

NORWALK CONSERVATION COMMISSION MINUTES

MAY 13, 2003

**ATTENDANCE: MATT CAPUTO, VICE CHAIRMAN; MARNY SMITH;
ANNE**

**CAGNINA; ED HOLOWINKO;
ANDREW KYDES; JANE CORCILLO**

**STAFF: ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL
OFFICER;**

ERIN LEONARD, PLANNING & ZONING

The Vice Chairman called the meeting to order at 6:10 p.m.

RECEIPT & DISCUSSION

- a. **North Taylor Avenue, City of Norwalk Dept. of Public Works - #S03-143 –**

Installation of drainage system to relieve residential flooding in and adjacent to

a wetland and watercourse

Ms. Cherichetti said that the application brought before the Commission is for receipt. Currently the application is incomplete. At present, the applicant does not have the owner's consent, which is a required part of the wetlands application to apply for the permit. She said that discussions should begin tonight, however any decision on a public hearing should be put off until the application is complete with the owner's consent of the properties in question. She said that at this time the Commission could determine whether the application will require a public hearing. Considering the Commission's deadlines the public hearing must commence on or before the June 24th meeting. Mr. Peter Romano, Assistant Director of the Department of Public Works said that the application before the Commission is for roughly a 35-acre wetland area being discussed by various group within the last year. He said that this is a consultant's report and a biologist report on this application and that they have submitted it. He said that many homes in the area have a drainage problem and that over the years the residents have legally and illegally filled in part of this wetland. The residents have come to the City for some kind of relief. The City undertook the study of a consultant to see how to

solve the problem. The consultant's and biologist's suggestions was to pipe a section of the open brook in the southern section, replace pipe through two sections of private property (these are apartment with one owner but many residents) and then to infringe on the wetland for a distance of 100 feet where a screen bed would be created so that the water in the surrounding area would have a place to get out. Mr. Romano said that the Corporation Counsel is requiring the DPW to go back to the property owners to: 1) get their permission to come forward with the application, and 2) to give the Commission members permission to get on the property and do their own inspection. Mr. Romano said that he needs to go back to the DPW Committee to find out if they have a desire to assess the property owners. There is an indication that the Committee may

want to assess the two property owners where the apartment buildings are, the reason being that this might be an improvement to these two properties. Mr. Romano said he needs to get some policy directions from the Commission. He said that he is sure that the property owners will grant the Commission and Public Works the right to come forward. This will go to a full public hearing. He said that before the next meeting in June he would hopefully have some guidance from the Public Works Committee. If they want to assess these property owners then the project will slow down until they start legal proceedings to condemn easements from at least these two property owners. Mr. Kydes asked when the houses were built in this area. Mr. Romano replied around 1956 or 1957. Mr. Kydes asked what the condition of the wetland was back then. Mr. Romano replied it was 2 ½ the size of what it is now. The edge of the wetland came to within 25 feet of those houses. At that particular time, in the late 50's and early 60's, there weren't any regulations. Property owners had 300 feet back into those wetlands. It changed in the late 60's. Ms. Cherichetti commented that the wetlands have been there probably since the incorporation of Norwalk. The organic muck and soils became deposits for other parts of North Taylor Avenue. The area has changed over time. The biologist report and even the engineering report notices that in the 50's and 60's aerial photos natural areas inundation was greater but it was more like a pond. Over time that pond has physically gone through its natural transitions and filled in and become more of a wooded swamp.

Mr. Caputo asked if any of the Commissioners had any other questions. Ms. Smith asked Mr. Romano if he knew how much all of this would cost. Mr. Romano replied that he thought it would be \$160,000. It was budgeted by Public Works. Mr. Caputo commented that he does not ever remember a condemnation of an easement, but asked if it should happen, how long would it take. Mr. Romano said that it could take months. Mr. Romano stated that the City has done it before on sewer projects. In order for the condemnation to be meaningful: 1) the City has to hire appraisers to say this is worth x number of dollars. The property owner may or may not hire

