

NORWALK CONSERVATION COMMISSION MINUTES

APRIL 9, 2002

ATTENDANCE: Matthew Caputo, Chairman; Lester Bell (6:15 p.m.); Karen Destefanis; Andrew Kydes; Lawrence Losio; Marny Smith

ABSENT: Chris Handrinos; Gerard Sciabbarrasi

STAFF: Alexis Cherichetti, Senior Environmental Officer; Michael Greene, Director of Planning and Zoning; Erin Leonard

CALL TO ORDER

Mr. Caputo called the meeting to order at 6:10 p.m.

RECEIPT OF APPLICATION

Chandler – 30 Starlight Drive – S02-98 – 2-Installation of In-Ground Pool Adjacent to Wetland

**** MS. DESTEFANIS MOVED APPROVAL TO ACCEPT THE APPLICATION AS COMPLETE.**

**** MS. SMITH SECONDED.**

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

Mr. Bell arrived at 6:15 p.m.

Mr. Chandler addressed the Commission and stated that he could only fit the pool where he had laid it out on the plot plan. He mentioned that he had a fence in the back and he forgot about the wetlands. Mr. Caputo remarked that one of the concerns the Commission had was the proximity to the wetlands. Mr. Chandler responded that the fence was 5' from the wetlands and the pool would be 10' from the fence. Ms. Smith asked Mr. Chandler if he would be taking the fence down at any point and he replied that he would not. Mr. Bell asked Mr. Chandler if he had considered turning the pool and Mr. Chandler replied that even if he turned the pool it would still be 10' from the fence. Mr. Bell stated that he felt that was not the case because the pool was narrower than it was long. Mr. Chandler commented that he would not gain much by turning the pool and Mr. Bell advised him that his suggestion was geared to what the Commission would gain by keeping him away from the wetlands. Mr. Chandler pointed out the area to the Commissioners on the map and Ms. Cherichetti used a scale to clarify the measurements.

Ms. Cherichetti stated that the wetland line had been drawn in by the surveyor who made the map and by her calculations the pool would be a maximum of 11 ½' from the wetland line to a minimum of 9' away from it. Mr. Chandler remarked that possibly the surveyor had made an error in his rendering but he planned on putting the pool 10' from the fence. He remarked that the regulations stated that he had to be 10' from the border and he was using the fence as a buffer. Ms. Destefanis measured the area with Mr. Chandler and showed him that the pool would only be 5' away from the fence. Mr. Chandler stated that if he had to he would turn the pool the other way and he asked the Commissioners how far away from the wetland it should be.

Mr. Caputo advised Mr. Chandler that it was the charge of the Commission to protect the wetlands as much as possible. He asked Ms. Cherichetti if any alternatives had been submitted with the application and she replied that there had not been. She added that Mr. Chandler had included a letter stating that the demarcated area was the only place the pool could be put.

Mr. Bell asked Mr. Chandler if he could move the playground to accommodate relocating the pool and Mr. Chandler replied that he could not. Mr. Chandler added that he had just recently installed it. Mr. Bell pointed out that to Mr. Chandler that it was not so much that he couldn't move it as that he did not want to move it. Mr. Bell also pointed out to Mr. Chandler that without being in the playground area he had been able to move the pool on the plans. Mr. Chandler remarked that the area where Mr. Bell moved the pool was the area where his patio was situated. Mr. Bell cautioned Mr. Chandler that he had to denote everything on the plans. Mr. Chandler said that he could move the pool

sideways put the patio went beyond the house. Mr. Caputo pointed out that if he moved it sideways to avoid the patio the pool would be further away from the wetlands. Mr. Chandler stated that he had tried configuring other options but he would try again. Mr. Caputo advised Mr. Chandler that the Commission needed to see the patio laid out on the drawing and he could speak with Ms. Cherichetti about turning the pool.

