

NORWALK CONSERVATION COMMISSION MINUTES

Conservation Commission
June 12, 2007

ATTENDANCE: Anne Cagnina, Chair; Karen Destefanis, Vice Chair; Beth Ackerman; Ed Holowinko; Emily Wilson; Matt Caputo (6:16 pm)

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHER: Marlene Cohen, Gene Giorgio, Don Strait of Grumman Engineering, Michael Gulick, Cindy Schershing of Strawberry Woods Condominium

CALL TO ORDER

The meeting was called to order at 6:10 PM.

ROLL CALL

Ms. Cherichetti called the roll.

RECEIPT/ DISCUSSION

a) #S07-274 – 285 Rowayton Avenue – Cohen – Corrective Action construction of a retaining wall and deposition of fill in the Five Mile River

Ms. Cherichetti presented a brief overview of the violation and the application. Ms. Cohen gave an explanation of some of the submitted photographs of her property.

Ms. Cherichetti advised the Commission that they should determine tonight if the proposal warrants a Significant Permit application.

There was a discussion of the location of the current retaining wall and the ‘bump’ in the wall towards the river. Ms. Ackerman noted that the activities could be mitigated by the addition of plantings adjacent to the wall.

At the request of Mr. Caputo, Ms. Cherichetti reviewed the Regulations and the definition of a Significant Regulated Activity.

Ms. Destefanis noted that the wall was just being replaced and that she felt that this was not an activity with substantial impact to the watercourse. Ms. Cagnina agreed. Mr. Caputo asked staff to quantify the amount of work already completed. Ms. Cherichetti estimated approximately 80% and noted that the application is a Corrective Action application and needs to also include the work already done.

Ms. Cagnina stated that the lack of comments indicated that a consensus did not think that the application should be a Significant Permit application. She asked Ms. Cherichetti to prepare a draft resolution for approval with conditions for the Commission to consider at the next meeting.

Mr. Caputo inquired about the request for fee waiver by the applicant and asked Ms. Cherichetti to read aloud the portion of the Regulations addressing such a request.

Ms. Ackerman suggested that the applicant be rewarded the waiver. Mr. Caputo disagreed and noted that Ms. Ackerman's reason does not meet the Regulations.

**** MR. CAPUTO MOVED TO DENY THE REQUEST FOR WAIVER OF A PORTION OF THE FILING FEE BECAUSE THE REQUEST DID NOT MEET EITHER OF THE TWO REASONS LISTED IN THE REGULATIONS.**

**** MS. DESTEFANIS SECONDED THE MOTION.**

**** THE MOTION PASSED WITH FOUR IN FAVOR, WITH ONE OPPOSED (MS. ACKERMAN), AND ONE ABSTAINING (MR. HOLOWINKO).**

b) #S07-275 – 129 East Rocks Avenue – Gulick Associates, Inc. – Two (2) lot subdivision of land in and adjacent to a watercourse and wetland

Ms. Destefanis left the meeting at 6:45 pm.

Ms. Cherichetti reviewed the application. There was a brief discussion regarding the location of the property and the land involved in a similar subdivision application before the Commission in 2006.

Mr. Strait reviewed the submitted site plans. He noted that the proposed lots would be about a half acre each and that the existing house would remain and construction would begin to the proposed southern lot. Mr. Strait continued to note the ways that this current application differs from the previous application by a different applicant. Mr. Gulick confirmed.

There was general discussion regarding the preliminary site plan. Ms. Ackerman noted the positive aspects of the plan. Ms. Cagnina countered that all mitigation efforts are still limited by the steep slopes on the property.

Ms. Cherichetti suggested that the Commission determine whether the application warrants a Significant Permit application.

Ms. Cagnina stated that she felt it did because of the steep slope and that it was adjacent to Woods Pond Brook. Ms. Ackerman disagreed. Mr. Holowinko noted that he thought it probably should have a public hearing.

** MR. CAPUTO MOVED TO HOLD A PUBLIC MEETING ON THE MATTER DURING THE REGULARLY SCHEDULED MEETING ON JUNE 26, 2006, AT 7:00 PM.

