

**NORWALK CONSERVATION COMMISSION MINUTES**

**MAY 10, 2005**

ATTENDANCE: Karen Destefanis, Chair; Marny Smith; Elizabeth Ackerman; Ed Holowinko; Seeley Hubbard; Matthew Caputo; Anne Cagnina

STAFF: Alexis Cherichetti, Senior Environmental Officer

**CALL TO ORDER**

Ms. Destefanis called the meeting to order at 6:12 p.m. Ms. Cherichetti called the roll.

**RECEIPT/DISCUSSION**

a) 3 Ridge Farms Road - #S05-216 - Kong - Installation of a new pool adjacent to a wetland

Ms. Cherichetti stated that the homeowner is present tonight. She said the applicant is proposing the installation of the pool approximately 25 feet from the wetland. Ms. Cherichetti pointed out the wetland line on the plans and stated that she asked the applicant to hire a soil scientist to confirm where the wetland limit is. There was discussion with regard to the limit of lawn area.

On behalf of the soil scientist, Ms. Rodriguez, of Aqua Pool, distributed the report to the Commissioners. She said that the property had been flagged by the soil scientist. Ms. Rodriguez said that an addition to the plan was given to the Commissioners and that they took the location of the wetlands and transferred them onto the plot plan. Ms. Rodriguez said the pool is 25 feet from the flagged wetlands and that it would be maintained at this distance. There was discussion with regard to the position of pool to the wetlands and possible further delineation.

Ms. Cherichetti read letters addressed to the Commissioners with regard to their views on the installation of the pool and its location to the wetlands.

Mr. Caputo suggested that staff take time to review this matter and come back with suggestions for possible remedial actions that can be taken with regard to the re-flagging of the wetlands. No action was taken at this time.

**MODIFICATION/DISCUSSION**

a) 2 & 8 Wilson Avenue - #S03-151a - 6th Taxing District - Modification of permit to allow house relocation path to be closer to wetland

Ms. Cherichetti asked that the discussion on this item be tabled until the next meeting on May 24th. She said that a combined set of plans would be forthcoming in the next packet to the Commissioners.

PUBLIC HEARING CONTINUATION (to begin at 7:00 p.m.) and DISCUSSION

Ms. Cherichetti called the roll. Ms. Cherichetti stated that this is a continuation of a public hearing from April 12, 2005.

a) 595 Westport Avenue (Pepperidge Farm) - #S05-211 - FF Realty, LLC - Construction of three multi-unit residential structures, additional office space, and associated parking lots and garages, storm water drainage and landscaping in and adjacent to wetlands and watercourses

Ms. Smith voiced her concern with regard to where the landscaping would be placed. A representative for the applicant stated that the proposed landscaping would be very carefully placed away from the wetlands. There was discussion with regard to the site plan of the residential area.

Mr. Fallon, representing the applicant, cited case law with regard to the intervening parties to the intervention petition having the initial burden with regard to the allegations contained in the intervention. Mr. Waters responded to Mr. Fallon's comments on intervention. There was further discussion with regard to storm water drainage/permit/guidelines for the site.

Mr. Fallon stated that the Pepperidge Farm property is a former industrial use site and therefore, the Commissioners should be presented with Phase I and Phase II site assessments for review. Mr. Waters commented that he thought that the site was well beyond assessment.

Mr. Waters, responding to Mr. Logan's remarks regarding the parking lot and water drainage system further discussed Chapter 8 of the guidelines. Mr. Fallon responded by saying one needs to argue the intent of the law. He said that in order to design a drainage system in the State of Connecticut you have to be a licensed professional.

Mr. Caputo asked for clarification on whether or not Mr. Logan was stating that he felt that the guidelines could be improved upon or that they were still needed. Mr. Logan said that there was only one requirement that had nothing to do with the Commission and that it was only required for the post-construction that would go on. There was further discussion on whether the guidelines were already met. Attorney Fallon stated that the 80% was not a guideline, but rather a requirement of the State. He reiterated the fact that the guidelines were not yet met.

Mr. Hart, a professional engineer, said that the important thing is what type of vehicles would be used in the parking lot and whether the parking area would have a loading dock. Attorney Fallon stated that one alternative was status quo and in his opinion was not an acceptable alternative. Discussion ensued with regard to the description of the property, further site investigation and an alternative water management system.

Ms. Ackerman stated that she would like to see this project held to the highest standards with respect to environmental standards because it is a major project on Route 1.

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

\*\* MR. HOLOWINKO SECONDED THE MOTION.

Mr. Caputo asked Ms. Cagnina to withdraw her motion so that the commissioners could further discuss this item.

\*\* MS. CAGNINA WITHDREW THE MOTION.

Attorney Fallon further commented on Chapter 8 of the guidelines and reiterated that the Commissioners should be presented with Phase I and Phase II site assessments for review.

Mr. Waters said that the Commission never asked for Phase I and Phase II assessments, however, it was always recognized that the assessment could be provided.

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

\*\* MS. SMITH SECONDED THE MOTION.

\*\* MOTION PASSED UNANIMOUSLY.

