

NORWALK CONSERVATION COMMISSION MINUTES

April 13, 2004

ATTENDANCE: Karen DeStefanis, Acting Chairwoman; Susan Llorca; ALTERNATE; Andrew Kydes; Anne Cagnina; Marny Smith; Jane Corcillo; Ed Holowinko
STAFF: Alexis Cherichetti, Senior Environmental Officer; Erin Leonard
OTHER: Dave Waters, Attorney

Ms. DeStafanis called the meeting to order at 6:05 p.m.

RECEIPT/DISCUSSION

a) 46 Carter Street – 46 Carter Street LLC - #S04-181 – Two lot subdivision adjacent to a wetland and watercourse

Ms. Cherichetti said that Attorney Waters was present tonight on behalf of the applicant.

Mr. Waters said that the construction has begun because the Commission granted approval of the lots. Mr. Waters said that Connecticut allows one free cut of division of land. He said that the title search company made an error in that the property had a cut in the 1950's but not before the 1949 year. He said that the applicant was before the Planning Commission tonight to formally divide the property. He said that the subdivision has to be done that should have been done in the beginning.

Ms. DeStafanis said that a decision could not be made tonight. She said that the next meeting was on April 27th.

DISCUSSION/DECISION

a) 46 Hunt Street – Wernquist - #S04 -180 Construction of a two story addition and new driveway adjacent to a watercourse

Ms. Cherichetti said that at the last meeting it was noted that the applicant had not researched any alternatives for the garage and driveway area. She said that the applicant was supposed to reconfigure the driveway. Ms. Cherichetti suggested tabling the item until next meeting.

MODIFICATION OF PERMIT

a) 341 Rowayton Avenue – Martin - #S03 – 157a – Modification of permit to allow alteration of sewer lateral location

Ms. Cherichetti said that the applicant was asked to submit engineering plans for the modification. She said that the plans were delivered an hour before tonight's meeting.

Ms. Cherichetti said that she did not have time to prepare a memo for the meeting regarding this. Mr. Kydes asked if the proposed sewer lateral was where the initial one was. Ms. Cherichetti said that there was a sewer pipe behind the house. She said that the pipe was on Rowayton Avenue and was 18' feet down. Mr. Kydes said that the area was ledge. Ms. Cherichetti responded yes. Ms. Smith asked what vegetation would be lost for the installation of the pipe. Ms. Cherichetti said that applicant tried to locate the pipe as not to lose trees. She said that the applicant proposes to plant seed for sedimentation and

erosion control. Ms. Smith said that the Commission did not have to wait until the 27th but could make a decision tonight. Ms. Destafanis asked if anyone objected to making a decision tonight on this item.

**** MS. SMITH MOVED TO APPROVED THE MODIFICATION OF PERMIT TO ALLOW ALTERATION OF SEWER LATERAL LOCATION AS DEPICTED ON PLAN FROM GRUMMAN ENGINEERING APRIL 13, 2004 AND THAT ALL EXISTING CONDITIONS REMAIN IN EFFECT.**

**** MR. KYDES SECONDED.**

**** MOTION PASSED WITH THREE ABSTENTIONS (MS. LLORCA, MS. CORCILLO, MS. DESTAFANIS)**

BOND RELEASE/REDUCTION

a) #686.S98 – 33 Gillies lane – Costello – Construction of a pool adjacent to a watercourse.

Ms. Cherichetti said that this was a permit from 1998. She said that she recommended release of the bond at 33 Gillies Lane.

**** MS. CORCILLO MOVED TO RELEASE THE #686.S98 BOND AT 33 GILLIES LANE.**

**** MS. LLORCA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

ACCEPTANCE OF MINUTES

a) March 23, 2004 minutes Corrections:

Page one, should be 46 Hunt Street not 45 Hunt Street.

Page one, second paragraph, delete second sentence from the bottom and replace with ‘ Ms. Corcillo said that in view of the large increase in impermeable surfaces in the plan I prefer to see the garage face directly to the street.

Page two; last paragraph, ‘re-lot’ should be ‘rear lot’.

Page two, last paragraph, last line, take out ‘site’ and add ‘drainage easement along the river to connect to the sewer and end the sentence at sewer.

