

NORWALK CONSERVATION COMMISSION MINUTES

JUNE 27, 2006

ATTENDANCE: Ann Cagnina; Beth Ackerman; Andrew Kydes; Marny Smith; Matt Caputo (6:25); Chris Handrinos; Ed Holowinko.

STAFF: Erin Leonard, Acting Senior Environmental Officer

OTHERS: Don Strait, Grumman Engineering; Alexandra Moch; Joanne Parsons, Parsons Associates; Mr. Zabavsky

CALL TO ORDER

The meeting was called to order at 6:02 p.m.

ROLL CALL

Ms. Leonard called the roll.

RECEIPT/DISCUSSION

#S06-255 – 181 West Norwalk Road - Patchen - Construction of a new single-family residence adjacent to wetland and watercourse.

Ms. Leonard described the application, which is for an existing building lot that is currently undeveloped, and a portion of which was excavated for a foundation in the 1970s. Because of this, the excavated area and a channel running towards the front of the property have been classified as wetland soils. The property is located on West Norwalk Road across from Fallow Street. The wetland area has been flagged by soil scientist Otto Theall and the soils classified as aquents.

Ms. Leonard stated that the applicant has submitted two alternative plans for the property. Plan #1 proposes relocation of the wetland/watercourse from the center of the property over to the southern property line. The house would be centrally located with the driveway along the southern property line and septic system at the front of the property. A retaining wall will border the driveway that touches the wetland line at its closest point. There will be a 15x41 deck at the rear of the house extending into a portion of the wetland area. A new wetland area is proposed uphill of the existing wetland line. Ms. Leonard stated that Plan #2 is almost the same as Plan #1, only instead of a deck this plan proposes a lawn area defined by a 2 to 3 foot retaining wall along the wetland buffer line. She said in both plans the wetland buffer ranges from zero to twelve feet. She

suggested that the Commission may wish to request a drainage plan as well as an environmental report, and noted that an enhancement plan has been submitted. The applicant has also submitted an application for a Significant Related Activity permit. Staff recommends that a public hearing be held on or before August 22, 2006.

Mr. Don Strait, Grumman Engineering, gave a brief presentation on the proposed activity. He asked the Commission to grant him an additional month. The public hearing will be scheduled for August 22nd; and he asked to be extended until July 25 before the Commission makes a decision. Discussion followed.

** MS. SMITH MOTIONED TO HOLD A PUBLIC HEARING ON APPLICATION #S06-255 181 WEST NORWALK ROAD ON AUGUST 22, 2006.
** MR. HOLOWINKO SECONDED.

Mr. Handrinis questioned what would take place if there was no quorum in attendance at this meeting. Ms. Leonard said they could hold a Special Meeting before August 31st or they can request another extension at that time.

** MOTION PASSED UNANIMOUSLY.

#S06-256 – 8 Brookhill Lane – Slipyy & Zdryko – Excavation and filling for landscape work adjacent to a wetland and watercourse.

Ms. Alexandra Markov (sp), soil scientist, stated that there had been 25 cubic yards of fill material added to the area and a ledge was removed. Topsoil had also been added. The applicant was asking to maintain the topsoil because otherwise erosion will expose more of the rock ledge and pose a danger to children playing in the yard. She stated that the berm was located behind trees and overlapped the root system. They would like to lower the berm approximately two feet.

Ms. Leonard questioned what can the berm be stabilized with other than salt hay. Ms. Markov said they can add meadow mix if the Commission desires.

Ms. Smith said she would like to see the berm pulled back from the edge of the stream, and suggested that it could be tapered off but should be at least ten feet from the stream edge. Ms. Smith suggested vegetation be planted in the area as well.

Ms. Markov said that sixteen shrubs native to Connecticut have been planted, as well as several trees. The proposed stone wall would be at least ten feet from the wetland and the area stabilized with salt hay.

Ms. Cagnina questioned how long the grass area has been up to the stream edge. Ms. Markov said it has been that way since the applicant purchased the property.

DISCUSSION/DECISION I

#S05-250 – 12 Willard Road – VCJ Development LLC - Construction of a two new multi-unit residential structures in and adjacent to wetland

**** MR. CAPUTO MOTIONED THAT APPLICATION #S06-250 TO CONSTRUCT TWO NEW MULTI-UNIT (14) RESIDENTIAL STRUCTURES IN AND ADJACENT TO A WETLAND BE GRANTED TO VCJ DEVELOPMENT LLC FOR PROPERTY AT 12 WILLARD ROAD, NORWALK, CT, WITH THE FOLLOWING CONDITIONS:**

1. A \$18,772.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$9,630.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL YEAR, INCLUDING ONE (1) FULL GROWING SEASON, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

2. 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.

3. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED ALONG THE OUTER EDGE OF THE PROPOSED DISTURBANCE AREA, AS DEPICTED ON THE PLAN ENTITLED, "SITE ENGINEERING PLAN", DATED 4-28-06, BY GRUMMAN ENGINEERING LLC. THE SEDIMENTATION AND EROSION CONTROL MUST BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.

4. THE APPLICANT SHALL CAUSE TO BE PREPARED A DECLARATION OF COVENANTS TO BE FILED ON THE NORWALK LAND RECORDS. THE DEED OF EACH UNIT SHALL REFERENCE THIS DECLARATION. THE DECLARATION SHALL STATE THAT THE OWNER OF THE COMMON ELEMENTS, OR THE ASSOCIATION, SHALL:

a) PERFORM PROMPT SERVICE AND MAINTENANCE AT LEAST ONCE ANNUALLY OR MORE FREQUENTLY IF NEEDED, TO THE CATCH BASINS ON THE PROPERTY;

b) FOLLOW A LANDSCAPE MAINTENANCE PLAN THAT DOES NOT PERMIT ANY BROADCAST APPLICATION OF A HERBICIDE OR PESTICIDE WITHOUT

PRIOR AUTHORIZATION FROM THE SENIOR ENVIRONMENTAL OFFICER, REQUIRES A SOIL TEST BE PERFORMED NO MORE THAN 90 DAYS PRIOR TO THE APPLICATION OF ANY FERTILIZER, WHICH IS TO BE APPLIED AT THE RATE RECOMMENDED BY THE SOIL TEST, PROHIBITS THE DUMPING OF ANY LAWN OR YARD WASTE, INCLUDING GRASS CLIPPINGS, WITHIN THE DESIGNATED WETLAND BUFFER, AND LIMITS THE GROWTH OF NON-NATIVE INVASIVE PLANTS BY ANNUALLY FOLLOWING REMOVAL AND ERADICATION PROTOCOLS DEVELOPED BY THE CONNECTICUT DEP;

5. THE APPLICANT WILL CAUSE TO BE PREPARED AN "AS-BUILT" SURVEY OF THE PROPERTY THAT SHALL INCLUDE ALL WETLANDS, THE WETLAND BUFFER, LIMIT OF LAWN, AND A NOTE REFERRING THE READER TO THE OFFICE OF THE CONSERVATION COMMISSION FOR FURTHER INFORMATION ASSOCIATED WITH PERMIT #S06-250. THE SURVEY 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 OF EACH UNIT MUST EITHER REFER TO THE MAP NUMBER ASSIGNED BY THE TOWN CLERK TO THE ABOVE-DESCRIBED FILED SURVEY. IN THE EVENT THAT A UNIT IS SOLD PRIOR TO THE "AS-BUILT" SURVEY BEING AVAILABLE, A REDUCED COPY OF THE APPROVED SITE PLAN, ENTITLED "VCJ DEVELOPMENT LLC PROPOSED TOWNHOUSES", DATED REVISED 4-28-06, SHALL BE ATTACHED TO THE DEED. NO PORTION OF THE PERFORMANCE BOND SHALL BE RELEASED UNTIL THIS CONDITION IS SATISFIED.

6. THAT THE LANDSCAPE PLAN ENTITLED, "VCJ DEVELOPMENT LLC LANDSCAPE PLAN" BY ENVIRONMENTAL LAND SOLUTIONS LLC, DATED 12/02/05 BE REVISED TO INCLUDE THAT ALL WETLAND AND WETLAND BUFFER SHRUBS BE A MINIMUM OF THIRTY-SIX INCHES (36") IN HEIGHT AT THE TIME OF PLANTING.

7. THE WETLAND AND WETLAND BUFFER PLANTING SHALL BE IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT, FOR ANY OF THE UNITS.

8. ALL PROPOSED WETLAND MITIGATION WORK, INCLUDING THE REMOVAL OF FILL, TRASH AND DEBRIS, AND THE REMOVAL OF OTHER INVASIVE PLANTS WITHIN THE WETLAND AREA, AS DEPICTED IN PLANS ENTITLED "VCJ DEVELOPMENT LLC LANDSCAPE PLAN" BY ENVIRONMENTAL LAND SOLUTIONS LLC, DATED 12/02/05, SHALL BE COMPLETED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT, FOR ANY OF THE UNITS.

9. THE CONTRACTOR SHALL MAINTAIN AN EXTRA SUPPLY OF SILT FENCE (50 FEET MINIMUM) ON SITE AT ALL TIMES FOR ANY EMERGENCY REPAIRS.

