

NORWALK CONSERVATION COMMISSION MINUTES

CITY OF NORWALK
CONSERVATION COMMISSION
MAY 28, 2002

ATTENDANCE: Matthew Caputo, Chairman; Lawrence Losio; Marny Smith; Andrew Kydes; Chris Handrinos (6.20); Karen Destefanis.

STAFF: Michael Greene, Director of Zoning and Planning; Alexis Cherichetti, Environmental Officer; Erin Leonard.

The chairman called the meeting to order at 6.10pm and asked Ms. Leonard to do a roll call

DECISIONS

- a. **Silvermine Golf Club - North Seir Hill Road - #SO2-97 - Installation of sewer line adjacent to wetlands.**

Mr. Caputo asked all the Commissioners if they had either attended previous meetings or that they had listened to the tapes pertaining to these cases. They all agreed. Mr. Caputo stated that they were all eligible to vote.

Mr. Caputo stated that an intervention petition had been received on May 13, 2002 signed by Lee. H. Levy, President of Norwalk Association, Silvermine Homeowners Inc. Mr. Caputo read the letter that accompanied the petition.

**** MS. SMITH MOVED: BE IT RESOLVED THAT THE CONSERVATION COMMISSION, AFTER REVIEWING THE PUBLIC HEARING RECORD, DOES NOT BELIEVE THAT THE APPLICATION AS SUBMITTED, #SO2-97 WILL HAVE THE EFFECT OF UNREASONABLE POLLUTING, TESTIMONY OR EVIDENCE THAT SUCH AN ADVERSE IMPACT WOULD LIKELY BE CAUSED BY THE PROPOSALS:**

- 1. OTHER THAN STATEMENTS TO THAT EFFECT, THERE WAS NO CONCLUSIVE, CREDIBLE, EXPERT TESTIMONEY OR EVIDENCE THAT SUCH AN ADVERSE IMPACT WOULD LIKELY BE CAUSED BY THE PROPOSALS;**
- 2. SOME LAND AND VEGETATION ADJACENT TO WETLANDS WILL BE DISTURBED, BUT THIS WILL BE MORE THAN ADEQUATELY MITIGATED WITH THE REMOVEL OF PRE-EXISTING IMPERVIOUS ASPHALT AND IMPLEMENTATION OF AN EXTENSIVE PLANTING**

PLAN;

- 3. BLASTING IS NOT PROPOSED IN THE IMMEDIATE VICINITY OF THE WETLANDS;**
- 4. THE SEWER LINE TRENCH, IN THE VICINITY OF THE WETLANDS, WOULD BE CONSTRUCTED WITH AN IMPERVIOUS CHECK DAM, TO PROHIBIT THE TRENCH FROM SERVING AS A PREFERENTIAL FLOW PATHWAY AND NEGATIVELY AFFECTING GROUNDWATER.**

BE IT FURTHER RESOLVED: THAT THE AUTHORIZED ACTIVITY CONSISTS OF INSTALLATION OF A SANITARY SEWER LINE ALONG THE ROADWAY AND FORMER ROADWAY WITHIN REGULATED AREAS AS DESCRIBED IN DOCUMENTS ENTITLED:

- A. COMPLETED APPLICATION FORM, WITH APPROPRIATE SUPPORTING DOCUMENTATION, DATED MARCH 11, 2002, PREPARED AND SIGNED BY DONALD STRAIT, GRUMMAN ENGINEERING., NORWALK, CT.**
- B. MAPS ENTITLED, "SILVERMINE GOLF CLUB - PROPOSED SANITARY SEWER EXTENSION", SHEET 1-3, DATED 10/30/01 AND LAST REVISE 3/4/02, PREPARED BY DEAN MARTIN, GRUMMAN ENGINEERING, LLC, NORWALK, CT.**
- C. LETTER, DATED APRIL 9, 2002, FROM DAVID WATERS, LEPOFSKY, & LANG, NORWALK, CT.**
- D. LETTER FROM MATTHEW POPP, ENVIRONMENTAL LAND SOLUTIONS, LCC, DATED MAY 13, 2002.**
- E. VERBAL TESTIMONY OF APPLICANT AND ITS AGENTS AT CONSERVATION COMMISSION MEETING APRIL 9, 2002, APRIL 23, 2002 AND MAY 14, 2002.**
- F. LETTER FROM DAVID WATERS, LEPOFSKY, LEPOFSKY & LANG DATED MAY 14, 2002.**