Page two, first paragraph, third line, leave ‘s’ off the word ‘makes’.

Page three, 16th line, make ‘engineer’ ‘engineering’.

Page three, 12th line, take ‘they’ out of the sentence.

Page three, 3rd sentence, remove the word ‘Easement’ at the end of the sentence.

Page five, 8th line, take ‘Sub’ off of ‘Subcommittee’.

** MS. CAGNINA MOVED TO ACCEPT THE MINUTES OF MARCH 23, 2004 AS CORRECTED.

** MS. SMITH SECONDED.

** MOTION PASSED WITH THREE ABSTENTIONS (MR. KYDES, MS. LLORCA, MS. DESTEFANIS).

COMMENTS OF STAFF

a) Declaratory Permits and Enforcement Actions

Ms. Cherichetti said that 57 and 61 Marlin Drive were issued violation warnings for dumping debris at the last meeting. She added that there would be applications to construct a house at 59 and 53 Marlin Drive.

Ms. Cherichetti said that she continues to work toward action at Singing Woods Rd.

She said that she might issue a notice of violation on Larkspur. However the sediment from the site discharges into the city's storm water system and the community may not want to claim jurisdiction on storm water discharge.

Ms. Cherichetti said that she has issued a declaratory permit at 7 Lesley Lane to do a small grading and re-building of the retaining wall and have not acted on two declaratory permits for Chestnut Hill Road. She added that these were the lots the Commission approved for Venke Vey. Ms. Cherichetti said that the house numbers have not been established.

Ms. Cagnina asked about the progress at Singing Woods Road. Ms. Cherichetti said that she is in touch with the law department for the draft order and has secured a soil scientist to do the work when the time comes. She said that she has not contacted the owner of the property. Ms. Cherichetti said that she would continue to inspect the property.

Ms. Cherichetti said that she was working on the grant from DEP, which was related to the pedestrian footbridge behind Silvermine School. She said that the erosion was so great that a river restoration plan and the design work was done by the NRCS. Ms. Cherichetti said that she was the administrator of this project. She said that the school could not be in session because of the nature of the work. She added that the work should be completed before school starts in the fall.

Ms. Cherichetti said that the DPW would be applying to do repairs to the Broad Street Bridge. She said that the present permit expires in October, which was ten years old. She said that riprap would be put into the river and the decking of the bridge will be replaced.

Ms. Cherichetti said that she would be doing inspections at local condo associations now that spring was here. She said that she would hand out flyers explaining what landscaping can and cannot be done with a permit. Ms. Cagnina asked if there were printed information advising people what to do with their wetlands. Ms. Cherichetti said that she would meet people at the site and she would explain that to them. She said that for

landscaping activities she needed to see the site because of what people understood regulations to be.

Ms. Smith asked about the cleaning of Wilson Avenue and Indian Spring. Ms. Cherichetti said that cleanup could have been going on. She said that Kerschner had a permit to use the driveway and a condition was that they would replant any thing that was disturbed.

COMMENTS OF COMMISSIONERS

a) Open Space Plan Discussion

Ms. Corcillo said that Ms. Cherichetti gave everyone revised guidelines of open space. Ms. Corcillo asked everyone to list their goals and actions and then discuss them tonight. Ms. Corcillo said that there are properties around the city that are owned by the city in a natural state however there was nothing to prevent the property to be developed in the future. She said that she felt it was important to get their comment to the city as soon as possible. Ms. Corcillo said that it was important to keep the open space as open space but that there was nothing in place for that space on how it might be utilized. She used Fodor Farm as an example. Ms. Corcillo said that it was important to have a plan to acquire space in order to serve a useful purpose in the City of Norwalk. She said that the natural resources map that is proposed is not the same as an open space inventory. Ms. Corcillo said that it was important to acquire a plan..

Ms. Corcillo said that in order to protect community character and quality of life she felt that it was important to get input from the City of Norwalk and agencies and groups as to what their specific needs would be.

She said that the plan also relates, however it relates to properties that are open space whether or not they are necessary for reserving natural resource protection or functions. She said that the plan would encourage the Planning Commission to adopt a residential areas plan delineating lower density development versus higher density development to ensure that development was in harmony with natural capability of the land as well as the neighborhood.