10. ANY PORTION OF CHAIN LINK FENCE ON THE PROPERTY WITHIN THE WETLAND ALONG THE WESTERN PROPERTY LINE SHALL BE REMOVED.

11. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, INCLUDING THE PLAN ENTITLED "SITE ENGINEERING PLAN", DATED 4-28-06, BY GRUMMAN ENGINEERING LLC AND ADDITIONAL LANDSCAPE PLAN ENTITLED, "VCJ DEVELOPMENT LLC LANDSCAPE PLAN", BY ENVIRONMENTAL LAND SOLUTIONS LLC, DATED 12/02/05 WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MR. KYDES SECONDED.

** MOTION PASSED WITH ONE ABSTENTION (MR. HANDRINOS) AND TWO OPPOSED (MS. ACKERMAN, MR. HOLOWINKO).

#S06-252 – 18 Huckleberry Drive South – Tarala - Construction of a new single-family residence and drainage pipe extension adjacent to a wetland and watercourse.

Ms. Leonard stated that she has received a sixty-five day extension from the property owner who is working with his engineer to revise the plans.

No action was taken on this item.

#S06-253 – 10 Rowayton Court – Zabavsky – Construction of an in-ground pool and deck adjacent to a wetland and watercourse.

Ms. Leonard stated that at the last meeting the Commission suggested the applicant seriously consider alternatives to his original proposal. The applicant has submitted an alternative plan that pulls the pool and retaining wall closer to the house and the new designated wetland buffer line is now ranging from 15 feet to 20 feet off the wetland line. There are questions about the actual area of disturbance as the proposed silt fence is located beyond the wetland buffer. There are also questions about the limit of lawn area and grading down slope of the wall. A proposed stockpile location is needed. Ms. Leonard asked if the alternative plan required a Significant Regulated Activity Permit application. She stated the Commission must decide or schedule a public hearing on or before July 25, 2006.

Ms. Joanne Parsons of Parsons Associates gave a brief presentation on the alternative plan. Ms. Smith questioned the plan to handle the area downwater of the buffer below the stone wall and she was concerned about the location of the stockpile. Mr. Zabavsky, the applicant, explained that fill from the area of the pool is to be spread out up the slope to

level the area out. Ms. Leonard asked if the silt fence line was the proposed limit of activity. Ms. Parsons said it was.

Ms. Parsons explained that the pool area measures 16x32 feet with a depth of 4 to 6 feet. She said there will be no grading proposed beyond the stone wall.

Ms. Cagnina said this seems to be well under the 150 cubic yards of material stated earlier.

After a general discussion it was agreed that no significant regulated activity permit was needed for the alternative plan.

No action was taken on this item.

#S06-254 – 127 Perry Avenue – Trimboli – Construction of a new single-family residence with associated septic system and on-site drainage adjacent to a wetland.

Ms. Leonard stated that at the last meeting the Commission expressed an interest in having a ten foot natural buffer from the stone wall in areas adjacent to the wetland. She outlined these areas on a map for the Commission. Ms. Leonard said that, since the applicant has not requested an extension, the Commission must either hold a public hearing or make a decision this evening. A brief discussion followed.

**** MS. SMITH MOTIONED TO APPROVE THE APPLICATION WITH THE FOLLOWING CONDITIONS:**

**RESOLVED,
THAT CONSERVATION APPLICATION #S06-254 TO CONSTRUCT A SINGLE FAMILY RESIDENCE WITH ASSOCIATED SEPTIC SYSTEM AND ON-SITE DRAINAGE ADJACENT TO A WETLAND BE GRANTED TO 129 PERRY AVENUE LLC FOR PROPERTY AT 127 PERRY AVENUE, NORWALK, CT [DISTRICT 5, BLOCK 43, TAX LOT 184] WITH THE FOLLOWING CONDITIONS:**

- 1. A \$2,295.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$1,875.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL YEAR, INCLUDING ONE (1) FULL GROWING SEASON, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.**
- 2. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED ALONG THE OUTER EDGE OF THE PROPOSED DISTURBANCE AREA, AS DEPICTED ON**

THE PLAN ENTITLED, "SITE DEVELOPMENT PLAN", DATED MAY 5, 2006, BY LAND-TECH CONSULTANTS, INC. THE SEDIMENTATION AND EROSION CONTROL MUST BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE RECOMMENCEMENT OF ANY WORK.

A DESIGNATED WETLAND BUFFER SHALL BE ESTABLISHED ADJACENT TO THE WETLAND IN THE NORTHERN REAR OF THE PROPERTY. THE DESIGNATED BUFFER SHALL EXTEND 10 FT. EAST OF THE EXISTING STONE WALL TO THE WETLAND LIMIT LINE. THE DESIGNATED WETLAND BUFFER SHALL BE ENHANCED WITH THE 25 NATIVE SHRUBS AS DESCRIBED ON THE SITE PLAN, ENTITLED 'SITE DEVELOPMENT PLAN', DATED MARCH 1, 2006, BY LAND-TECH CONSULTANTS, INC. AND REVISED BY CONSERVATION STAFF ON JUNE 19, 2006. THE SHRUBS MUST BE A MINIMUM OF THIRTY-SIX INCHES (36") IN HEIGHT AT THE TIME OF PLANTING. THE AREA WITHIN THE DESIGNATED WETLAND BUFFER SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATIVE STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN.