an expert and will probably seek legal advice. It probably could end up in Court and take anywhere from 3 to 9 months before the papers are filed and we could go forth with the actual work. Mr. Caputo asked if there was a particular time of year to do this. Mr. Romano responded that it was not his area. He said that it is a question that the Conservation Commission could stipulate through their expertise, saying in effect that if they approve it tomorrow, the DPW should not start until spring. The DPW would adhere to the Commission's directions. Mr. Caputo asked how long it would take construction wise. Mr. Romano replied probably 60 to 90 days. Ms. Cherichetti recommended that the Commission decide tonight whether to have a public hearing or not. The Committee informally agreed in favor of a public hearing. Ms. Cherichetti recommended that they wait until the June 3 Public Works Committee of the Common Council. Mr. Romano said that the item would be on the agenda to get some direction about the assessment or just to

go forth with the project. At this time Commission members do not have permission to go on site.

b. West Cedar/Colonial Village – Norwalk Housing Authority - #S03-144

Subdivision of parcel adjacent to wetland

Mr. Caputo said that this item was down for discussion only. Ms. Cherichetti presented a survey of a two-lot subdivision. She said that future goals included additional housing and possible funding from the Housing Authority. Mr. Redniss, principal with the Engineering, Planning and Surveying firm of Redniss & Mead in Stamford said that his firm proposed and made application to divide the property into two pieces so that the Housing Authority could seek funding to provide additional housing opportunities on this site. He said that the Housing Authority needs to have a site prepared and in place in order to go and seek that funding. They have embarked on a program for this site. They have just hired The Winter Group, an architect consultant who will assist the Authority in selecting an architect. Mr. Redniss said that they are looking to divide the property in such a way as to have the remaining piece meet all of the zoning criteria. He said the Authority completely adheres to all regulations and are not looking for any waivers or variances. At this time, they have no plans. They have applied to leave the Community Center in place for a period of two years. At the end of that period, they have to either bring it into compliance somehow, which they won't be able to do, or remove it, which they do intend to do. Mr. Redniss said that the site has a strip wetland that goes along the easterly boundary of it. Mr. Redniss

presented a map to the Commission. He said there is a little more than $\frac{3}{4}$ of an acre on an almost 26 acre site, so about 3% of the site is wet. The ball field slopes down to an elevation of 124 down into the high teens. It drops from the teens to about 104. There is a lot of buffer. Ms. Smith asked what would need to be done to bring the Community Center into compliance. Mr. Redniss said that technically, if they built a residence on it then they could have an ancillary use on the property. Mr. Redniss said that this is a subdivision application with no plan to do anything other than within the regulated area. He said that there would be a full site plan processed through Zoning and the Commission. Mr. Redniss said that he believed that it is in the game plan of the Housing Authority to have public meetings about the design process and the competition. They want to encourage input from design firms who are looking to be awarded the contract to go forward with this. Ms. Smith commented that it would be helpful to convey to the various people competing for the design that the Commission cares very much about seeing a substantial buffer along the wetlands. She said that she hopes they bear in mind the need for open space. Mr. Redniss said that he thinks that this is their game plan. Mr. Caputo asked when would be the earliest time the Commission could vote on this issue. Ms. Cherichetti replied at the next meeting on May 27th.

c. **339 Rowayton Avenue – Roton Investment Partners - #S03-145 – Construction**

of new 2 $\frac{1}{2}$ story single family dwelling adjacent to a wetland

Mr. Caputo said that this was down for receipt and discussion only. Ms. Cherichetti said that this is one of the newly subdivided lots adjacent to the existing house. The Commission did approve the subdivision permit in October of last year. She said that the applicant proposed to add to the subdivision map the rear lot. They have agreed to a combination easement. They have also agreed to set a building setback line. The applicant, Bucky Taylor and his wife Fran comprise Roton Investment Partners. Mr. Taylor said they usually build a house a year. Mr. Taylor said that the property originally had a house on it. They are going to try to get it back to what it was originally. He said that the wetlands are actually enclosed in a stone wall. Ms. Smith said that the flags indicate that there is a small portion across the northwestern corner inside the wall that is level. She said that she would at least want to make sure that that corner of the garden would be planted with native wetland plants. She asked if there was a design in mind. Mr. Taylor responded no, there was not. Ms. Cherichetti asked if the Commission would recommend the need for a planting plan. Ms. Smith said absolutely. Ms. Cherichetti recommended: 1) the establishment of a buffer 2) a setline for minimum disturbance. Mr. Caputo said that they could not vote on the issue tonight. The earliest would be on May 27th. He directed Mr. Taylor to work closely with Alexis and to provide the

information discussed tonight since it would be most helpful in the process of the Commission making a decision.

