

**NORWALK CONSERVATION COMMISSION MINUTES**

**TUESDAY, APRIL 27, 2004**

ATTENDANCE: Matthew Caputo, Chair (6:22 p.m.); Marny Smith; Ed Holowinko (Alt.); Anne Cagnina; Andy Kydes; Jane Corcillo (6:32 p.m.); Susan Llorca (6:35 p.m.)

STAFF: Alexis Cherichetti, Senior Environmental Officer; Erin Leonard

OTHER: Leonard D'Andrea, P.E.; Christie Coon, Wetland Resources, LLC

Ms. Smith, Acting Chair called the meeting to order at 6:15 p.m. Ms. Leonard called the roll.

**I. RECEIPT/DECISION**

a) Linden Heights – Greyrock Companies/Jerry Effren - #591c.P96 – Modification of Permit to allow oil-absorbent inserts in catch basins to meet condition requirement. Ms. Cherichetti stated that Christie Coon is present as agent for the applicant. Ms. Cherichetti stated that, in her memorandum of April 20, 2004 the condition is included. She said the original condition called for oil separators. Throughout the years there has been an argument whether oil separators mean a mechanical device that separate oil from storm water or are the oil-absorbent pillows or inserts in the catch basins sufficient in meeting the conditions. Ms. Cherichetti said that the applicant was advised to file for a modification so that there would be conformance between what was in the field and what was in the permit. Ms. Coon referred to her letter dated March 25, 2004 to Mrs. Diane Bredehoft, President of Linden Heights Community Association enclosing a copy of the Permit Modification for Linden Heights, which fulfills the requirements for Condition “f” of the original permit. Also enclosed with her letter was an engineering report for Leonard C. D’Andrea, PE to Michael Greene, Director of Planning & Zoning dated February 28, 2002 stating that the permit fulfills all those requirements (in condition “f”) except that in 2002, neither a Maintenance Plan nor an application for a modification of the permit was submitted to the Norwalk Conservation Commission. Ms. Coon stated that she asked the President of the Association to contract with someone to maintain the catch basins. Mr. D’Andrea recommended Longo and Longo. There was discussion as to whether oil-absorbent pillows would meet the conditions outlined in the Permit Modification.

Ms. Smith asked how often the inserts would be inspected to see if they needed to be replaced. Ms. Coon stated that the pillows would be inspected every year in the Fall and Spring or as needed. Mr. Holowinko asked how much the pillows would cost. Ms. Coon said that Kristar Flow Grip Inserts costs \$1,500 each to insert. By using Longo and Longo, an exclusive

Connecticut distributor for Abtech the cost would be less.

Mr. Caputo arrived at 6:22 p.m.

Ms. Cherichetti stated that for recent, similar developments the Commission has required that as a condition there be a restrictive covenant in the Warranty Deed for the property itself that details the individual owner's obligations.

Ms. Smith said that the job has to be done and asked what guarantee the Commission had that the Homeowner's Association would have maintenance done every 6 months. Ms. Cherichetti

stated that the Commission could suggest who will maintain the catch basins but could not enforce it. She said the Commission could ask that the Association submit to the Conservation Commission annually that it has been maintained.

Ms. Cherichetti stated that in 2 years she has not seen a maintenance log indicating that the pillows had been changed. Ms. Coon suggested sending a violation notice to the Association. Ms. Smith stated that it would be interesting to see what the fee would be if the Commission would charge for the violation.

Ms. Corcillo arrived at 6:32 p.m.

Ms. Cherichetti said the Commission is looking for a solution to recommend. Ms. Smith said that an automatic service schedule is necessary and that maintenance plan and service contract is recommended.

Ms. Cherichetti said that the Commission is looking for a medium between putting in expensive mechanical oil separators, the cost of maintaining the Abtech pillows with the hiring of service and the cost of installing Kristar, which comes with a service package. She said it is generally agreed that if the pillows are maintained that it would satisfy the original permit. Mr. D'Andrea said the alternative to the pillows would be to put in expensive mechanical oil separators.

Ms. Llorca arrived at 6:35 p.m.