Mr. Chandler explained that he was actually planning on putting in more trees and he informed the Commission that the pool would drain to the front yard and a filter would clean the pool once a year. Mr. Bell stated that he wanted to go to the property and look at the site. Ms. Smith commented that she had already seen it and she said that the wetland was pretty dry. She also commented that the wetland needed shade and she did not see all of the trees that were on the plans. Mr. Bell asked Ms. Cherichetti if there were trees that were marked to be saved and Ms. Cherichetti replied that the shaded trees were to be removed and the unshaded trees were marked to be saved. Mr. Chandler stated that no one had asked him to save any trees. Mr. Bell commented that he remembered this because he was on the Commission at that time. Mr. Chandler said that those trees were beyond the fence. Mr. Caputo asked Mr. Chandler if he could work on getting drawings that showed the patio and Mr. Chandler said that he would. Mr. Caputo asked Mr. Chandler to talk with Ms. Cherichetti about alternatives.

Mr. Losio stated that he was uncomfortable with the application relative to the fact that there seemed to be a miscommunication about the trees. He added that it lent to the credibility of the application. He said that he was interested in determining why trees had been cut that were required to be saved. Mr. Chandler said that he marked the trees to be cut and someone walked the area with him and during that time he was never told he couldn't cut them. Mr. Greene stated that it was a question of fact and a tale was not needed to go with it. Mr. Losio interjected that he had an issue with regard to the trees and Mr. Greene concurred that his issue was rightfully so. Mr. Caputo stated that if there was some issue with the prior application it might be better to address this issue to put the application in a better light. Ms. Cherichetti asked Mr. Chandler to call her office tomorrow for an appointment.

Discala – 41 ½ Soundview Avenue - #S02-100 – Construction of Single-Family House and Associated Grading Adjacent to a Wetland and Watercourse

**** MS. DESTEFANIS MOVED APPROVAL TO
ACCEPT THE APPLICATION AS COMPLETE.**

**** MR. BELL SECONDED.**

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

Mr. DiScala addressed the Commission. He stated that the Commission had indicated at the last meeting that he should finalize his plans and present to the Zoning Board of Appeals and apply for a variance for the front setback. He went on to state that he was granted a 9' setback. He mentioned that the Zoning Board of Appeals had approved the previous application as did Conservation and it had an 8' setback. He stated that they had increased the setback and the distance of the building to the wetland and added that they had reduced the building a little in size.

Ms. Smith asked how many months of the year the little stream flowed and Mr. DiScala replied that it depended on the rain. Ms. Smith relayed that she had been there on Saturday and she was amazed at the flow even though this had not been a particularly rainy time. Mr. DiScala commented that there were 2 catch basins where the water collected. Ms. Smith stated to Mr. DiScala that he had planned on piling the fill on the northeast corner but it did not seem to be marked at the northeast corner of the plan. She remarked that she did not know where all the soil would go on that tiny lot. Mr. DiScala replied that it was a typographical error.

Mr. DiScala advised the Commission that they were going to use fill from one side of the lot to make the property level with the top of the existing boulder wall. He added that any excess fill would be taken away and the boulder wall would remain. He noted that it was the wall that was most parallel to the wetland line. He said that the low stonewall would remain as well.

Ms. Cherichetti commented that they had 2 plans both showing grading but they were each slightly different. Mr. DiScala stated that the plan from Mr. Matt Popp, landscape architect, was the one he would be using and he added that he was trying to improve on the previous approvals and he felt they had done that.

DECISION

**** MR. BELL MOVED APPROVAL TO ADDRESS #S02-97 OUT OF AGENDA ORDER.**

**** MS. SMITH SECONDED.**

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

Silvermine Golf Club – North Seir Hill Road - #S02-97 – Installation of Sewer Line Adjacent to Wetlands

Mr. Caputo announced that the Commission had received this application at the last meeting and a petition had been presented for Public Hearing. Ms. Cherichetti interjected that she had a letter from Attorney Waters along with a copy of the letter he sent to the adjoining property owners stating that the Commission might hold a Public Hearing on April 23, 2002.

Attorney Waters, representing the applicant, addressed the Commission. He remarked that there was a requirement that notices be sent to adjoining property owners 15 days before the Public Hearing. He explained that if they waited until after tonight's meeting to notify the property owners they would not be able to hold the Public Hearing on April 23rd. He added that they had sent out the letters in anticipation that there might be a petition and according to statute if there was a petition a Public Hearing would be required.