d. **35 Ferris Avenue – MT Equities, LLC - #S03-146** – Construction of new multi-

family residence and improvements to existing drainage outlet adjacent to a wetland

Ms. Cherichetti said that there is one single-family house on the property. The applicant is seeking to add five new units, three new units in the rear and two units to the existing two dwelling structure. The applicant is proposing to enhance a 40-foot wide natural vegetative buffer. Adjacent to that will be, as required, a recreation area. The closest proposed building to the wetland is approximately 66 feet from the wetland. The applicant is also proposing to do some drainage improvements. Mr. David Waters from the law firm of Lepofsky, Lepofsky & Lang representing the applicant, said that this is a single-family resident on Ferris Avenue. Mr. Waters presented a map. There is a driveway that comes in and turns around. The wetlands are at the back at the rear of the property. There is a catch basin there. What they are proposing to do will eliminate the impervious surface on the side of the driveway. Mr. Grumman is also involved in the property that is immediately adjacent so they can take advantage of the existing driveway that runs along the property line, eliminate one driveway and serve everything from the existing driveway on the other property. The existing residence would be made into a two-unit development. One garage stays there. There would be three exterior parking spaces and then three new units, each with a two-car garage. Virtually all of the parking is enclosed garage parking. He said that they would enhance a full 40-foot buffer from the edge of the wetlands. Then, beyond that there is the lawn/recreation area required by Zoning. The distance from the corner to the wetlands is 66 feet. He said that they also looked at different alternatives, one of which has been submitted to the Commission as part of the application. It would include your more typical on grade parking. He said that the proposal is not the maximum density allowed on this site. They are proposing 5 units by right they can get 7 or 8. They discussed whether it was appropriate to ask for 6 units on the basis that there would be enough room to have the extra unit as well. They felt that was pushing a little too much and thought that this was a good balance between having a buffer, the open space for the residence and a reasonable development of the property. Ms. Smith asked if the 2-car garage parking for each of the three units be below grade. Mr. Waters replied it would actually be at grade. Commissioners reviewed architectural plans. Ms. Cherichetti asked if variances were required. Mr. Waters replied that there

are two variances that are required. He said that when you go from one or two units to six units or over six units there are different criteria that apply as far as minimum frontage and setbacks. So taking this from a one-unit single-family house to five units puts you into the next category. Mr. Waters said that everything that is being proposed for the new residences complies. Ms. Smith commented that the driveway is 10 feet wide and one way. She asked how the people would get out. Mr. Waters replied that it is one way out on the other side. Mr. Waters referred the Commission to a map. Mr. Don Strait, Landscape Architect with Grumman Engineering commented on the planting plan. He said they are leaving everything in that is current. There are mostly maples and they are putting in some shrub planting underneath, blueberry and witch hazel and cranberry bush. Ms. Cherichetti recommended that the Commission accept the application.

DISCUSSION & DECISION

- a. **442 Main Avenue – Seligson - #S03-138** – Construction of a new multi-family

(25 unit) residential complex and associated parking and landscaping adjacent to a

wetland

Ms. Cherichetti handed out a memo from herself addressed to the Conservation Commission dated May 12, 2003, along with a revised staff report and a revised site plan. Mr. Caputo asked that the Commission take a few moments to read the memo and other material. The previous sets submitted to Commission did not have a site map and Ms. Cherichetti had not calculated a rough estimate of the cost of implementing the planting plan to estimate a bond. Ms. Cherichetti noted that the gas company has a 15-foot wide easement to the south of the gas line. Ms. Cherichetti presented a map to the Commission. She said that low plantings such as Iris and Fern would be fine there. The applicant, Steve Weiss with Seligson Properties, said that they understand that the Tennessee Gas Pipe Line extends to the base of that pipeline for adjacent properties. They do not believe that there is an easement on their property. Mr. Caputo asked counsel for the applicant, Elizabeth Suchy from the law firm of Tierney, Zullo, Flagherty & Murphy if a title search had been done on the property. She said that a title search had been done and that they were unable to come up with an easement of record specifying the Tennessee Valley or any of its successors or subsidiaries on the map. Mr. Caputo asked when the pipeline was constructed. Ms. Suchy replied in the mid-50's. Ms. Cherichetti said that she wanted to make sure that any condition of approval of this application, if it turns out that there is an easement, that the proposed planting plan would meet the condition of the permit. Mr.

