

**NORWALK CONSERVATION COMMISSION MINUTES**

**APRIL 26, 2005**

ATTENDANCE: Marny Smith; Anne Cagnina; Andy Kydes; Beth Ackerman; Matthew Caputo (arrived at 6:15 p.m.); Karen Destefanis, Chair (arrived at 6:45 p.m.)

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Burton Schatz; Attorney Fallon; Attorney Waters; Don Strait, Landscape Architect

Acting Chair Smith called the meeting to order at 6:10 p.m.

MS. CAGNINA MOVED THE CONSERVATION COMMISSION TO DISCUSS AGENDA ITEMS OUT OF ORDER.

MS. ACKERMAN SECONDED.

MOTION PASSED UNANIMOUSLY.

**MODIFICATION/DISCUSSION**

Jerry Effren/West Greyrock LLC -#S04-195b- 85 Old Saugatuck Road

Ms. Cherichetti said the applicant was applying to modify an application that the Commission approved in October 2004. Since then, the applicant hired an environmental consultant and soil scientist who confirmed that wetland pockets on the property were filled and thus there was very little function to the wetlands. She said the modification also involved transfer of ownership of the property and on the permits as well as modification of the house footprint and addition of an in ground pool at the rear of the residence. She said the applicant decided against construction of a pool house and opted for a bathroom instead.

MS. SMITH MOVED THE CONSERVATION COMMISSION TO APPROVE APPLICATION #S04-195B - 85 OLD SAUGATUCK ROAD, MODIFICATION OF PERMIT TO ALLOW TRANSFER OF OWNERSHIP, ALTERATION OF HOUSE FOOTPRINT AND INSTALLATION OF NEW POOL ADJACENT TO A WETLAND.

MS. CAGNINA SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

2 & 8 Wilson Avenue - #S03-151a - 6th Taxing District

Ms. Cagnina recused herself from discussion of this item. Ms. Cherichetti said her comment after reviewing the original landscape plan was that the location of the silt fence should be changed before construction, prior to the moving of the house, not for erosion and sedimentation control once construction began. The applicant prepared a revised wetland restoration plan which, she said, was better than the first. Mr. Schatz, the applicant, said that relocating the house across the wetland soil would not require any

digging. Ms. Smith didn't feel that 4 x 4 piers would be stable enough. She said there should be a stronger base for the tract to move along and preferred that the house be moved up Wilson Avenue instead of across the unstable ground adjacent to the wetland. Mr. Schatz said he discussed this thoroughly with a contractor familiar with this type of move, and relied on his advice that there would be no problems. He said the piers would not be placed on top of leaves; woodchips would form the base for the piers. After, they would be used to landscape the site. Moving the house along Wilson Avenue would be too costly because it would require that all utilities be powered down and that traffic would be impacted. Ms. Ackerman wondered about the limit of disturbance; Ms. Cherichetti expressed similar concern, especially since the silt fence was not being proposed for relocation of the house. She said it appeared the applicant was doing more than what he had a permit for. Moving a structure so close to a wetland area was considered a significant activity and she felt strongly that a silt fence would be required. Mr. Caputo said additional information was required before the Commission could make a decision. He asked the applicant to considering allowing a 10-day extension. He asked Mr. Schatz to have his contractor meet with Staff to resolve all concerns. Mr. Schatz reiterated that he was not clear on what Staff was asking for. Ms. Cherichetti suggested Mr. Schatz write a letter requesting an extension, and meet to discuss alternatives.

#### DISCUSSION/DECISION

3 Blue Mountain Road - #S04-207 - Petrucci Builders LLC

Ms. Cherichetti said this item was discussed extensively at the Commission's last meeting, and that a public hearing was held. Ms. Cagnina said she would like to see an alternative that was better for the wetland, such as three structures being built close to a wetland on the east side of the center drive, instead of four. Ms. Smith said that a 20-year maintenance plan would be required. Ms. Ackerman said she would prefer that fewer units be built but felt a conservation development would be excellent because it would preserve the wetland. She asked the applicant to increase the buffer. The commissioners discussed a possible easement; Mr. Kydes commented that there was no incentive for the applicant to provide one. He cautioned the Commission that if the applicant so chose, he could propose a 6-lot subdivision, which would be a worse alternative. Mr. Caputo said his feelings remained the same ... he felt the application was not perfect but acceptable. Ms. Cagnina said she also would agree to the application but wondered if smaller houses could be built. The commissioners discussed placement of the houses, particularly if the proposed unit #5 could be switched with the stockpile. They agreed there should be a 50' wide buffer between the wetland and flag 12 and 13. Additionally, the applicant would be required to pull the limit of disturbance westward toward West Rocks Road. Ms. Smith proposed having three houses on the eastern lower tier, closest to the wetland, and fan out the upper tier to the west.