BE IT FURTHER RESOLVED: THAT THIS PERMIT IS SUBJECT TO THE ATTACHED GENERAL CONDITIONS AND THE FOLLOWING SPECIAL CONDITIONS AS AMENDED:

- 1. A \$5000.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. ALL SPECIAL AND GENERAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL GROWING SEASON AFTER THE SEASON OF INITIAL PLANTING. THE PERFORMANCE BOND MUST BE IN THE FORM OF A SAVINGS PASSBOOK.**
- 2. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT IS TO BE COMPLETED WITHIN ONE YEAR.**

3. **THE SILTATION FENCING IS TO BE INSTALLED, SECURELY ANCHORED, AND CHECKED BY THE CONSERVATION STAFF IN THE FIELD BEFORE COMMENCEMENT OF ANY PERMIT-RELATED WORK.**
4. **OTHER THAN THE ADDITION OF AN IMPERVOIUS CHECK DAM IN THE TRENCH, ANY CHANGE TO THE OVERALL PLANS, AS DEPICTED BY MAP ENTITLED "SILVERMAN GOLF CLUB - PROPOSED SANITARY SEWER EXTENSION", DATED 10/30/01 AND LAST REVISED 3/4/02, AS PREPARED BY DEAN MARTIN, GRUMMAN ENGINEERING LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION.**
5. **THE PROPOSED PLANTING PLAN, AS DETAILED IN THE LETTER BY MATTHEW POPP, ENVIRONMENTAL LAND SOLUTIONS, LLC, DATED MAY 13, 2002, SHALL BE IMPLEMENTED WITHIN ONE YEAR OF THE PROJECT COMMENCEMENT DATE.**

**** MRS. DESTEFANIS SECONDED.**

Mr. Kydes said that he thought the bond should be changed from \$1000 to \$5000 to ensure the work is done properly. Mr. Caputo asked Ms. Smith if she would like this to be added to the motion, as amended. Ms. Smith agreed to this.

Mr. Handrinis arrived at 6.20pm. Mr. Caputo asked Mr. Handrinis if he wished to partake in discussion and vote. Mr. Handrinis replied that he would abstain from both the discussion and the vote.

**** THE MOTION PASSED WITH FIVE VOTES IN FAVOR, ONE ABSTENTION (MR. HANDRINOS).**

- b. **Guerra - 24 East Rocks Road - #SO2-102 - Clearing of vegetation in and adjacent to wetlands and adjacent to a pond.**

Ms. Cherichetti stated that the applicant has submitted a revised site plan and addressed issues that arose during the last meeting. He has increased the number of shrubs from 25 to 37, also 25 emergent herbaceous plants were added along the pond edge. Ms. Cherichetti showed a map to all Commissioners and pointed out proposed areas of change such as a mowed path down to the pond, a 20ft wide strip of lawn along East Rocks Road and a gravel driveway.

**** MS. DESTEFANIS MADE A MOTION TO APPROVE THE APPLICATION TO INCLUDE:**

1. **A \$2000 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PPERMIT RELATED ACTIVITY. ALL SPECIAL AND GENERAL CONDITIONS OF THE PERMIT MUST**

BE SATISFIED PRIOR TO RELEASE OF THE BOND. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL GROWING SEASON AFTER THE SEASON OF INITIAL PLANTING.

THE PERFORMANCE BOND MUST BE IN THE FORM OF A SAVINGS BOOK.