A discussion ensued regarding the agenda for the next meeting and it was determined that another Public Hearing was already slated for that evening. It was the consensus of the Commission that since there was a petition signed by over 70 people interested in this application the matter would be handled in an opportune manner.

**** MR. BELL MOVED APPROVAL FOR A PUBLIC HEARING TO BE HELD WITH REGARD TO THIS APPLICATION ON APRIL 23, 2002.**

**** MS. DESTEFANIS SECONDED.**

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

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

Mr. Caputo asked Ms. Cherichetti to address the information she had provided to Mr. DiScala. Ms. Cherichetti stated that two letters had been sent to Mr.

DiScala, one on February 21st and the other on March 13th. She went on to state that the applicant had been asked to submit a drainage report from a professional engineer. She then read the passage from the letter that indicated this. Ms. Cherichetti stated that she had received a discussion of the runoff calculations that were done on the property and the engineer had rendered an opinion regarding the impact of the blasting. However, Ms. Cherichetti advised the Commission that what was not discussed were the effects that the proposal might have on the drainage and the soil and erosion control plan.

Mr. Caputo advised Mr. DiScala that there was certain information that the Commission needed and while he recognized that some of that information had been provided in good faith there was still information that staff needed in order to properly evaluate and arrive at a decision.

Mr. Popp addressed the Commission and stated that he had prepared the most recent site plan. He reviewed the plan with the Members and compared the rendering of the footprint of the house on his plan to the prior plan from the surveyor. He discussed the dry wells and their locations and he mentioned that there were soil erosion control notes on the plan. He added that there was a silt fence and it was protected by hay built backing. He also mentioned that they had looked at alternatives but none of them were considered to be prudent.

Ms. Cherichetti asked where in the subwatershed the property was located. She questioned if it was on top of the watershed where its impact would affect the larger watershed down the slope of the property. She also asked where the significant amount of drainage went. Mr. Popp replied that in his opinion it was the upper portion of the wetland system and it continued down the slope and down towards Route 7. He added that the runoff from the golf course across the street was picked up in the catch basin and traveled easterly down the slope.

Mr. Bell asked how much blasting was anticipated and Mr. Popp replied that there might not be any blasting because it was possible that the rock could be picked away. Mr. Bell remarked that there was a lot of ledge and Mr. Popp commented that it was only the western portion of the house and backup area for the driveway. Mr. Bell asked how he could determine that and Mr. Popp replied that this was just a small area and there was no service flow or watercourse in that area.

Ms. Destefanis commented on the blasted rock and asked if it would be left on the property. Mr. Popp replied that they had a lot of walls to build. He added that in the previous plan the front yard was very steep and in the new plan it was more level and erosion would not be much of a concern.

Ms. Cherichetti mentioned the drainage pipes and Mr. Popp stated that it was a standard detail and would be designed by a professional engineer. He added that they did not want the retaining wall to act as a dam; they wanted the water to flow through it. He noted that the runoff from the roof would go to the dry well and there would be an overflow pipe.

Mr. Caputo stated that he wanted to make it clear that when the staff needed information they would request it and it was appreciated when the information was provided. He went on to state that he wanted to make certain that they had received all the necessary information with regard to this application and if not the applicant would be provided with an extension of time.

Ms. Destefanis commented that she felt the presentation helped to some extent because of the slope. She added that clearly there was a fair amount of surface drainage on the lot and she would still be concerned about the effects of that. She remarked that although measures certainly have been improved it appeared to be a difficult lot to have well operating soil and erosion control measures.

Mr. Caputo asked what was still needed of the applicant. Ms. Cherichetti reiterated that a professional engineer's comment and discussion on the affects that the proposal might have on drainage had been requested. She added she had also asked for a soil and erosion control plan. Mr. Popp stated that the plan that had been prepared since her letters were sent out did show the erosion controls. He went on to state that if there was a concern about erosion the site could be monitored until the control had been established and the site had been stabilized.