**CHAIR DESTEFANIS MOVED THE CONSERVATION COMMISSION TO APPROVE APPLICATION #S04-207, PETRUCCI BUILDERS, LLC, CONSTRUCTION OF A CONSERVATION DEVELOPMENT AT 3 BLUE MOUNTAIN ROAD WITH ASSOCIATED COMMON DRIVE, STORMWATER DRAINAGE, RETAINING WALLS AND LANDSCAPING IN AND ADJACENT TO A WETLAND AND WATERCOURSE, PURSUANT TO MEMORANDUM DATED**

APRIL 19, 2005 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER, WITH MODIFICATIONS AND CONDITIONS SO NOTED.  
MS. SMITH SECONDED THE MOTION.

Ms. Ackerman referred specifically to condition #13.

CHAIR DESTEFANIS MOVED TO AMEND HER PREVIOUS MOTION SUCH THAT CONDITION #13 ALSO INCLUDE THAT A CERTIFIED WETLAND SCIENTIST BE HIRED TO CHECK THE SITE MONTHLY. AND NEW CONDITION #16 REQUIRING THE APPLICANT TO MAKE ALL POSSIBLE FIELD CHANGES THAT WOULD SAVE THE 35" OAK.

MS. SMITH SECONDED THE MOTION.  
MOTION PASSED UNANIMOUSLY.

216 Scribner Avenue - #S05-213 - St. Matthew Church Corp

Ms. Cherichetti distributed an amended plan and discussed the corrective action plan, which would allow the applicant to install storm water quality improvements, i.e., new catch basin outlets.

MR. CAPUTO MOVED THE CONSERVATION COMMISSION TO APPROVE "CORRECTIVE ACTION" APPLICATION #S05-213, ST. MATTHEW CHURCH CORPORATION, CORRECTIVE ACTION REGARDING INSTALLATION OF STORMWATER QUALITY IMPROVEMENTS AT 216 SCRIBNER AVENUE, PURSUANT TO MEMORANDUM DATED APRIL 18, 2005 FROM ALEX CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER, WITH CONDITIONS SO NOTED.

MS. CAGNINA SECONDED THE MOTION.  
MOTION PASSED UNANIMOUSLY.

74 Cranbury Road - #S05-215 - Tarzia

Ms. Cherichetti said this item was thoroughly discussed at the last meeting and had many concerns. She distributed a revised plan that the applicant submitted for consideration; it included many changes primarily dealing with decreasing the amount of impervious surface on the property. Additionally, the applicant was proposing to reduce the size of the patio, remove the lawn area and plant a wildflower mix up to the limit of disturbance. She said that Staff had some concerns about the livability of a lawn-free residence. Chair Destefanis felt the proposal was too extreme. Attorney Waters, representing the applicant, said she opted to plant wildflowers rather than lawn because she did not want to have to use lawn fertilizers harmful to the environment and the soils. The commissioners discussed different types of grass seed that could be used if the applicant chose to plant a lawn. Mr. Strait said that shrubs would be planted to fill the swale, and Vinca would be the ground cover. Ms. Cherichetti said that ground cover near the swale was an excellent idea but she disagreed with Vinca because it was too invasive. Mr. Strait said the applicant would be willing to discuss ground cover alternatives with Staff.



MS. CAGNINA MOVED THE CONSERVATION COMMISSION TO APPROVE APPLICATION #S05-215, TARZIA, CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE AT 74 CRANBERRY ROAD, PURSUANT TO MEMORANDUM DATED APRIL 22, 2005 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER, WITH CONDITIONS SO NOTED.

MR. CAPUTO SECONDED THE MOTION.  
MOTION PASSED UNANIMOUSLY.

Ms. Cherichetti said the motion should be amended to include modifications regarding native shrubs, flood mitigation, ground cover, the material used for the driveway, walkway and patio, and reduction of the patio size. Ms. Smith suggested that an 11th condition be added to the other 10.