**\*\* MS. SMITH MADE A MOTION AS TO APPLICATION #591c.P96 – LINDEN HEIGHTS – GREYROCK COMPANIES/JERRY EFFREN – MODIFICATION OF PERMIT TO ALLOW OIL-ABSORBENT INSERTS IN CATCH BASINS TO MEET CONDITION REQUIREMENTS, THE PROPERTY OWNERS SHALL HIRE A PROFESSIONAL MAINTENANCE CONTRACTOR TO ANNUALLY MAINTAIN AND SERVICE THE CATCH BASINS AND INSERTS.**

**\*\* MS. CAGNINA SECONDED THE MOTION.**

Mr. Kydes asked if the contractors are bonded. Ms. Cherichetti said no. She stated that Longo and Longo's fee to maintain the catch basins is \$50 per catch basin and that it is to their advantage to maintain the basins properly.

\*\* MS. SMITH MADE A MOTION THAT THE CONSERVATION COMMISSION PERMIT MODIFICATION APPLICATION #591c.P96 ALLOW CATCH BASIN OIL-ABSORBENT INSERTS INSTEAD OF MECHANICAL OIL SEPARATORS BE GRANTED TO THE GREYROCK COMPANIES FOR PROPERTY AT LINDEN HEIGHTS, NORWALK, CONNECTICUT SUBJECT TO THE FOLLOWING PROVISIONS: THAT ALL THE CONDITIONS IN THE ORIGINAL PERMIT #591c.P96 REMAIN IN EFFECT WITH THE EXCEPTION OF CONDITION “F”, WHICH SHALL BE AMENDED TO STATE: OIL-ABSORBENT INSERTS SHALL BE INSTALLED AND PROPERLY MAINTAINED WITHIN ALL CATCH BASINS IN THE DEVELOPMENT. THE PROPERTY OWNERS SHALL HIRE A PROFESSIONAL MAINTENANCE CONTRACTOR TO ANNUALLY MAINTAIN AND SERVICE THE CATCH BASINS AND INSERTS.

\*\* MS. CAGNINA SECONDED THE MOTION.

\*\* MS. SMITH MADE A MOTION TO AMEND HER MOTION TO INCLUDE THE FOLLOWING SENTENCE: PROPERTY OWNERS SHALL HIRE A PROFESSIONAL MAINTENANCE CONTRACTOR TO ANNUALLY MAINTAIN AND SERVICE THE CATCH BASINS AND INSERTS AND SUBMIT THEIR PLAN TO THE CONSERVATION COMMISSION.

\*\* MS. CAGNINA SECONDED THE MOTION.

\*\* MOTION PASSED UNANIMOUSLY 5 TO 0, WITH 2 ABSTENSIIONS (MS. CORCILLO AND MS. LLORCA)

## II. DISCUSSION/DECISION

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

Ms. Cherichetti stated that the applicant is not present this evening, however, the contractor is present representing the application. She said this addition required a large expansion into the lot. The Commission asked the applicant if he would consider driving directly into the garage since the garage door faces Steeple Top Road. At that time, the applicant did not think that was possible and investigated drainage options. The applicant has submitted a revised plan. The majority of the proposed addition is on top of an existing driveway. She said the applicant is proposing a trench drain. There was discussion with regard to the water that would be going into the trench drain. Mr. Reynolds, Contractor explained the grade of the driveway. He said the elevation of the proposed driveway is 27 inches from the centerline of the road. Discussion ensued with regard to the drainage system.

Ms. Corcillo asked where the existing storm system drains. Ms. Cherichetti stated that it most likely drains into the same brook and eventually into the City’s system. Ms. Smith stated that the revised plan is a vast improvement over the first one.

\*\* MS. CAGNINA MADE A MOTION TO APPROVE APPLICATION #S04-180 – WERNQUIST – CONSTRUCTION OF A TWO-STORY ADDITION AND NEW

DRIVEWAY ADJACENT TO A WATERCOURSE WITH THE 5 CONDITIONS AS LISTED IN THE MEMORANDUM TO THE NORWALK CONSERVATION COMMISSION FROM SENIOR ENVIRONMENTAL OFFICER, ALEXIS CHERICHETTI DATED APRIL 20, 2004.

