS ON THE WATERCOURSE;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-273, TO INSTALL A MONITORING WELL WITHIN A WETLAND BE GRANTED TO FAIRFIELD RESIDENTIAL, LLC, FOR PROPERTY AT 595 WESTPORT AVENUE, NORWALK, CT, WITH THE FOLLOWING CONDITIONS:

1. 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.

2. THOUGH THIS PERMIT EXPIRES IN FIVE (5) YEARS, ALL INSTALLATION ACTIVITY MUST BE COMPLETED WITHIN FOUR (4) DAYS OF THE COMMENCEMENT OF ACTIVITY.

\*\* MS. ACKERMAN SECONDED THE MOTION.

Ms. Destefanis suggested that a condition be added requiring a locking cap and steel casing. Mr. Kydes amended his motion.

\*\* THE MOTION PASSED UNANIMOUSLY.

#### SHOW-CAUSE HEARING

a) #V07-784 – 285 Rowayton Avenue – Cohen – Construction of a retaining wall and deposition of fill in a watercourse (Five Mile River)

Ms. Cherichetti explained that the property owner was not present because he agreed that a violation had occurred and was in the process of submitting a corrective action application. She said construction of a retaining wall had occurred within the Five Mile River, and it was not clear that it was in the same location as the original wall. She noted that the construction was within the floodway.

Ms. Cagnina asked if it would be better not to have a wall at this site. Ms. Cherichetti explained the nature of the river at that point.

\*\* MS. DESTEFANIS MOVED TO CLOSE THE SHOW-CAUSE HEARING.

\*\* MR. CAPUTO SECONDED THE MOTION.

\*\* THE MOTION PASSED UNANIMOUSLY.

\*\* MR. CAPUTO MOVED TO UPHOLD THE CEASE & DESIST ORDER.

\*\* MS. DESTEFANIS SECONDED THE MOTION.

\*\* THE MOTION PASSED UNANIMOUSLY.

#### REFERRALS



a) Planning Commission – Draft Plan of Conservation and Development

Ms. Cherichetti briefly reviewed the draft plan. Ms. Ackerman asked if the plan addressed stormwater management, and Ms. Cherichetti read the relevant section. Ms. Ackerman suggested the plan should call for a reduction in impervious surfaces.

MINUTES

a) March 8, 2007 special meeting

No action was taken on this item.

b) March 13, 2007

No action was taken on this item.

c) March 27, 2007

No action was taken on this item.

d) April 24, 2007

No action was taken on this item.

COMMENTS OF STAFF

a) Minor Permits and Enforcement Actions

Ms. Cherichetti described the minor permits she had issued.

Mr. Kydes left the meeting at 8:48 PM.

Ms. Cherichetti described several complaints she had received about construction at 123 Murray Street regarding changes to drainage. She said that questions had been raised about the accuracy of wetland delineation, but corporation counsel felt that the Commission had acted on credible information at the time of approval. She noted that she had instructed the property owner not to discharge directly to the wetland.

Ms. Cherichetti reviewed the violations she had inspected. Ms. Cagnina suggested that Ms. Cherichetti could benefit from additional staffing.

b) Report of Senior Environmental Officer

COMMENTS OF COMMISSIONERS

ADJOURNMENT

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

\*\* MR. HOLOWINKO SECONDED THE MOTION.

\*\* THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 9:15 PM.