Caputo asked if there were any other requirements on the site plans. Ms. Cherichetti replied no there was not. Mr. Caputo asked Ms. Cherichetti who determined the amount to be 15 feet. Ms. Cherichetti replied that it was her understanding from the gas company that there is a 15 foot easement to the south of the physical gas line and a 35 foot easement to the north of the physical gas line. Ms. Suchy suggested a caveat that the applicant reserves the right to return to the Commission in the event that there is no easement in order to implement a plan as shown. Ms. Cagnina asked how important are the easements, are there any safety issues. Ms. Cherichetti replied yes. Mr. Weiss said that it was more of a maintenance issue with Tennessee Gas. Ms. Cherichetti said that staff would recommend that special condition #3 begin with "unless the applicant is able to establish there is no easement to the gas line on the property, prior to the commencement of work, the plans as noted shall be revised and that the areas within 15 feet of the Tennessee Gas Pipe Line not be planted with the specimens. The plan must be revised to indicate shrubs and trees within the Tennessee Gas Pipe Line easement with noted herbaceous wetland plants that would result in similar density and that the plans be submitted to the Conservation Office for approval.

**** MS. SMITH MOVED THAT THE COMMISSION GRANT THE APPLICATION, NO. S03-138 WITH THE CONDITIONS AS OUTLINED ON A MEMO DATED MAY 12, 2003 TO THE MEMBERS OF THE CONSERVATION COMMITTEE FROM ALEXIS CHERICHETTI, CHIEF ENVIRONMENTAL OFFICER WITH THE AMENDED WORDING OF CONDITION #3 AS STATED ON THE RECORD. (THERE ARE 7 CONDITIONS IN ALL, 3 HAVE BEEN AMENDED)**

**** MR. KYDES SECONDED THE MOTION.**

**** MOTION CARRIED WITH 5 VOTES IN FAVOR, 1 IN OPPOSITION (MR. HOLOWINKO).**

- b. **7 Allen Road – Pinsky - #S03-139** – Construction of two rear additions and removal of a shade tree adjacent to a pond

Ms. Cherichetti directed the Commission to their packets. She said that at the last meeting there was a continued discussion regarding the possibility of some sort of mitigation buffer. She said that following that discussion the applicant did submit a revised planting plan and that there should be two planting plans that say 5203. Ms. Cherichetti said that revision number 1 proposes to move the fence from the pond approximately 2 ½ feet. The second revision has potentially the same location but they increase the number of shrubs around trees by 3 additional trees. There is another plan proposed by staff proposing an area of pea stone and an area

of grass and plantings at the dividing line of where the pea stone and the proposed grass would be. She said that there is approximately a 5-foot wide area between the plantings and pea stone and then beyond that a natural vegetative buffer. Ms. Cherichetti referred the

Commission to the Staff Report that outlines a variety of draft resolutions including an approval of both

additions. The applicant's first planting plan only allows the kitchen addition, the existing deck and the removal of the tree, but not the bedroom addition. Lastly, there is a modified addition that allows the applicant to get a permit for the deck that was constructed. Mr. Caputo commented that the Commission needed to vote on this item before the June 10, 2003 meeting without an extension. Ms. Cagnina, directing Ms. Cherichetti to her memo dated May 6, 2003 asked her to clarify Paragraph 3, the last sentence, that there would be a buffer that is 7 to 12 feet wide. She replied that there would actually be a 6-foot pea stone or lawn or whatever the applicant wants, then the fence and then an 11-foot wide area between the fence and the side of the wood deck. Ms. Smith said that she had some concern about all of the construction going on so close to the pond. She said that her inclination would be to permit the existing deck and the removal of the oak tree but to forget about any additional construction. Ms. Pinsky pointed out to Ms. Cagnina where the stairs are to the deck. She commented that because it was kind of tight they would not be having any major type of machinery in the area. Ms. Cherichetti said that currently they are going to have to do some modifications to the existing wood deck. She said that a small portion might be disturbed but nothing more. Ms. Smith commented that she would not be opposed to that section but the other section is more disruptive. The pond is a wetland watercourse. She said that generally the Commission tries to recommend that people put in at least a 10 foot, sometimes 40 or 50-foot vegetative buffer so that any active will not impact the watercourse.