The public hearing was closed at 8:50 p.m. The Commissioners took a 5-minute break. Ms. Destefanis called the public hearing to order at 8:55 p.m. Ms. Cherichetti called the roll. Ms. Destefanis stated the rules for the hearing for those in attendance.

#### PUBLIC HEARING CONTINUATION (8:55 P.M.) and DISCUSSION

b) 12 Allen Road - #S05-212 - Canevari - Two lot subdivision of land in and adjacent to a wetland and watercourse

Attorney Suchy, an attorney with the firm of Tierney, Zullo, Flaherty & Murphy, representing the applicant said that Ms. Cherichetti had been provided the green cards indicating that neighbors were notified of the hearing tonight. [The remainder of Attorney Suchy's presentation was inaudible]. Kate Throckmorton of Environmental Land Solutions gave a brief summary of a site inspection conducted on the property on April 15, 2005, and the landscaping plan for the lawn area.

Mr. Denaro said that the property is conducive to wetlands. He said that the property is truly an environmentally sensitive area. Mr. Denaro said that he has been a resident of Norwalk for 10 years and a resident at this property for 9 years. He said that since he has lived there, there has been a deterioration of wildlife. He said that the waterway used to have fish that could be caught with a net, but that there are not many fish, if any, seen there anymore. Mr. Denaro said that there is something about the waterway system that is not quite like it used to be. He said that the daughter of the former owner of the property told him that almost all of the property had been flooded at one time. Mr. Denaro said that he is asking the Commission to consider the already deteriorating condition.

Mr. Conley, a resident at 14 Allen Road, which is located directly across from the Canevari property, stated that one major thing that is not addressed in the plans is that the water is not draining down the watercourse like it should. Mr. Conley described the flow of the brook in relation to the way it runs along the street. He pointed out on the site plan that his concern is the aggregate of development that has gone on on the hillside area of the property and what effect it would have on the whole area.

Mr. Wrenn, President of the Norwalk Land Trust said that he spoke to Mr. Canevari on behalf of the Land Trust. He pointed out that Mr. Canevari offered them a piece of property and thanked him for it. Mr. Wrenn stated the Land Trust does not endorse this plan but would still consider accepting it. He said they have some concerns based on what they have heard from some of the neighbors relative to how close the building is to the wetlands. He said that the Land Trust does not want to own the property but rather hold a conservation easement, which would effectively protect it from development without actually owning it.

Ms. Montesanto, a resident at 20 Stonebrook Road that it is a beautiful area but that there is a lot of vegetation filling up the pond. She said that it concerns her to see another house built right at the very edge of the wetlands. She said that it would be just another thing to impact the area negatively. There was further discussion with regard to the use of the driveway and proposed parking area.

Ms. Cherichetti presented the plan, which shows an illustration of the proposed Lot A1. There was discussion regarding the potential impacts of the development. Ms. Cherichetti said at this point, she would not recommend the Commissioners voting on this item.

**\*\* MS. SMITH MADE A MOTION TO CLOSE THE PUBLIC HEARING.  
\*\* MOTION FAILED WITH 3 IN FAVOR, 4 OPPOSED.**

The public hearing will remain open until the next meeting on May 24, 2005. Mr. Caputo suggested that the neighbors submit a report to staff so that the applicants and the Commissioners have time to review it. It was decided to adjourn the hearing until June 14, 2005 and that the report should be submitted to staff no later than May 27, 2005.

#### DISCUSSION/DECISION

a) 595 Westport Avenue (Pepperidge Farm) - #S05-211 - FF Realty, LLC - Construction of three multi-unit residential structures, additional office space, and associated parking lots and garages, storm water drainage and landscaping in and adjacent to wetlands and watercourses

There was agreement that the commissioners would discuss the public hearing record at the next meeting. [Inaudible]

b) 12 Allen Road - #S05-212 - Canevari - Two lot subdivision of land in and adjacent to a wetland and watercourse



Mr. Caputo suggested that the discussion on this matter be tabled while the hearing is still open.

#### MINUTES

a) February 22, 2005

The minutes were unanimously approved.

#### COMMENTS OF STAFF

a) Declaratory Permits and Enforcement Actions

Ms. Cherichetti stated that since the Spring, her office has been very busy with complaints of work occurring in and adjacent to wetlands. She said there was a complaint with regard to 10 Woodland Road (Wilson Point). She said there was concern that there might be an inland wetland on the property. Ms. Cherichetti said her inspection led her to an employee of the owner and he furnished her with a soil scientist report, which showed that an inspection had been done in October 2004. The inspection confirmed that there is a low area on the property, but it appears to have been previously filled and is not a wetland. Ms. Cherichetti reiterated further findings in the report. A petition by neighbors was presented which argued that there are wetlands and the Commission should get a second opinion.

Ms. Cherichetti said that 4 May Drive received a violation notice for filling wetlands. 347 Rowayton Avenue received a violation for placing fill too close to the wetlands. A notice of violation was also issued for 8 Heron Road.

b) Report of Senior Environmental Officer

Copies of notices were submitted. [Remainder of comments inaudible]

#### COMMENTS OF COMMISSIONERS

None.

#### ADJOURNMENT

\*\* MR. CAPUTO MADE A MOTION TO ADJOURN.

\*\* MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Linda L. Custis  
Telesco Secretarial Services