Mr. DiScala commented that he had already agreed to the proposed conditions to make certain that the area was maintained as well as possible. He added that he had no plans to do anything detrimental to the subdivision. Mr. Popp suggested that the area could be vegetated.

Ms. Smith commented that she had been out to the property 4 times and she was trying to understand how this house could be built without having long-term impact on the wetlands. She added that based on the requirements in the regulations for making a decision she did not feel that she could vote in favor of this application. Mr. Popp remarked that this was a disturbed area and there were many areas in Norwalk that were more important. He added that this was a discharge area and not a recharging area. Ms. Smith pointed out that it was being charged down below and that was her concern. Mr. Bell asked Mr. Popp if in view of the fact that he felt this was a disturbed area if it were left alone would it get worse or better. Mr. Popp replied that it would probably stay the

same because the plantings would not go away. Mr. Bell asked Mr. Popp if he were certain that if the construction were done it would not affect the species. Mr. Popp replied that he wouldn't even make an attempt to try to mitigate that.

Mr. Losio asked how readily the retaining wall could be built without intruding into the wetlands and Mr. Popp replied that it would be built from the other side. Mr. DiScala interjected that the plan took the contour of the land and the least amount of disturbance. He added that they felt that without blasting they could alter the gray line so that any crushed stone would filter the water. He stated that there would not be any interference of the wetland during construction.

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

Mr. Caputo asked Ms. Cherichetti if she still needed any further information and if so the Commission would probably extend the application. He added that if no further information were needed the Commission would probably vote on the application this evening. He remarked to Ms. Cherichetti that she could be assured that the Commission realized that she would not be asking for information if it were not important.

Ms. Cherichetti replied that she still wanted the information she had requested in the March 13th letter and stamped plans from an engineer would possibly help. Mr. Caputo asked if there was information that had been requested that had not been provided or if Ms. Cherichetti felt that perhaps the information requested was not attainable. Ms. Cherichetti replied it was entirely possible that the information requested was not attainable. Mr. Bell commented that he felt that at this point in time an additional hydrology report would not affect his decision.

Mr. Caputo asked Mr. DiScala if there were any other comments he would like to make. Mr. DiScala stated that in his opinion this was the best location for the house. Mr. Caputo stated that without an extension today was the deadline for this application. He asked the Commissioners if any further discussion was needed and the consensus was to bring this application to a vote.

**** MS. SMITH MOVED APPROVAL TO DENY THE APPLICATION ON THE BASIS THAT PRUDENT AND FEASIBLE ALTERNATIVES WERE AVAILABLE SUCH AS RELOCATING THE HOUSE TO THE NORTHWEST, DESIGNING A SMALLER HOUSE, USING LESS FILL AND ALSO THE COMMISSION BELIEVED THERE**

WOULD BE IRREVERSIBLE AND IRRETRIEVABLE LOSSES OF WETLAND AND THE IMPACTS OF THE PROPOSED ACTIVITY WOULD ADVERSELY AFFECT THE WETLAND OFF THE SITE AND THE PUBLIC BENEFIT DID NOT JUSTIFY THE POSSIBLE DEGRADATION OF THE WETLAND.

**** MR. BELL SECONDED.**

Mr. Losio commented that it had not been made clear to him that there was no potential for damage to the wetland and for that reason he felt it was not worth taking a risk to approve the application.

**** MOTION PASSED WITH FIVE (5) IN FAVOR (MESSRS. CAPUTO, BELL, LOSIO, MS. DESTEFANIS, and MS. SMITH) AND ONE (1) OPPOSED (MR. KYDES).**

Giglio – 425 Newtown Avenue - #S02-96 – Construction of an Addition and Deck Adjacent to Wetlands and a Watercourse and in the Floodway

Mr. Giglio addressed the Commission. Ms. Smith commented about the change in the depth of the buffer that Ms. Cherichetti had mentioned to her. Ms. Cherichetti stated that she had been on site and had met with the applicant. She went on to state that they had reached a compromise agreement that she would support them in their proposal to have a less wide buffer extending down the entire length of the stream.