**** MS. SMITH MADE A MOTION THAT THE COMMISSION**

**GRANT TO RICHARD AND
CLAUDINE PINSKY A PERMIT
UNDER APPLICATION #S03-139 TO
CONSTRUCT A NEW REAR 14 X 26
FOOT KITCHEN ADDITION AND A
REAR DECK AND GRANT
PERMISSION FOR THE REAR DECK
TO BE THERE AND REMOVAL OF
THE SHADE TREE ADJACENT TO
THE POND BE GRANTED WITH THE**

**FOLLOWING SPECIAL AND
GENERAL CONDITIONS IN
ACCORDANCE WITH DRAFT
RESOLUTION B AS MODIFIED.
THERE ARE 5 CONDITIONS
ATTACHED TO THIS
MEMORANDUM DATED MAY 6, 2003
TO THE NORWALK CONSERVATION
COMMITTEE FROM ALEXIS
CHERICETTI, SENIOR
ENVIRONMENTAL OFFICER.**

**** MR. KYDES SECONDED THE MOTION.**

Mr. Caputo opened the motion for discussion. Ms. Corcillo pointed out that the second condition regarding the planting plan and fence relocation needed to be modified.

**** MS. SMITH MOVED TO
AMEND HER MOTION TO
ELIMINATE THE SECOND
CONDITION REGARDING THE
PLANTING PLAN AND FENCE
RELOCATION AS SHOWN ON THE
PLAN ENTITLED SAND AND DETAIL
PREFERRED SITE PLAN REVISION 1
DATED MAY 6, 2003 MUST BE FULLY
IMPLEMENTED WITHIN 6 MONTHS
OF THE ISSUANCE OF THE
CERTIFICATE OF OCCUPANCY
EITHER TEMPORARY OR
PERMANENT.**

**** MR. KYDES SECONDED THE MOTION.**

Mr. Caputo said that the motion is the same except that Ms. Smith eliminated number 2 from the one she just read from Draft B Resolution on the memo dated May 2, 2003. He said that the discussion on the motion is limited to the Commission. Ms. Corcillo commented that she would prefer the fence be moved. The question is, would it do more damage to the eco-structure. Ms. Cherichetti said that the long-term filtering vegetation would have a positive long-term effect that outweighs the short-term disturbance. Mr. Caputo asked if there was any further discussion. He stated that Ms. Smith had made a motion and amended the motion to eliminate Number 2 of Draft B Resolution on Ms. Cherichetti's memo of May 6, 2003. With no further discussion, Mr. Caputo called it to a vote.

**** MOTION FAILED WITH 3 VOTES IN FAVOR (MS. SMITH, MR. CAPUTO AND MR. KYDES), 2 VOTES IN OPPOSITION (MS. CAGNINA AND MR. HOLOWINKO) AND ONE ABSTENTION (MS. CORCILLO)**

Mr. Caputo said that the Commission has until June 10th to vote on the motion. He said that someone else could make another motion or this motion is open for discussion. The Commission has still not made the decision to grant or deny it.

**** MS. CAGNINA MOVED TO APPROVE APPLICATION #S03-139 –**

PINSKY AS STATED IN THE MEMORANDUM DATED MAY 6, 2003 IN

ACCORDANCE WITH RESOLUTION B CHANGES IN ITEM 2,

CONDITION 2, PLANTING 2.

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

**** MOTION CARRIED WITH 6 VOTES IN FAVOR**

(c) 16 Woodchuck Lane – Dragovic - #S03-142 –
Construction of a new in-ground

pool adjacent to a wetland and watercourse.