- 2. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT IS TO BE COMPLETED WITHIN ONE YEAR.**
- 3. AN ACCESS PATH TO THE POND MAY BE MAINTAINED IN THE EASTERN EDGE. THIS LAWN AREA MAY EXTEND NO MORE THAN 40 FEET SOUTH OF THE RETAINING WALL.**
- 4. LAWN MAY BE ESTABLISHED 30 FEET FROM THE POND'S EASTERN EDGE. THIS LAWN AREA MAY EXTEND NO MORE THAN 40 FEET SOUTH OF THE RETAINING WALL.**
- 5. THE APPLICANT SHALL CAUSE TO BE PREPARED AN AMENDED WARRANTY DEED WITH A DEED RESTRICTION AND AS "AS-BUILT" SURVEY OF THE PROPERTY. THE "AS-BUILT" SURVEY SHALL INCLUDE ALL WETLANDS AND WATERCOURSES, THE DESIGNATED BUFFER, THE STONE RETAINING WALL, THE DRIVEWAY, WITH ITS PERMITTED SURFACES AND A NOTE REFERRING THE READER TO THE OFFICE OF THE CONSERVATION COMMISSION FOR FURTHER INFORMATION ASSOCIATED WITH PERMIT #SO2-102. THE "AS-BUILT" PLANS SHALL BE SUBMITTED FOR APPROVAL OF THE CONSERVATION COMMISSION STAFF AND THEN BE FILED ON THE NORWALK LAND RECORDS BY THE APPLICANT. THE DEED RESTRICTION SHALL STATE THAT THE WETLAND, POND AND DESIGNATED BUFFER SHALL REMAIN IN THEIR NATURAL STATE IN PERPETUITY. THE DEED RESTRICTION SHALL ALSO STATE THAT THE FIRST 170 FEET OF THE DRIVEWAY MUST REMAIN PERVIOUS. THE DEED MUST REFER TO THE MAP NUMBER ASSIGNED BY THE TOWN CLERK TO THE ABOVE DESCRIBED FILED SURVEY.**
- 6. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED BY MAP ENTITLED "MASTER PLAN - GUERRA RESIDENCE, 24 EAST ROCKS ROAD", DATED 4/22/02 AND REVISED 5/16/02, AS PREPARED BY KATE THROCKMORTON, ENVIRONMENTAL LAND SOLUTIONS, LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION.**
- 7. PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL PROVIDE PHOTO DOCUMENTATION OF THE SITE AND CROSS-REFERENCE THE PHOTOGRAPHS ON A SITE PLAN. PHOTOGRAPHS SHOULD REPRESENT WIDE ANGLE VIEWS.**

**** MR. LOSIO SECONDED.**

**** THE MOTION PASSED FIVE VOTES IN FAVOR AND ONE ABSTENTION (MR. HANDRINOS).**

c. Canevari - 6 Allen Road - #SO2-103 - Construction of a new single family house adjacent to wetlands.

Ms. Cherichetti explained that during the last meeting the applicant was asked to provide plans showing alternative houses, the applicant did not provide this. Also during the last meeting he did not provide a landscaping plan, he still does not have one.

Mr. Caputo asked if this application had a time issue. Ms. Cherichetti said the Commission had until July 9, 2002 to make a decision.

Ms. Smith stated that the application was not complete and should not be considered until it is completed.

Mr. Handrinos stated that if the application is incomplete then it should not be up for discussion and asked for the opinion of Mr. Greene. Mr. Greene then stated that although this application was evolving it was not complete in his opinion.

Mr. Fred Canevari stated that he had brought in a map to the office of Ms. Cherichetti showing her the line where the wall would be, as discussed during the last meeting. He continued to say that there were no alternative plans due to the dimensions and the relation of the house to the wetlands.

Ms. Cherichetti stated that Mr. Canevari did come into her office during the morning and showed her the map and a line where the wall will be; she said that it did not show how the wall was constructed, how high the wall was or the foundations. She also stated that she needed a plan review that was requested during the last meeting.

Mr. Losio suggested that the Commission not vote and table this until the next meeting giving the applicant time to provide the information requested.

Mr. Caputo stated that there would be no vote on this item.

RELEASE OF BOND

a. Hewitt - 45 Glover Ave (Lot#10) - #595.P96 - Construction of office building, parking lot, and detention basin in and adjacent to wetlands and watercourses.

Ms. Cherichetti stated that this site is stabilized and everything is in place. The applicant is asking for a partial release of the bond held.

Mr. Caputo asked how much the bond was for. Ms. Cherichetti replied \$100,000; she said that as not all plants have taken root yet, not all of the money should be released, she suggested to the Commission that \$60,000 be released and \$40,000 still be held as bond.