MS. CAGNINA MOVED TO AMEND HER PREVIOUS MOTION TO INCLUDE THE POINTS MADE BY MS. CHERICHETTI.

MR. CAPUTO SECONDED THE MOTION.  
MOTION PASSED WITH ONE VOTE IN OPPOSITION (ACKERMAN).

#### PUBLIC HEARING CONTINUATION

595 Westport Avenue (Pepperidge Farm) - #S05-211 - FF Realty LLC  
Chair Destefanis reconvened the public hearing at 7:25 p.m. Ms. Cherichetti read the legal notice. Attorney Fallon's representative presented a petition for intervention, asking the Commission to delay continuation of the public hearing to May 10th.

MR. CAPUTO MOVED THE CONSERVATION COMMISSION TO CONTINUE THE PUBLIC HEARING TO MAY 10, 2005 FOR THE FOLLOWING REASONS:

THE COMMISSION WAS NOT AWARE THE ATTORNEY WAS A SOLE PRACTITIONER  
THE PUBLIC HEARING WOULD BE CONTINUED TO ALLOW THE ATTORNEY TO ASK/ANSWER QUESTIONS  
CONTINUING THE PUBLIC HEARING TO MAY 10, 2005 WOULD ALLOW LEGAL COUNSEL TO BE PRESENT.

MS. ACKERMAN SECONDED THE MOTION.

Attorney Waters asked if the commissioners would consider asking their questions now so that the applicant could be prepared with responses at the May 10 meeting. Mr. Caputo said he did not feel this would be appropriate.

MOTION PASSED WITH ONE VOTE IN OPPOSITION (KYDES).

Chair Destefanis adjourned the public hearing at 7:35 p.m.

## REFERRALS

Zoning Commission - #5-05SP - 901 Glover Avenue

Ms. Cherichetti said the applicant submitted additional information but it had not yet been received. Attorney Waters, representing the applicant, said they were proposing to put a landing pad at the top of the 901 Merritt on the River building. There would be no helicopters landing near the wetlands. No adverse impact is expected. Mr. Caputo said he did not feel there would be any problems with this; the other commissioners agreed.

## MINUTES

February 8, 2005

Ms. Cagnina said that in general, all minutes seemed to require too many edits which she felt should have been made by the secretary typing them. She did not feel it was the Commission's responsibility to make these types of corrections because they were too time consuming. Ms. Cherichetti suggested the commissioners provide their edits to Staff so they did not have to be handled at the meeting. She agreed that the number of corrections required seemed excessive.

The following corrections were made:

On page 1, in Others, delete the word "Solution" after "Environmental."

On page 2, fourth line, change the word "sight" to "site." In the first paragraph under Discussion, fourth line, change "He" to "She" In the next paragraph, ninth line, change the word "proof" to "proofed", change the word "sum" to "sump". In the tenth line, change the word "conservation" to "conservative"

On page 3, third paragraph, last line, change the word "waters" to "records." In the fourth paragraph, first line, insert the word "at" after "had been out". Change the next sentence to read, "She said that three concurred with each other." In the fifth paragraph, first line, insert the word "flood" before the word "plain" and in the next line delete the word "difference." In the sixth paragraph and throughout the minutes, change "Mr. Dean" to "Mr. Martin". In the fourth line, delete the words "and put to an upgrade."

On page 4, second paragraph from the bottom of the page, delete the sentences "There is a small screen with water moving through the area, which spread it. He said it just becomes a pull after the spread." Change the next sentence to read, "... going into the catch basin at West Norwalk Road."

On page 5, first full paragraph, fifth line, change "2.2" to "5.2". In the next paragraph, third line, change "server" to "sewer". In the seventh line, delete the sentence that reads, "There are also fencing ground limits of construction." Change the previous sentence ending to "... walls on the map are proposed silt fencing delineating limits of construction." In the second to last paragraph on the page, middle of the paragraph, delete the sentence which reads, "He said CFS increases go into a storm increase."

On page 6, third line, change to read “Mr. Martin said that the approximate ...” In the fifth line, delete the word “by”. In the twelfth line, change the word “developed” to “development”. In the second to last line in the paragraph, change “the b lot subdivision” to “the 6-lot subdivision” and change the word “uniformed” to “uniform.” In the last sentence on the page, change “maintain evasive” to “contain invasive” and delete the word “stands”

On page 7, second paragraph, second sentence, change the word “Commission” to “development”. Delete the sentence “Ms. Slayback said that ... will continue to change.” In the fifth line, change the word “duck” to “duct”

On page 8, fourth paragraph, second line, change the word “order” to “odor”.