3. THE ABOVE DESCRIBED WETLAND MITIGATION PLANTING PLAN SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

4. THE APPLICANT SHALL CAUSE TO BE PREPARED AN "AS-BUILT" FOUNDATION SURVEY OF THE PROPERTY. THE 'AS-BUILT' SURVEY SHALL ALSO INCLUDE ALL WETLANDS AND WATERCOURSES, THE 'DESIGNATED WETLAND BUFFER AREA', THE LIMIT LINE OF THE DESIGNATED WETLAND BUFFER AREA NOTED AS THE 'LIMIT OF LAWN', AND A NOTE REFERRING THE READER TO THE CONSERVATION OFFICE FOR FURTHER INFORMATION ASSOCIATED WITH CONSERVATION PERMIT #S06-254. THE 'AS-BUILT' PLAN SHALL BE FILED ON THE NORWALK LAND RECORDS BY THE APPLICANT, WITH TWO COPIES OF THE FILED MAP SUBMITTED TO THE CONSERVATION OFFICE.

WHEN THE PROPERTY IS TRANSFERRED FROM THE DEVELOPER TO THE NEW OWNER, EITHER A REDUCED COPY OF THIS MAP SHALL BE ATTACHED TO THE WARRANTY DEED OR THE WARRANTY DEED SHALL REFER TO THE MAP NUMBER ASSIGNED BY THE TOWN CLERK TO THE ABOVE-DESCRIBED FILED SURVEY MAP.

IN THE EVENT THAT THE PROPERTY IS SOLD PRIOR TO THE 'AS-BUILT' SURVEY BEING AVAILABLE, A REDUCED COPY OF THE APPROVED SITE PLAN, ENTITLED "SITE DEVELOPMENT PLAN", DATED MARCH 1, 2006 BY LAND-TECH CONSULTANTS, INC., REVISED BY CONSERVATION STAFF JUNE 19, 2006, SHALL BE ATTACHED, AS A REDUCED COPY, TO THE WARRANTY DEED.

NO PORTION OF THE PERFORMANCE BOND SHALL BE RELEASED UNTIL THIS CONDITION IS SATISFIED.

5. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, INCLUDING THE PLAN ENTITLED "SITE DEVELOPMENT PLAN", DATED MARCH 1, 2006, BY LAND-TECH CONSULTANTS, INC., REVISED BY CONSERVATION STAFF JUNE 19, 2006, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MR. KYDES SECONDED.

** MOTION PASSED UNANIMOUSLY.

RELEASE OF BOND

#S04-187 – 10 Peaceful Lane - Kovach – Corrective action restoration of a wetland and watercourse.

Mr. Caputo abstained from the discussion.

Ms. Leonard reported that the applicant did install plantings but releasing the bond at this time is a bit premature because the plantings have all died. A brief discussion followed.

** MS. SMITH MOTIONED TO DENY RELEASE OF BOND BECAUSE PLANTINGS HAVE NOT BEEN IN PLACE LONG ENOUGH AND HAVE DIED, AND THE PLANTINGS NEED TO BE REPLANTED.

** MR. HANDRINOS SECONDED.

** MOTION PASSED WITH ONE ABSTENTION (MR. CAPUTO).

MINUTES

a) May 9, 2006

By general agreement, the minutes of the May 9, 2006 meeting were tabled until the next meeting.

No action was taken on this item.

b) May 16, 2006 (regulatory meeting)

The minutes of the May 16, 2006 Regulatory Meeting were tabled by general agreement until the next meeting.

No action was taken on this item.

c) June 13, 2006

These minutes have not yet been received.

No action was taken on this item.

COMMENTS OF STAFF

a) Declaratory Permits and other Enforcement Actions

Ms. Leonard reported that there have been no minor permits during the last month.

Ms. Leonard said there was one enforcement concerning a violation at 9 Boulder Circle, which was mostly on City property that abuts the 9 Boulder Circle property.

b) Report of Senior Environmental Officer

Ms. Leonard reminded the Commission that there is no first meeting in July and the next scheduled meeting will be held on July 25, 2006. This meeting will include the election of officers.

COMMENTS OF COMMISSIONERS

There were no comments at this time.

ADJOURNMENT

** MR. CAPUTO MOTIONED TO ADJOURN THE MEETING.

** MR. KYDES SECONDED.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 9:21 p.m.

Respectfully submitted,

Linda J. Hayes
Telesco Secretarial Services