\*\* MS. CORCILLO SECONDED THE MOTION.

\*\* MOTION PASSED UNANIMOUSLY 6 TO 0 WITH 1 ABSTENSION (MR. KYDES)

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

Ms. Cherichetti stated that at the last meeting there were no comments on this application.

She said that the applicant is returning to finalize the application.

\*\* MR. KYDES MADE A MOTION THAT THE CONSERVATION COMMISSION GRANT APPLICATION #S04-181 – 46 CARTER STREET, LLC WITH THE TWO SPECIAL CONDITIONS OUTLINED IN A MEMORANDUM DATED APRIL 20, 2004 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER TO THE NORWALK CONSERVATION COMMISSION.

\*\* MS. SMITH SECONDED THE MOTION.

\*\* MOTION PASSED UNANIMOUSLY 7 TO 0.

### III. PUBLIC HEARING (TO BEGIN AT 7:00 P.M.)

a) Regulation Amendment #IWWR1-04 – Amendments regarding consistency and conformance with the Connecticut General Statutes and Department of Environmental Protection Model Municipal Regulations

Ms. Cherichetti stated that copies of the Amendment was distributed to the Commissioners at the March meeting. She said the hearing was noticed on April 13, 2004 and April 20, 2004 in the Norwalk Hour. Notice was also sent as required to the Commissioner of the DEP and posted at the Town Clerk's office.

Mr. Caputo noted the time, 7:02 p.m. and stated that except for members of the Commission, the Secretary and Staff no one is present for the hearing.

The Chairman announced that the Public Hearing was open at 7:04 p.m.

\*\* MS. SMITH MADE A MOTION TO CLOSE THE PUBLIC HEARING.

\*\* MR. HOLOWINKO SECONDED THE MOTION.

\*\* MOTION PASSED UNANIMOUSLY 7 TO 0.

\*\* MS. SMITH MADE A MOTION THAT THE CONSERVATION COMMISSION APPROVE RESOLUTION #IWWR1-04 – PROPOSED AMENDMENTS OF THE CITY OF NORWALK INLAND WETLAND AND WATERCOURSES

REGULATIONS REGARDING CONSISTENCY AND CONFORMANCE WITH  
THE CONNECTICUT GENERAL STATUTES AND DEPARTMENT OF  
ENVIRONMENTAL PROTECTION MODEL MUNICIPAL REGULATIONS  
DRAFTED MARCH 9, 2004.

\*\* MS. CORCILLO SECONDED THE MOTION.

\*\* MS. SMITH AMENDED THE MOTION TO FURTHER RESOLVE THAT  
SAID CHANGES IN THE REGULATIONS BE EFFECTIVE MAY 1, 2004.

\*\* MS. CORCILLO SECONDED THE MOTION.

\*\* MOTION PASSED UNANIMOUSLY 7 TO 0.

Ms. Smith requested that Ms. Cherichetti provide the Commissioners with new books that included the new regulations. Ms. Cherichetti said the books would be provided.

#### IV. COMMENTS OF STAFF

##### a) Declaratory Permits and Enforcement Actions

Ms. Cherichetti stated that there is a declaratory permit issued at 7 Leslie Lane. Another one at 10 Topping Lane has not been approved as yet. Ms. Cherichetti stated that she is still reviewing the application for an inground pool with limit of disturbance 60 feet from a watercourse. She said there was another violation regarding a Cease & Desist Order. Ms. Cherichetti stated that she has not finalized it yet. She stated that there would be a Show Cause Hearing within 10 days of issuing the Order and that she wanted to find a quorum of the Commission before she issued the letter. Photographs were passed around of the site of the violation at 10 Peaceful Lane. Ms. Cherichetti stated that upon inspection, the violation seemed graver than it is now. There is standing water on the adjacent property. The owners were installing a 12-inch pipe in the location where they had just removed a 20 inch pipe. She said the owner of record is deceased and the property is currently in Probate Court. She said that she would send a letter to the technical owner of record and to the Executor. Ms. Cherichetti said the property had been historically filled. She passed around aerial photographs of the property. Ms. Cherichetti stated that the Show Cause Hearing is tentatively scheduled for this Thursday, April 29, 2004 at 4:00 p.m.. Ms. Cherichetti said that she would call the Commissioners tomorrow with the exact time of the hearing. Mr. Caputo asked if some of the Commissioners could attend the hearing. Ms. Smith, Ms. Cagnina, Mr. Holowinko and Mr. Kydes will attend and possibly Ms. Corcillo.