Ms. Cherichetti said that the plan would refer back to the original future plan of the Conservation Commission. She said that it would help the city decide where development occurs because of restraints or problem areas such as steep slopes or poor drainage. She also said that it is important to have a policy of land use regulations that would reflect those situations and identify densities. Ms. Cherichetti said that high-density development would compliment the open space plan. She said that there was not a lot of open space left in South Norwalk but it would make sense to develop some oversized undeveloped parcels. Ms. Smith said that it was still possible to develop cluster housing in a high acreage area. Ms. Smith said that she would like to see cluster housing developed but refined to not harm the wetlands. Ms. Smith asked if there was a regulation that leads to higher density where there should be lower density development instead. She asked if there was a way that a conservation development could exclude wetlands from the property given as open space. Ms. Cherichetti said that she did not know enough about the state statute to answer that. She said that presently 50% of the property had to be

protected.

Ms. DeStefanis asked if 10% of a new subdivision had to be set aside. Ms. Cherichetti said that some towns do set aside a portion of land. Ms. Cherichetti said that she would like the Commission to consider how often the set aside would meet the set aside goals. She said that it might not be desirable land. Ms. Cherichetti said that other towns dropped the set of set aside regulations and use other buffers to decide. Ms. Smith said that she sees it as breathing space for someone that was living in a multi-unit of some sort.

Mr. Kydes said that this goes back to action policies. He said that there was a proposal to take away part of the recreation area at Colonial village. Ms. Cherichetti said that there was international competition to develop the area. Ms. Cherichetti said that the landowner, which is the city, would make that decision. She said that it would be necessary to go before the Land Use Committee to amend the warranty deed. She said that enforcement of the conservation easement is granted to self and that it was just a document.

Ms. Cagnina said that the last goal of the city wide policy section was committing to appropriating an annual capital expenditure to open space fund. She said that this would come about after developing the inventory of open spaces. She said that there would be priorities such as high priority and low priority. Ms. Cherichetti said that committing to recognizing that there are lists of high priorities of open space properties that the city protects through acquisition.

Ms. Cagnina said that the Conservation Commission has no authority to commit the city as a whole to the long-term plan but can work with other entities to develop the long-term plan. She said that would be the wording that the commission should use.

Ms. Corcillo said that the plan should be incorporated into the city's plan of conservation and development. Ms. Cherichetti said that it would be the core of the plan. Ms. Corcillo said that the Commission could recommend modifications.

Ms. Cherichetti said that in tax assessment of Section 7 allows certain landowners have their property as an open space. She said that the open space had to be designated in the open space area by the commission. She said that what was allowed as open space is assessed by open lots that could be developed. She said that if the property owner committed property as open space and applied through the assessor as being assessed as use and committed to not changing that use for two years, then the property could get assessed as use and not market value.

Ms. Smith said that the appropriation for the open space funding is on the Common Council agenda for tonight. She said that the Save Cranbury and the Norwalk Land Trust was doing fundraising task to buy a piece of open space. She said that the group would apply to the city for money from the open space fund because they would not receive credibility from other funding sources without city assistance.

Ms. Smith said that she wanted to make sure that the appropriation would go into the open space fund.

Ms. Smith said that the Commission would be comfortable knowing that they are represented at the council.

Following consensus of the Conservation Commission, Ms. Cherichetti said that Anne Cagnina would speak at the Common Council representing the Conservation Commission voicing the Commission on Capital appropriation on open space plan.

Ms. Cherichetti said that in the next section of the plan it goes into the actual tools and techniques and policies. She said that she could add an education and encouragement tool and how that works.

Ms. Cherichetti said that most of the drinking water supply comes from Wilton. She said that there was protected land use in the waters shed.

Ms. Cherichetti said that the section of the plan would be available by next Tuesday and that at the next meeting have a general consensus of approval of the draft to get ready for a public forum. She said that she would mail an agenda a complete plan before next Tuesday.

ADJOURNMENT

- ** MR. KYDES MOVED TO ADJOURN THE MEETING.
- ** MR. HOLOWINKO SECONDED
- ** MOTION PASSED UNANIMOUSLY.

The meeting adjourned at 7:50 p.m.

Respectfully submitted,

Jean Lane
Telesco Secretarial Services