

NORWALK CONSERVATION COMMISSION MINUTES

MARCH 28, 2005

ATTENDANCE: Ann Cagnina; Marny Smith; Andrew Kydes; Matt Caputo; Ed Holowinko; Susan Llorca; Chris Handrinos (6:12); Seeley Hubbard (6:30)

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Don Strait, Grumman Engineering; Liz Suchy, Tierney, Zullo, Flaherty & Murphy PC; Claire Kinneally; Kimberly Ribiero (sp).

CALL TO ORDER

The meeting was called to order at 6:04 p.m.

ROLL CALL

Ms. Cherichetti called the roll.

RECEIPT/DISCUSSION

#S06-246 – 123 Murray Street – Janal, LLC – Construction of a new single family residence adjacent to a wetland and watercourse.

The applicant gave a presentation outlining the scope of the project. Ms. Cherichetti stated that she had written a letter, which the applicant received today, requesting submission or comments on several points. The applicant stated that he will comply and will get the answers to the Commission as soon as possible before the next Commission meeting.

Chris Handrinos arrived at the meeting at 6:12 p.m.

EXECUTIVE SESSION

a) Pending Litigation

**** MS. SMITH MOVED THAT THE COMMISSION GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.**

**** MR. CAPUTO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The regular meeting was recessed at 6:16 p.m.

Mr. Seeley Hubbard arrived at the meeting at 6:30 p.m.

The regular meeting was resumed at 6:48 p.m. Ms. Cagnina stated for the record that no action was taken at the Executive Session.

** MS. SMITH MOTIONED TO AMEND THE AGENDA TO TAKE UP THE MINUTES OF JANUARY 10, 2006; FEBRUARY 14, 2006; AND FEBRUARY 28, 2006.

** MR. CAPUTO SECONDED.

** MOTION PASSED UNANIMOUSLY.

MINUTES

a) January 10, 2006

Corrections to the minutes of January 10, 2006 were given to the Senior Environmental Officer.

** MR. CAPUTO MOVED TO ACCEPT THE MINUTES OF THE JANUARY 10, 2006 MEETING AS AMENDED.

** MR. HOLOWINKO SECONDED.

** MOTION PASSED WITH ONE ABSTENTION (MR. KYDES).

b) February 14, 2006

** MR. CAPUTO MOVED TO ACCEPT THE MINUTES OF FEBRUARY 14, 2006 AS SUBMITTED.

** MR. KYDES SECONDED.

** MOTION PASSED WITH TWO ABSTENTIONS (MR. HUBBARD, MR. KYDES)

c) February 28, 2006

No action was taken on this item.

** MS. SMITH MOTIONED TO AMEND THE AGENDA TO CONSIDER THE MINUTES OF THE MARCH 6, 2006 MEETING.

** MR. CAPUTO SECONDED.

** MOTION PASSED UNANIMOUSLY.

d) March 6, 2006

** MR. CAPUTO MOVED TO ACCEPT THE MINUTES OF MARCH 6, 2006 AS SUBMITTED.

** MS. LLORCA SECONDED.

** MOTION PASSED WITH TWO ABSTENTIONS (MS. CAGNINA, MR. HUBBARD)

After brief discussion it was agreed to continue with the agenda prior to the public hearing.

** MR. CAPUTO MOTIONED TO AMEND THE AGENDA TO CONSIDER THE COMMENTS OF STAFF.

** MS. SMITH SECONDED.

** MOTION PASSED UNANIMOUSLY.

COMMENTS OF STAFF

a) Declaratory Permits and other Enforcement Actions

Ms. Cherichetti stated that she has issued two Declaratory Permits on minor regulated activity. One regulated activity permit issued was for 1475 Newtown Avenue, which has Stony Brook in the rear. The owners are doing a small front bump-out on Sono tubes. The addition is within the 100-year flood plain, and that is why they are building this above the flood elevation, and will be a minimal disturbance to the area. There will be no grading done on the site.

The other permit was issued for 22 Prince's Pine Road, enclosing an existing porch and an additional deck. This will also be a minimal disturbance and Ms. Cherichetti said the activity is within 100 feet of a watercourse.

