

**NORWALK CONSERVATION COMMISSION MINUTES**

SPECIAL MEETING

MAY 16, 2006

ATTENDANCE: Ann Cagnina; Marny Smith; Elizabeth Ackerman; Ed Holowinko; Chris Handrinos; Andrew Kydes; Matt Caputo; Susan Llorca.

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Attorney Robert Maslan; Attorney Elizabeth Suchy;

CALL TO ORDER

The meeting was called to order at 5:00 p.m.

ROLL CALL

Ms. Cherichetti called the roll.

DISCUSSION/DECISION

#S05-239 – 8 Norden Place – Norden Place, LLC – Construction of a multi-unit (273 units) residential complex with associated stormwater drainage, grading and landscaping in and adjacent to wetlands and watercourses.

Ms. Cherichetti explained that because there were eight commissioners present, Mr. Holowinko would be voting, and Ms. Llorca would not be voting.

Ms. Cagnina thanked a number of people, including Ms. Cherichetti, for the time they put into the application.

Ms. Cagnina said that the Commission had decided the interveners' petitions were not valid. Ms. Cherichetti reminded the Commission that Attorney Maslan had commented on the matter during the previous meeting and sent a letter to the Commission, but the commissioners needed to make their own finding.

Mr. Caputo suggested that any motion made on the subject application address the petitions and the Commission's findings.

Ms. Cagnina invited the commissioners to comment on the application.

Ms. Ackerman listed some points she had noted after listening to the recording of the April 11, 2006, meeting. She noted that Mr. Dynia had mentioned BMPs, buffers, and wetland viability. She read a transcript of Mr. Dynia's discussion.

Ms. Cagnina stated that she was concerned about future activities in the wetlands and possible wetland buffers.

Ms. Smith said that she was concerned about the need for ongoing inspections during and after construction. She wanted to know who would conduct the necessary inspections.

Mr. Kydes commented that past permits had included a condition requiring the applicant to hire an inspector.

Mr. Handrinos wondered whether a maintenance agreement could be required.

Ms. Cherichetti said that past permits had included a condition requiring site maintenance.

Ms. Smith asked again about the need for water quality testing and the availability of staff to do inspections.

Ms. Cherichetti asked if Ms. Smith wanted her to draft a condition requiring the applicant to hire an inspector. Ms. Smith said that was not her intent.

Mr. Caputo stated that the outside experts had cited a lack of information about the ability of the stormwater plans to handle a storm with more than one inch of precipitation. Mr. Caputo then said that he would like to make a motion.

Mr. Kydes said that GZA's role was limited to commenting on the evidence presented during the hearing, and the commissioners could not ask more questions or obtain new information from them after the close of the public hearing.

Ms. Cherichetti confirmed that the Commission could obtain additional information from GZA.

Ms. Ackerman said that Mr. October had said that he would classify the detention basins as a secondary treatment system.

Ms. Smith said it was possible to have negative impacts off the site.

Mr. Caputo read his motion into the record: Resolved: that Conservation Application #S05-239, is an application to conduct 'Significant Regulated Activities', by Norden Place, LLC seeking the construction of a multi-unit residential development complex with associated stormwater drainage, grading and landscaping in and adjacent to wetlands and watercourses on property at 8 Norden Place, Norwalk, CT [District 3, Block 17, Lot 144]. The submitted application materials include, but are not limited to, original plans depicting a 328-unit residential development complex and modified plan depicting a 273-unit development and various changes to the stormwater management plan and landscaping.

Be it further resolved:

that the Commission finds that the Notice of Intervention signed by David Ogilvy and Carolann Curry does not comply with the requirements of section 22a-19 of the Connecticut General Statutes because the Notice is not verified;

and

that the Commission finds that the Notice of Intervention signed by Laurel Lindstrom does not comply with the requirements of section 22a-19 of the Connecticut General Statutes because the notice does not contain any specific factual allegations of pollution, impairment or destruction of air, water or other natural resources.

Be it further resolved:

that the factors for consideration of decision, as detailed in section 60A-10 of Norwalk's Inland Wetland and Watercourses Regulations have been duly considered.

Now be it resolved:

that after careful review of the record, the Commission DENIES Conservation Application #S05-239 for the following reasons:

1. The applicant did not provide sufficient information to substantiate the adequacy or effectiveness of the proposed stormwater management plan to minimize excessive inundation of wetlands and watercourses with untreated or inadequately treated storm water during storm events involving precipitation in excess of one inch. A stormwater management plan should address changes in water quality, runoff volume and peak flow control resulting from the proposed development activities. The record reflects that the proposed seven detention basins, though noted as primary stormwater treatment bioretention basins in narrative descriptions, were not presented with sufficient details or design specifications to confirm that the basins are in fact bioretention basins. In the absence of such details and design specifications, the basins are considered secondary treatment, dry detention basins. Further, it appears that the design of the basins is not sufficient to compensate for increased runoff volumes and alteration of the peak flow rate, and would likely be prone to re-suspension of sediment during significant storm events.
2. The Commission finds that, given the large, undeveloped nature of the subject property, there is no reason not to utilize proven primary best management practices ("BMP's") to mitigate the increase in upland impervious surface area, and the resultant negative impacts to stormwater quality and quantity.
3. According to the Commission's consultants, the proposed detention basins were designed to renovate and treat up to the first one inch (1") of rainfall and that during storm events involving more than one inch (1") of precipitation, under-treated storm water will pass through these basins and flow into wetlands and watercourses both on site and down gradient or downstream from the site. In rain events in excess of one inch of precipitation, the proposed detention basins would not provide storage of runoff or provide any further water quality treatment. In the absence of a revised hydrologic report, the record indicates an increased frequency, duration and volume of water inundation to

areas immediately down gradient of the proposed development. The on-site wetlands and watercourses, particularly those within the area designated ‘Wetland #7’, would receive this increased runoff. This increased runoff will result in a significant alteration of the existing inundation of the wetland.

4. The Commission finds that the applicant failed to establish that the proposed development would not result in significant negative impact to wetlands and watercourses. As noted above, the stormwater management plan appears to provide insufficient stormwater volume stor