**** MR. BELL MOVED APPROVAL OF THE APPLICATION WITH 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 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 TWELVE (12) SHRUBS, NO LESS THAN 3-4 FEET IN HEIGHT, PLANTED AT LEAST TEN (10) FEET FROM THE RETAINING WALL. 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.**

Mr. Bell questioned the amount of the bond and Ms. Cherichetti explained that the amount of the bond was based on the general cost of planting. Mr. Bell said that based on other bonds that had been requested for 4' buffers this seemed high. Mr. Bell said that he would like to reduce the bond amount.

**** MR. BELL MOVED APPROVAL TO REDUCE THE BOND AMOUNT IN CONDITION #1 TO \$1,000.**

**** MS. SMITH SECONDED.**

Ms. Cherichetti remarked that Condition #4 had also been changed to state that the buffer was now reduced to 4' and would be the length of the wall.

**** MR. BELL MOVED APPROVAL TO REDUCE THE BUFFER IN CONDITION #4 FROM 10' TO 4'**

**** MS. SMITH SECONDED.**

**** MOTION PASSED WITH FIVE (5) IN FAVOR (MESSRS. CAPUTO, KYDES, BELL, MS. DESTEFANIS, AND MS. SMITH) AND ONE (1) ABSTENTION (MR. LOSIO).**

RECESS

A recess was held from 6:45 p.m. – 6: 50 p.m.

VIOLATIONS

Gravante – 7 Mohackemo Drive – Grading and Filling Adjacent to a Wetland and Watercourse

Mr. Gravante addressed the Commission and explained that he was trying to clean up this piece of property and take the next step, which would be to have the soil tested, surveyed and marked. He stated that he attempted to have someone clear it so he could see "the lay of the land" knowing that there was a stream there. He said that he put in a silt fence and he stopped by Ms. Cherichetti's office for a list of plantings. He commented that he wanted to prepare the property either for sale or for constructing a home. He distributed photographs he had taken and remarked that unfortunately neighbors had taken advantage of the site being vacant and they used it as a dumping ground. The Commissioners reviewed the photographs and commented on the culvert and the drainage pipe. Ms. Cherichetti concurred with Mr. Gravante that both appeared to be there when he bought the property. Mr. Gravante said that although he knew there was a stream he never heard anything about wetlands before. He noted that only the upper portion of the lot was usable.

Mr. Caputo remarked to Mr. Gravante that Ms. Cherichetti had mentioned in her report that it was important for her to know if he planned on doing any further site work. Mr. Gravante replied that he would like to remove the trees that had been cut down. Ms. Cherichetti commented that she had halted the work Mr. Gravante had been doing, i.e. cutting the trees, chipping and the use of machinery in that area. She asked Mr. Gravante if he was planning on doing any more work similar to what he had been doing, outside of the pile of chippings and branches and tree trunks that were already there. Mr. Gravante replied he was not at this time but he invited the Commissioners to come to the site and look at the dead trees that needed to be removed. Mr. Bell advised Mr. Gravante that he should not do anything on the site without a permit. Ms. Cherichetti advised that he should secure a permit for the work that was already

done. Mr. Gravante stated that he wanted to find out the demarcations of the wetlands and Mr. Caputo advised him that if he was not going to do anything else on the property Ms. Cherichetti could handle this issue. However, Mr. Caputo told him that if further work were going to be done he would have to come back to the Commission.

Ms. Cherichetti recommended that the Commission issue a directive for the owner to secure a permit for the work already done. She also advised that the owner hire a soil scientist so that she could better assess the extent of this violation. She said that the Commission might also want to issue other directives for work that the owner might want to get done which might include removal of wood chips adjacent to the watercourse and possibly in the wetland. Ms. Cherichetti stated that if these directives were issued she would be comfortable with the Declaratory Permit.