Ms. Cherichetti said she has not taken any new actions but she has a lot pending for next week. She said that Mr. Sequenzia (sp) on Crooked Trail, who was issued a Cease and Desist order, did submit an application late yesterday, which was his deadline. Ms. Cherichetti said she has not reviewed it thoroughly, but did note that the applicant had not submitted a soil scientist report. She stated this would be on the next agenda.

Ms. Cagnina asked if there were any other violations. Ms. Cherichetti said none that there were any formal actions taken on, but there is one where there is a wetlands violation done by a neighbor on an abutting property. She said she needs to determine how best to approach that as they cannot legally force someone to restore another person's property.

Ms. Cagnina asked about a previous applicant, Mr. Carlo. Ms. Cherichetti said the Commission has approved his permit and so far he has been meeting all the conditions required; he has posted his bond and provided information and photographs.

b) Report of Senior Environmental Officer

c) DEP Municipal Commissioner Training Program

Ms. Cherichetti said that for any Commissioner interested, the DEP annually does a Municipal Commissioners Training program throughout the state in several areas. The first session is made for new commissioners and they review basic information about what a Commissioner does and the basics about Inland Wetland regulation. The second

session specifically deals with new court cases and usually the assistant attorney generals come and speak on these cases, which may have changed the implications of the wetland and watercourses regulations. She said the DEP has posted the dates for these sessions and suggested that anyone interested in attending them contact her office. Ms. Cagnina said the dates may be posted on the DEP's website also.

PUBLIC HEARINGS – Commencement and continuation to begin at 7:00 pm

Ms. Cagnina called the public hearing open at 7:00 p.m.

Ms. Cherichetti called the roll.

Ms. Cherichetti introduced the legal notice for the public hearing into the record.

Ms. Cagnina stated that, as it seemed that there were no members of the public in attendance, she did not have to explain the procedure for public speaking at the hearing.

a) #S06-245 – 33 & 35 Glenwood Avenue – Lenhart – Demolition of existing and construction of two (2) three-unit residential buildings with associated parking, stormwater drainage and landscaping in and adjacent to a watercourse.

Mr. Don Strait, landscape architect, Grumman Engineering, gave the certified mail receipts to Ms. Cherichetti.

Ms. Cherichetti said the application was received on February 28th and at that point there were minimal comments from the Commissioners and there was some discussion regarding the alternatives that were proposed Alternative A and B. In each alternative, the only difference was the length of the proposed watercourse to be relocated; one made it shorter but wider, and the other made it the same width but a little bit longer.

Mr. Strait gave a brief presentation on the two versions of the plan for this application. He said the proposal was for six units on a property that now has two 2-family residences, which will be demolished. The units will face the street with the driveway on the side. He said the conservation issue is the drainage ditch, which is approximately eighteen inches wide and approximately twenty-eight feet long. The plan is to reroute the stream, make it a little longer, a little wider, improve it and add more planting as a buffer to keep fertilizers and lawn runoff from going into the ditch. The previously piped portions will be repiped, with a new manhole and catch basin in the back yard area. The drainage on site will be through catch basins into appropriate filters to catch oils and road dirt, then into a series of underground retention galleries. The pipe leads off from the overflow and will pick up any increase in runoff from the impervious areas. Mr. Strait said there is not an increase in impervious area on the site but he thought it would be good practice to pick up a little bit of the driveway area.

Mr. Strait said that Alternate Plan A was very similar to the primary proposal. It has a little longer watercourse; the length above ground was a little longer in length. In Plan B, the watercourse has approximately the same length but is widened into a larger pooling area where they can put a little more planting of sweet flag there for filtering purposes. He said the building plan has not gone through the Zoning process yet but that will be done after this, as it is appropriate to come before the Conservation Commission first.

Ms. Smith asked how far under the surface the pipe would be. She said she had seen the property today and noticed that the stream was dry. Mr. Strait agreed that it does dry up. He indicated the pipe was four to five feet below the ground, and said that they had to work with what they were given so they theorized a 1% pitch for flow, and from the head wall to the outlet is approximately 3 to 4/10 of a foot so that it would retain some water and not dry out too quickly.

Ms. Smith asked if, once the pipe was in, it would be grassed over and a recreation area be on top of it. Mr. Strait agreed, and said the area is all grassed now. He said they will buffer the stream area from the lawn, and suggested also adding pachysandra around the catch basin area as a filter.