** MS. CAGNINA SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

c) #S07-271 – 20 Betmarlea Drive – McGettigan – Construction of addition adjacent to wetland

This item was again tabled at the request of the applicant. Ms. Cherichetti noted that the applicant had provided a letter granting an extension of time, up to the maximum of 65 days, for the Commission to render a decision or commence a public hearing.

SHOW-CAUSE HEARING

a) #V07-785 - 81 Wolfpit Avenue - Strawberry Woods Condominium – Deposition of fill and debris in and adjacent to a wetland and watercourse

Ms. Cherichetti explained that she had become aware of the violation following the complaint of an abutting neighbor about stormwater drainage problems. She found that the Condominium Association had been depositing landscaping debris in the wetland for a significant length of time. She explained that the southern pile of debris was larger, however the debris within the northwestern corner of the wetland had apparently clogged the outlet drain of the wetland. Ms. Cherichetti presented the 1988 permit file from when the Condominium was constructed and explained the drainage plan.

Ms. Schershing, Association President, briefly explained that the deposition had occur for years and recognized that her association was in violation, but disagreed that a permit application would need to be filed. She also noted that the City had also done work in the wetland adjacent to Wolfpit Avenue.

** MR. CAPUTO MOVED TO CLOSE THE SHOW-CAUSE HEARING.

** MS. ACKERMAN SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

** MS. ACKERMAN MOVED TO UPHOLD THE ORDER WITH THE FOLLOWING REVISIONS:

1. THAT THE DEADLINE STATED IN DIRECTIVE #2 BE REVISED TO BE “ON

OR BEFORE JUNE 21, 2007"; AND
2. THAT DIRECTIVE #3 REQUIRE AN INTERMEDIATE PERMIT APPLICATION.

** MR. CAPUTO SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

MINUTES

** MS. ACKERMAN MOVED TO APPROVE THE MINUTES OF THE MARCH 8, 2007, MARCH 13, 2007, MARCH 27, 2007 AND MAY 22, 2007 MINUTES WITH THE CORRECTIONS NOTED BY VARIOUS COMMISSIONERS.

** MR. CAPUTO SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY, WITH ONE ABSTENTION (MS. WILSON).

No action was taken on the April 24, 2007 and May 8, 2007 minutes.

COMMENTS OF STAFF

a) Minor Permits and Enforcement Actions

Ms. Cherichetti described the two Minor permits she had issued.

Ms. Cherichetti described new complaints of violations at 29 Beechwood and 110 Dry Hill Road that are in the process of being investigated.

Ms. Cherichetti reviewed recent action on other outstanding violations. She noted that Corrective Action applications had been received in connection to enforcement actions taken at 159 Winfield Street and 213 West Rocks Road. She also noted that the Commissions action of upholding the Order for the property at 379 Chestnut Hill Road is being appealed by the property owner.

b) Report of Senior Environmental Officer

COMMENTS OF COMMISSIONERS

Ms. Cagnina asked Ms. Cherichetti to clarify the number of Commissioners needed to vote affirmatively for a motion to pass. Ms. Cherichetti gave a quick synopsis and noted that she is revised the handouts on this topic.

Ms. Cagnina asked if all the members were able to read and consider the draft letter to the DEP in support of the Norwalk Land Trust's grant application for 34 Sammis Street. Ms. Cherichetti confirmed that she had spoken to counsel on the matter, as requested.

**** MR. CAPUTO MOVED TO SEND THE DRAFT LETTER TO THE DEP REGARDING SUPPORT OF THE NORWALK LAND TRUST'S GRANT APPLICATION FOR THE HART PROPERTY AT 34 SAMMIS STREET.**

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

**** THE MOTION PASSED UNANIMOUSLY, WITH ONE ABSTENTION (MS. WILSON).**

Ms. Cagnina presented a letter she had written to the Personnel Director regarding the prompt filing of the new Compliance Officer position.

**** MR. CAPUTO MOVED TO SEND THE LETTER PRESENTED BY MS. CAGNINA TO THE DIRECTOR OF PERSONNEL REGARDING THE FILLING OF THE VACANT POSITION.**

**** MS. ACKERMAN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY, WITH ONE ABSTENTION (MS. WILSON).**

ADJOURNMENT

**** MR. CAPUTO MOVED TO ADJOURN THE MEETING.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:18 PM.