Ms. Cherichetti said that this pertained to an application, dated April 22, 2003 with

questions regarding the construction of a pool and a planted buffer. She said that the

planting plan included 10 native shrubs 2 ½ feet tall and that the general area shown and

two offset rows of 5 shrubs would make the buffer 10 feet wide. It does not discuss

the existing fence. Ms. Cherichetti recommended that the Commission draft a resolution

of the planting plan with an amendment to stabilize the bank with pachysandra to bring

the total to 13 native shrubs. She said that the Commission may want to add to or

delete Condition Number 6 and that the Commission had to vote on this item on or

before the June 10th meeting. Ms. Cagnina asked if it was a safety fence. The applicant,

Ms. Dragovic replied that it was a decorative fence. Ms. Cherichetti added that it was

an open fence. Ms. Dragovic told the Commission that they would remove it if they

wanted her to.

**** MS. CAGNINA MOVED TO APPROVE APPLICATION #S03-142 –**

16 WOODCHUCK LANE – DRAGOVIC WITH CONDITIONS 1 –

6 IN THE MEMORANDUM DATED MAY 6, 2003 TO THE

NORWALK CONSERVATION COMMISSION FROM ALEXIS

CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER.

**** MR. KYDES SECONDED THE MOTION.**

Mr. Caputo said that the motion was on the floor. He asked if there was any further discussion. Mr. Holowinko asked if this meant that they have to keep the fence. The Commission members responded, no.

**** MOTION PASSED BY A VOTE OF 5 TO 0, WITH MS. CAGNINA
ABSTAINING.**

MODIFICATION

- a. **363 Main Avenue – Taiyanides - #S01-85a** – Modification of approved planted

mitigation area

Ms. Cherichetti said that this is in violation from the application for constructing an addition without a permit. She said that the applicant placed the construction too close to the Norwalk River and that the applicant applied for after-the-fact permits. She said that the applicant decided to demolish established plantings in the area down to the Norwalk River. During the course of work, changes to the property from Main Avenue drops to another level that flattens and drops down to still another level. (Ms. Cherichetti referred the Commissioners to Grumman Engineering plan) She stated that now the applicant needs a Certificate of Occupancy and that certain conditions need to be remedied. The applicant has installed a concrete walkway that leads away from the migration area. She said that the planting area takes away from the original square feet of mitigation. The applicant proposes to remove a section and plant 3 shrubs and 1 tree. She said that the Staff Report includes a section of walkway with a total of 3 additional shrubs and 3 shade trees. Ms. Cherichetti referred to photographs of the plantings. She said that she needed to go back out and count them and that they have to be native Connecticut shrubs. The applicant stated that the plantings are blueberries. (Ms. Cherichetti passed out photographs of the walkway) Ms. Smith asked Ms. Cherichetti to clarify exactly what the Commission was being asked to do. Ms. Cherichetti said that she was recommending that the Commission not sign off on a Change Order until there is a modified permit. Ms. Genovese, with Andriopoulos Design Associates, LLC, representing Mr. Taiyanides said that she has the first original visual report for the Commission. It shows a retaining wall continuing underneath the building. She says that they were unaware that the retaining wall was unmitigated so they went straight through the building. Ms. Cagnina asked if there was going to be any grass planted. Ms. Cherichetti responded, not native but a sod mix. She said the staff recommended that it be left there. She

recommended that the applicant mulch individual shrubs and encouraged them to selectively trim the shrubs. Ms. Cherichetti said that the plants were not acceptable to her, but the applicants had left them there. Ms. Cagnina replied that they looked like corn. Ms. Genovese said that they would remove them if the Commission wanted them to. Ms. Cherichetti said that extra shrubs were not required. Ms. Smith said that the Commission should make sure the good shrubs are relocated so they will survive. Ms. Genovese recommend 3 mountain laurels, 2 feet high and 1 shade tree, a medium size oak.

**** MS. CAGNINA MOVED TO APPROVE APPLICATION #S01-85a AS REFERRED TO IN A MEMORANDUM FROM ALEXIS CHERICHETTI DATED MAY 2, 2003 WITH ADDITIONS TO CONDITIONS OF PERMIT AS STATED IN A, B, C and D WITH "SHALL BE REMOVED" ADDED TO PARAGRAPH A.**

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

**** MOTION PASSED UNANIMOUSLY.**

ACCEPTANCE OF MINUTES

a. **April 22, 2003 Minutes**

The following corrections were made:

Page 5, Item b, Line 9 – "denying a summary application" should be "held for a summary application."