Ms. Smith said she can't see a great deal of advantage of having the watercourse exposed, and found the ponding area interesting. Ms. Cherichetti said the purpose of extending the length of the watercourse was that when there is water in it, it would have opportunity for water quality improvements, such as pollutant retention, before continuing downstream. She said this is pitched in such a way that there would be a good residence time; the longer the channel, the more chance for stormwater renovation. Ms. Smith said she was thinking of the way the property would be used by the residents, and the pipe would have to be in deep to keep it from being damaged from activity above. There was some discussion about the length of the relocated watercourse and the ponding area. Ms. Cherichetti stated she would advocate Alternate Plan A, which has a longer watercourse length.

Ms. Cagnina asked Mr. Strait which plan he felt was better for the safety of the residents, and asked if it would be protected. Mr. Strait said he felt it was small enough and far enough away with all the shrubs around it to eliminate any chance of nuisance. He said that Ms. Cherichetti made a good point and if it were his choice, he'd go with Alternate Plan A also, because the water elevation is probably the main concern.

Ms. Cagnina explained the procedure for public speaking at the hearing to the members of the audience who arrived during Mr. Strait's presentation.

Ms. Claire Kinneally, a resident of Glenwood Avenue across the street from the proposed activity, said she was unfamiliar with any pond, stream or water on this property, and was confused by the plans. She asked for clarification on how deep and how long the stream would be. She was concerned with the safety issue of children on the property.

Mr. Caputo said that to a certain extent, the safety issue is really not the Commission's domain.

Ms. Kimberly Ribiero (sp) of Glenwood Avenue, said her main concern was the building itself, since it was very old, she had concerns about asbestos and the whole building process as her windows are adjacent to the proposed area of activity. She said she was also concerned about water contamination during the construction phase, and asked how would the rerouting of the stream affect her property.

Ms. Cagnina stated that the rerouting should not affect her property, as she lives on the north side and the water is flowing in a southerly direction.

Mr. Strait said that there will be no flood backup of water, they are using eighteen inch pipes and there should be only six inches to one foot of water in the stream at any given time. Mr. August Lenhart, the property owner, said that there will be no impact on the neighbors' properties.

**** MR. HANDRINOS MOVED THAT THE PUBLIC HEARING BE CLOSED ON #S06-245 33 & 35 GLENWOOD AVENUE.**

**** MR. KYDES SECONDED.**

**** MOTION PASSED WITH ONE ABSTENTION (MR. HOLOWINKO).**

The public hearing was closed at 7:25 p.m.

Ms. Cagnina called the second public hearing open at 7:27 p.m.

Ms. Cherichetti called the roll.

Ms. Cherichetti introduced the legal notice for the public hearing into the record.

b) #S05-239 – 8 Norden Place – Norden Place, LLC – Construction of a multi-unit (328 unit) residential complex with associated stormwater drainage, grading and landscaping in and adjacent to wetlands and watercourses.

Ms. Cherichetti noted the receipt of mailings have been received at the opening of the hearing on February 28, 2006. She gave a summary of the project and said that staff has met with the applicant and has received some comment via a point-by-point rebuttal of the GZA report. She stated that Attorney Zullo has requested a continuation of this public hearing to April 11, 2006.

Ms. Elizabeth Suchy, attorney with Tierney, Zullo, Flaherty & Murphy, stated they are requesting the continuation because the applicant is revising the plan due to the concerns expressed by the Commissioners and the residents of the area at the original public hearing earlier in the month.

**** MR. CAPUTO MOTIONED TO CONTINUE THE PUBLIC HEARING ON #S05-239 8 NORDEN PLACE TO APRIL 11, 2006 AT THE REQUEST OF THE APPLICANT.**

**** MR. KYDES SECONDED.**

**** MOTION PASSED WITH ONE ABSTENTION (MR. HUBBARD)**

Ms. Cagnina called the public hearing closed at 7:30 p.m.

The Commission resumed the regular meeting agenda at 7:31 p.m.

DISCUSSION/DECISION II

a) #S06-245 – 33 & 35 Glenwood Avenue – Lenhart – Demolition of existing and construction of two (2) three-unit residential buildings with associated parking, stormwater drainage and landscaping in and adjacent to a watercourse.