**** MR. LOSIO MOVED APPROVAL TO ISSUE THE FOLLOWING DIRECTIVES TO THE OWNER OF THE PROPERTY:**

- 1. SUBMIT AN APPLICATION FOR A DECLARATORY OR SUMMARY PERMIT ON OR BEFORE TUESDAY, APRIL 23, 2002. THE APPLICATION MUST FULLY DESCRIBE THE ACTIVITIES THAT HAVE ALREADY TAKEN PLACE AND A DISCUSSION OF ALL OTHER PROPOSED WORK ON THE PROPERTY.**
- 2. HIRE A SOIL SCIENTIST TO DELINEATE THE LIMITS OF THE WETLAND NO LATER THAN APRIL 23, 2002.**
- 3. REMOVE BY APRIL 30, 2002, ALL WOODCHIPS WITHIN FORTY (40) FEET OF THE WETLAND LINE. REMOVAL SHALL NOT CAUSE ANY FURTHER EARTH DISTURBANCE.**
- 4. SUBMIT A MITIGATION PLANTING AND STABILIZATION PLAN FOR THE DISTURBED AREAS WITHIN 40 FEET OF THE WETLAND LINE.**
- 5. ANY PREVIOUSLY CUT TREES THAT REMAIN ON THE PROPERTY MUST BE MOVED AT LEAST FORTY (40) FEET AWAY FROM THE WETLAND LINE.**

Mr. Bell asked if there was any way the tree service could be notified that their work was in violation. Ms. Cherichetti stated that she did speak with Mark Cannon of Cannon Tree Service and she would follow that up. She went on to state that she had informed him that the State statutes indicated that anyone in

violation of the wetland regulations was held responsible. She said that she would send the tree company a letter restating the facts.

**** MR. BELL SECONDED.**

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

INFORMAL DISCUSSION

Allen McKissock to Discuss Setbacks from Wetlands

Mr. McKissock, President of the Norwalk Land Trust, addressed the Commission. He remarked that what he had just heard this evening was of great interest to him. He stated that in general terms of Norwalk's regulatory bodies he was not quite sure that they were able to do their best for the City based on nothing that was written down as a regulation but based on their simple common sense. He added that sometimes that worked better than regulations although he admitted that regulations were important.

He remarked that he felt sometimes a person would be hamstrung because of regulations and common sense could not be used in making a decision.

Mr. McKissock stated that some of the regulatory bodies were concerned about being sued especially if they were taking away property from a landowner. He relayed how President Bush recently forced the resignation of the head of the Army Corp of Engineers. He said that he wrote the President that this was his chance to put an environmentalist in the position.

Mr. McKissock remarked that the Commission had to make decisions or postpone making decisions on structures being within the allowed limits of wetlands. He stated that he saw how difficult this was and also how disappointing it was to people who wanted to add a deck or put a new house on their property. His suggestion was to amend the regulation to a 50' setback and also that roads that crossed wetlands should be forbidden and made part of the regulations. He asked the Members to consider these suggestions. He said that he felt that eventually there would be a way for regulatory bodies to be able to use their own common sense and make decisions without the fear of being sued.

Ms. Smith said that the way that could happen would be to have the Commission be more of a true Conservation Commission. She added that she felt that currently the Commission was more similar to an Inland Wetland Commission. She said that she did not see where the Plan of Conservation came into play. She spoke about the Connecticut Association of Conservation and Inland/Wetland Commissions. She said that they had put out a wonderful handbook, which each Commissioner should read, and she added that she had ordered her own copy. She cited that the publication gave examples of how the Conservation Commission could look at the whole picture and not just the wetlands in isolation. She said that although wetlands were critical there were also other aspects equally important and a Conservation Commission could make a recommendation to an Inland/Wetland Commission and to a Zoning Commission.

Mr. Caputo commented that he felt there were certain steps that the developers had to take before they come to Conservation. He added that perhaps they had to fulfill other requirements first but eventually they would come before the Commission. Ms. Smith suggested that the Commission be more proactive than reactive and relayed that it was a State Statute that an inventory was taken of all the natural resources in a town. She remarked that while there were a lot of great places for building in Norwalk there were also a lot of borderline and fragile places that should be acknowledged as such. She felt that the first thing the Conservation Commission should do was to create the inventory. She added that she felt that unless they had some kind of a voice in the planning for the natural resource base they would go another 5-10 years without any type of protection for the resources that they needed. She mentioned that the first step was to review the books that were in the Conservation Office and suggested that perhaps a subcommittee should be formed. She also mentioned that she was not sure that setbacks would ever be a possibility in this City because there was such a variety of building going on but they needed to keep themselves from being sued and going to court.