**** MS. SMITH MOVED TO ACCEPT THE MINUTES AS AMENDED.**

**** MR. HOLOWINKO SECONDED THE MOTION.**

**** MOTION CARRIED WITH 4 VOTES IN FAVOR, 2 ABSTENTIONS (MR. KYDES AND MS. CORCILLO.**

COMMENTS OF STAFF

a. **Declaratory Permits and Enforcement Actions**

Ms. Cherichetti said that as to 5 Witch Lane there were no issues. She said that there was an enforced violation action at 34 Esquire Road. The job

went beyond the scope of a permit. The applicant were putting fill in the yard adjacent to a watercourse. They are required to plant 15 native shrubs and trees and to post bond. She said that she contacted the applicant at 488 Main Avenue with a violation warning. Other issues included the gas company taking legal action against them. She said that all work has been stopped. Ms. Cherichetti said that she dropped a detailed site plan of the area that will require them to bring back all fill. She said that it would require a mitigation plan likely of all herbaceous plants because of the requirements of the gas company. Ms. Cherichetti said that she is in the process of issuing a violation for 34 North Taylor Avenue. She said that there are two properties on North Taylor that have the most flooding problems. She said the new homeowners decided to bring in 4 truckloads of fill. There is a small expansion pushing dirt in farther. Ms. Cherichetti recommended that the applicant either remove the fill or apply for a summary permit in June. She said that it was difficult right now because it is submerged. Ms. Cherichetti said that she issued a violation warning for the Dunkin' Donuts on Westport Avenue. The applicants came in promptly to resolve it. She said it was an issue where a long winter and sanding produced sanding debris. The applicant also wants to do a small addition. Ms. Leonard from the Zoning office said that before they do the addition, the applicant would have to get a permit for the driveway. Ms. Cherichetti said that Planning & Zoning regulations required the applicant pull it back, plant a buffer and install catch basins in the area. Ms. Cherichetti asked if they wanted the item to come before the Commission or a Staff review. The Commission asked that Ms. Cherichetti go forth with it.

b. Progress Report

Ms. Cherichetti said that the draft includes a public education article in the newspapers. She asked if the article should be removed. Ms. Smith suggested that a profile be done on Ms. Cherichetti. Ms. Cherichetti asked if it should be left on. The Commission agreed that it should be left on. Ms. Cherichetti said in the matter of the open space that the Commission should define their approach and planning at the next meeting. Ms. Smith asked if Mr. Greene could come to discuss the large open area. Ms. Cherichetti said that she would recommend that he come to the following meeting. She said that the Conservation Commission needed to come to a consensus as to what defines an open space and what the common goals are. She said the Commission's idea might be different from the City's goals. Ms. Corcillo commented that the Commission needed to know what information is available from the City of Norwalk. Ms. Cherichetti asked if she had given the Commission criteria. Ms. Corcillo acknowledged that she had. Mr. Caputo said that an easy way was to use the Tax Collector's office to identify all parcels more than 1 acre in a triple A zone. Ms. Cherichetti said that she did not believe there is a way to do this. Ms.

Leonard said that as of now it cannot be sorted. Ms. Cherichetti said that it can be done by looking at a Zoning Map, that but they must have definitions and a goal.

c) **Review of General Meeting Procedures**

Mr. Caputo said the last meeting went in a different direction. It demonstrated the need for the Commission to focus. Ms. Cherichetti also said that there would be a discussion on possible increases. She said that she wrote two memos to the Finance Department. A current fee schedule is included for the Commission's review. She said that there are two possible fee changes and that the changes need to be made fairly soon. Ms. Cherichetti said that the fee schedule is an appendix to the regulations and need to be treated as a regulation. Ms. Cherichetti said there needs to be a public hearing.

COMMENTS OF THE COMMISSIONERS

- ** MR. HOLOWINKO MADE A MOTION THAT THE MEETING BE ADJOURNED.**
- ** MS. SMITH SECONDED THE MOTION.**
- ** MOTION CARRIED UNANIMOUSLY.**

The meeting adjourned at 9:15 p.m.

Respectfully submitted,

Linda Custis

Telesco Secretarial Services