**** MR. CAPUTO MOTIONED TO APPROVE THE APPLICATION AS**

RESOLVED,

THAT CONSERVATION APPLICATION #S06-245 TO CONSTRUCT TWO (2) THREE-UNIT RESIDENTIAL BUILDINGS WITH ASSOCIATED STORMWATER DRAINAGE AND LANDSCAPING IN AND ADJACENT TO A WATERCOURSE BE GRANTED TO AUGUST LENHART FOR PROPERTY AT 33 & 35 GLENWOOD AVENUE, NORWALK, CT, [DISTRICT 5, BLOCK 65, TAX LOTS 84 & 85] WITH THE FOLLOWING CONDITIONS:

1. A \$6,500.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$3,300.00) 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. SILT FENCE OR HAY BALES SHALL BE INSTALLED IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED “GLENWOOD COMMONS; PROPOSED 6-UNIT RESIDENCE; STREAM RELOCATION/SITE PLAN”, DATED

FEBRUARY 10, 2006 BY GRUMMAN ENGINEERING, LLC. THE SILT FENCING IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.

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

5. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED ADJACENT TO THE RELOCATED WATERCOURSE, AS INDICATED ON PLANS ENTITLED, "ALTERNATE PLAN 'A', 33-35 GLENWOOD AVENUE", DATED FEBRUARY 10, 2006 BY GRUMMAN ENGINEERING, LLC. THE DESIGNATED BUFFER SHALL BE A MINIMUM OF FOUR (4) FEET WIDE ON EITHER SIDE OF THE WATERCOURSE WHEN MEASURED FROM THE TOP OF BANK. 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.

6. THE ABOVE DESCRIBED WETLAND MITIGATION PLAN SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

7. THOUGH THE PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN THREE (3) YEARS OF COMMENCEMENT.

8. ANY CHANGE TO THE OVERALL PLAN WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MR. HANDRINOS SECONDED.

** MOTION PASSED WITH ONE ABSTENTION (MR. HUBBARD).

b) #S05-239 – 8 Norden Place – Norden Place, LLC – Construction of a multi-unit (328 unit) residential complex with associated stormwater drainage, grading and landscaping in and adjacent to wetlands and watercourses.

COMMENTS OF COMMISSIONERS

a) Open Space Ranking update

Ms. Cagnina said that she has come up with her own personal list of which properties she felt were the most important and explained how she grouped them. She suggested that

each Commissioner do the same and then they would work together to create a list to present to the public.

Ms. Cherichetti said she recommends the Commissioners not include any City-owned properties but that they come up with a first priority mixed list of properties to be considered. Ms. Cagnina suggested a first priority clump of ten properties, and a second priority clump of twenty.

Mr. Kydes mentioned the Fawcett property on Chestnut Hill, which abuts Cranbury Park. Ms. Cherichetti thought this property was on the inventory, but would confirm its inclusion.

Ms. Cagnina said she would like to hold a meeting in April to go over all the Commissioners' tallies and get a consensus. A brief discussion followed.

After further discussion, it was agreed to hold a Special Meeting on April 4th at 6:00 p.m.

Ms. Smith asked if anyone had seen an article, which ran in the New York Times on Sunday regarding vernal pools. She gave the article to Ms. Cherichetti for her files.

Ms. Smith commented that she would love to see the Commission have a standard stipulation regarding organic landscaping. She said they should find one application and make it a case study. Ms. Llorca agreed. Mr. Caputo asked if any other towns do this. Ms. Smith said yes, but not from the get-go. A brief discussion followed. Ms. Cherichetti remarked that schoolyards and recreation fields have transitioned to organic maintenance and integrated pest management.

Ms. Cherichetti indicated that there was one request for bond release for a property at 119 May Road, application #S02-133, that did not appear on the agenda.

**** MR. CAPUTO MOTIONED TO AMEND THE AGENDA TO ADD RELEASE OF BOND AND ACCOMPANYING DISCUSSION FOR #S02-133 119 MAY ROAD.
** MR. KYDES SECONDED.
** MOTION PASSED UNANIMOUSLY.**

RELEASE OF BOND

**** MR. CAPUTO MOTIONED TO RELEASE THE BOND FOR #S02-133 119 MAY ROAD AS RECOMMENDED BY MS. CHERICHETTI.
** MR. KYDES SECONDED.
** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

** MR. CAPUTO MOTIONED TO ADJOURN THE MEETING.
** MR. KYDES SECONDED.
** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Linda J. Hayes
Telesco Secretarial Services