Mr. Caputo said that he would be interested in reading the books and he asked Ms. Cherichetti to purchase copies for each of the Members and to inform him if there was a funding problem.

Ms. Cherichetti commented that the Commission's membership in the Association had expired last June. She explained that the Commission would be the member of the Association and she wanted to confirm if the Commission wanted to rejoin. Mr. Caputo advised her to send in the application and \$60 fee for the membership.

ACCEPTANCE OF MINUTES

February 26, 2002

The following corrections were made to the minutes:

Page 1, Under Staff: Delete the name and title of "Michael Greene, Director of Planning and Zoning" and insert the name and title of "**Michael Wrinn, Assistant Director of Planning and Zoning**".

Page 2, Last Paragraph, 1st Line: Delete the phrase "driving past" and insert the word "**visiting**".

Page 5, Motion at the Bottom of the Page: Insert the name "**Ms. Destefanis**" as also being in favor of the Motion.

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

**** MS. DESTEFANIS SECONDED.**

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

March 12, 2002

The following corrections were made to the minutes:

Page 11, 1st Sentence: Insert the phrase "... **considering the serious drought we are now experiencing**..." after the phrase "...at this particular time...".

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

**** MR. BELL SECONDED.**

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

March 26, 2002

The following corrections were made to the minutes:

Page 5, 7th Paragraph, Last Sentence: The last part of the sentence should read: "... limit the wood chip mulch to the **base** of each shrub and to have a wetland seed **mix sown** between the **mulched** shrubs and for man-sized or larger boulders.

Page 6, Acceptance of Minutes: Delete the Motion as neither set of minutes had been accepted at that time.

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

**** MR. BELL SECONDED.**

**** MOTION PASSED BY VOICE VOTE WITH FOUR (4) IN FAVOR (MESSRS. CAPUTO, KYDES, BELL, and MS. SMITH) AND TWO (2) ABSTENTIONS (MR. LOSIO, MS. DESTEFANIS).**

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

7 Mohackemo Lane – Gravante – Determining Permit Requirements

Ms. Cherichetti stated that Wee Burn Beach Club had a permit approved on June 12, 2001 and needed the Commission to determine if their proposed small change was a field change. She noted that the club would like to bury telephone and electrical conduit and were proposing landscape changes in that the tall ornamental trees would be replaced with shrubs. She added that they would not have to cross the wetland. Mr. Caputo advised Ms. Cherichetti that he saw no problem with her handling this.

COMMENTS OF COMMISSIONERS

Mr. Losio stated that he too would like to have a discussion sometime in the near future regarding the mission of the Conservation Commission and explore other activities beyond this. Mr. Caputo stated that the Commission could hold a special meeting. Ms. Smith asked if the meeting would be opened to the public and Mr. Caputo advised that anytime 4 or more of the Commissioners were together the meeting would be subject to the Freedom of Information Act. Ms. Smith remarked that it might be a good idea to have the meeting after the informational books had been received. It was determined that the meeting should be held by June.

Ms. Smith asked Mr. Greene the status of the Plan of Conservation and Development. Mr. Greene explained that the first phase was to find out what the public thought so one general meeting was held and then 4 community meetings were held. He stated that at the end of the month a meeting would be held with the development community and then the next meeting might be held with the Mayor and the Common Council. He explained that then a decision had to be made if meetings would be held by subject matter or if they would be held with different commissions. He advised that once all the information had been gathered a plan had to be formulated by either geographical location or subject matter. He also advised that the Conservation Commission should not meet on the matter until they held their own meeting and decided on their mission statement. Mr. Caputo stated that the Mayor was still in the process of reviewing the plan.

UPCOMING MEETINGS

April 23, 2002

May 14, 2002

May 28, 2002

ADJOURNMENT

**** MR. BELL MOVED APPROVAL TO ADJOURN.**

**** MR. SCIABBARRASI SECONDED.**

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

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

Ann Marie DeLuca

Telesco Secretarial Services