Ms. Cherichetti said that she would like the Commission to have a Public Hearing on the City of Norwalk's Inland Wetland Map. She said that right now the City has 13 panels labeled Inland Wetland and Watercourse Map but does not show any inland wetland soils. There is no information on the map as to how the information was obtained. Ms. Cherichetti suggested having someone digitalize the information into a database and have the Conservation Commission approve a base map. Ms. Smith asked if this is the way GIS maps work. Ms. Cherichetti said yes. GIS applications are generally around \$1,500. Ms. Cherichetti said that she would plot out a bigger map.

b) Draft Regulations Changes

Ms. Cherichetti said that she has other proposed changes to the regulations. She asked if the Commissioners felt comfortable with her making the changes and coming back to the Commissioners with them. It was the consensus of the Commission that Ms. Cherichetti continue to work on the regulations and bring them back before the Commission.

V. BOND RELEASES &/OR REDUCTIONS

a) #S02-112-595 Westport Avenue – Pepperidge Farm – Restoration landscaping as a consequence of remediation of contaminated material in and adjacent to a wetland and watercourse.

Ms. Cherichetti stated that requested bond release 2 ½ months ago. Ms. Cherichetti stated that at that time she could not tell what portion of the planting plan had made it. She nothing has started to come up. She said that she would advise the Commission to delay releasing the bond for a month or so.

**\*\* MS. CORCILLO MADE A MOTION TO TABLE BOND RELEASE FOR #S02-112-595 WESTPORT AVENUE – PEPPERIDE FARM UNTIL THE FIRST REGULATORY MEETING OF THE CONSERVATION COMMISSION IN THE MONTH OF JUNE.**

**\*\* MS. SMITH SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0.**

b) #653.P97 – Connecticut Avenue/Costco – 51 RICHARDS AVENUE, LLC – Construction of retail building with stormwater drainage to watercourse.

Ms. Cherichetti stated that this 1997 application had remediated stormwater adjacent to Keeler’s Brook. All of the conditions have been met and the applicant is just asking for confirmation. Ms. Cherichetti said she is recommending bond release.

**\*\* MS. CORCILLO MADE A MOTION THAT THE NORWALK CONSERVATION COMMISSION RELEASE BOND #653.P97 – CONNECTICUT AVENUE/ COSTCO – 51 RICHARD AVENUE, LLC.**

**\*\* MS. CAGNINA SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0.**

VI. COMMENTS OF COMMISSIONERS

a) Open Space Plan Guidelines

Ms. Cherichetti said the Commissioners talked at the last meeting about scheduling a Public Forum the last week of May. She said she could not get the Community Room until Thursday, May 27th. She said she wanted to know if this date was alright with the Commissioners. It was the consensus of the Commission to schedule the meeting for Tuesday, June 8, 2004 in place of the regulatory meeting and to have the regulatory meeting on Tuesday, June 15, 2004. Ms. Smith said that this gives people plenty of time to study the draft before the meeting.

Mr. Caputo said there should be a subcommittee going out to different organizations and making presentations.

Ms. Cherichetti read a memorandum from Pam Stark, City Clerk regarding Freedom of Information. The memorandum stated that any future meetings of subcommittees constitutes a proceeding and must therefore provide an agenda and a Notice of Meeting sent 24 hours in advance of the meeting.

#### VII. ADJOURNMENT

- \*\* MS. CORCILLO MADE A MOTION TO ADJOURN THE MEETING.
- \*\* MR. KYDES SECONDED THE MOTION.
- \*\* MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 7:52 p.m.

Respectfully submitted,

Linda L. Custis  
Telesco Secretarial Services