- ** **MR. KYDES MOVED TO RELEASE \$60,000 OF THE BOND TO THE APPLICANT.**
- ** **MR. HANDRINOS SECONDED.**
- ** **THE MOTION PASSED UNANIMOUSLY.**

b. Gold Coast Homes - Kennsett Ridge Road - #634a0618.S97 - Construction of the road.

Ms. Cherichetti stated that a \$1000 is held for the construction of the road.

- ** **MR. KYDES MOVED TO RELEASE THE BOND OF \$1000.**
- ** **MR. LOSIO SECONDED.**
- ** **THE MOTION PASSED UNANIMOUSLY.**

MODIFICATION OF PERMIT

a. Sweeney - 29 Burchard Road - #736a.S00 - relocate footprint of new house construction

Karen Destefanis left the meeting at 6.50pm

Ms. Cherichetti referred to a map included in the information packet. She stated that the plan was revised on April 30, 2002; she showed the planting plan on the left side of the map. The applicant has received the conservation permit to construct a house (she points to the location on the map) and is proposing to move the house slightly north further from the wetlands.

Ms. Smith asked about the drainage ditch. Ms. Cherichetti explained that there is an existing drainage ditch on the site that goes from a catch basin on Burchard Lane to a drainage ditch in the middle of the wetlands. He has been required to redesign the pipe.

- ** **MR. KYDES MADE A MOTION TO ACCEPT THE MODIFICATIONS PROVIDED THE HOUSE IS FURTHER AWAY FROM THE WETLANDS.**
- ** **MS. SMITH SECONDED.**
- ** **THE MOTION PASSED UNANIMOUSLY.**

ACCEPTANCE OF MINUTES

Mr. Caputo said that they were not able to review the minutes from the previous meeting on May 14, 2002 and this would be done at the next meeting.

COMMENTS OF STAFF

Current Violations - see attachment

a. Current Violations

No new violations

b. Silvermine Way - SDV #3506 - curtain drain installation.

Mr. Caputo abstained from discussion and vote. He left the room at 6.57pm.

Ms. Cherichetti wished to alert the Commissioners an application that was approved last year. There is an approved catch basin (she shows this on a map) and the owners are going to install a curtain drain in replacement of catch basin. The curtain drain would be approximately 50ft from the wetlands. Ms. Cherichetti stated that she was concerned that they did not get a permit to do this work and asked the Commissioners if they wished this to have a full review on this.

There was some discussion by the Commissioners on where the water from the drain would go in relation to the wetlands. Ms. Cherichetti did not have additional details on the wetlands but pointed out the relevant areas on the map.

Mr. Losio stated that this did not need a full review.

Mr. Caputo came back into the room at 7.03pm.

COMMENTS OF COMMISSIONERS

a. Commissioner appointment to Housing Partnership

Ms. Cherichetti stated that Housing Partnership Board needed a Commissioner from the Conservation Commission to attend their meetings four times a year. Mr. Kydes said he would be interested in this appointment.

**** MS. SMITH MADE A MOTION TO APPOINT MR. KYDES**

**** MR. LOSIO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Smith said that during the last meeting two memos had been included in their information packets regarding two new decisions that were made regarding building issues in other towns. She wanted to know if the kinds of amendments that had arisen in other towns were in place in Norwalk, would that make their decisions on the Conservation Commission different.

Mr. Greene stated that they would include in the information packets of the Commissioners, decisions that had been made in other towns to give them the chance to decide accordingly.

Mr. Losio said he thought this was a good idea and would be very useful.

Mr. Losio then addressed the bike race that goes through Cranberry Park; he was concerned about the wetlands in the park and if any action could be taken to protect them.

Ms. Cherichetti stated that no permits are required; the state statute allows for passive recreation.

Ms. Smith wondered if a discussion with Parks and Recreation would help, or even for Ms. Cherichetti to send a letter.

Mr. Greene suggested that the Conservation Commission invite a member of Parks and Recreation to their next meeting for discussion.

UPCOMING MEETINGS

June 11th , 2002

June 25th, 2002

ADJOURNMENT

**** MR. HANDRINOS MADE A MOTION TO ADJOURN.**

**** MR. KYDES SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 7.20pm

Respectfully submitted,
Kate Kye
Telesco Secretarial Services