On page 9, second paragraph, second line, change the word “buffering” to “buffer”; change the word “evasive” to “invasive”; change the words “and filtering” to “which would filter”. In the third paragraph, sixth line, change the word “apply” to “supply”. In the fourth paragraph, first line, change the word “slip” to “split”

MR. KYDES MOVED TO APPROVE THE MINUTES OF FEBRUARY 8, 2005 AS AMENDED.

MR. CAPUTO SECONDED THE MOTION.

MOTION PASSED WITH ONE ABSTENTION (SMITH).

February 15, 2005

CHAIR DESTEFANIS MOVED TO APPROVE THE MINUTES OF FEBRUARY 15 AS PRESENTED, WITH EDITS PROVIDED BY COMMISSIONERS TO STAFF.

MS. SMITH SECONDED.

MOTION PASSED WITH TWO ABSTENTIONS (KYDES, CAPUTO).

CHAIR DESTEFANIS MOVED TO AMEND THE AGENDA TO INCLUDE APPROVAL OF THE MINUTES OF FEBRUARY 22, 2005.

MS. ACKERMAN SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

February 22, 2005

The following corrections were made:

On page 1 in Attendance, add Anne Cagnina and Beth Ackerman.

MR. CAPUTO MOVED TO APPROVE THE MINUTES OF FEBRUARY 22, 2005 AS AMENDED.

MS. SMITH SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

March 15, 2005

Ms. Cherichetti said the minutes should be tabled.

March 22, 2005

Ms. Smith and Ms. Ackerman provided written changes to the minutes to Ms. Cherichetti.

MR. CAPUTO MOVED TO APPROVE THE MINUTES OF MARCH 22, 2005 AS AMENDED.

MR. KYDES SECONDED THE MOTION.

MOTION PASSED WITH ONE ABSTENTION (CAGNINA).

#### COMMENTS OF STAFF

Report of Senior Environmental Officer

Ms. Cherichetti said she spent the bulk of her time working on correction to the regulations. These needed to be finished so that she could devote more time to the issue of open space.

Declaratory Permits and Enforcement Actions

Ms. Cherichetti said the following declaratory permits were issued:

102 Chestnut - relocate (move 32' from the watercourse) a shrub in the zoning setback.

No grading necessary.

8 Peaceful Lane - removal of patio and replace with a deck

10 Norden Place - remove radar screens and tower in the wetland area

25 Bonnybrook Road

Ms. Cherichetti said the following violations were issued:

8 Eastwood Road - an application and restoration plan must be submitted. Applicant's attorney asked that Staff work with applicant. Staff set new deadline and warning date (May 10, 2005).

4 May Drive - property recently sold; wetland in the rear and on the side yard. Soil scientist hired to flag the wetlands. Purchaser filled the wetland but restored before cease and desist order issued.

57 Ledgewood - new home; soil scientist hired who reported the wetland filled in. Staff working with new owners to resolve.

36 Willow Street - small wetland area with a large pile of fill nearby. Staff will pursue.

Riverside Cemetery - wetland on Hill Street was filled; zoning pursuing because a contractor is using the land as a contractor yard. Work abuts Spring Hill Avenue. Ms. Cherichetti said that many other neighbors have submitted complaints that she has not yet reviewed. Chair Destefanis asked who would handle a situation like this because the cemetery was City-owned property and adjoining properties were encroaching. Ms. Cherichetti said she would pursue with the Department of Parks or document and advise Mayor Knopp.

#### COMMENTS OF COMMISSIONERS

There were no specific comments of commissioners.



UPCOMING MEETINGS

The commissioners discussed their next meeting dates of May 10th (permit review and revision on the draft regulations) and May 17th. Ms. Cherichetti said that on May 24th an announcement would be made of the Commission's application to change its regs and set a public hearing on the matter.

ADJOURNMENT

MR. CAPUTO MOVED TO ADJOURN.

MS. CAGNINA SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 9:12 p.m.

Respectfully submitted,

Carol A. Graham for  
Telesco Secretarial Services

