

NORWALK CONSERVATION COMMISSION MINUTES

JULY 8, 2003

**ATTENDANCE: MATT CAPUTO, VICE CHAIRMAN; ANDREW KYDES;
MARNY SMITH; JANE CORCILLO;
ANNE CAGNINA;**

LARRY LOSIO

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

**ERIN LEONARD, CONSERVATION
STAFF; MIKE GREENE,
CONSERVATION STAFF**

The Vice Chairman called the meeting to order at 6:07 p.m.

DISCUSSION &/or DECISION

a) **179 Perry Avenue – Bergmann - #S03-154** – Construction of an in-ground swimming

pool and associated equipment adjacent to a wetland and watercourse

Ms. Cherichetti, referring to Erin Leonard's memorandum to the Conservation Commission dated July 1, 2003 said that this is a long-term application. She said that the applicant proposes to construct a new in-ground pool at the side of their existing house. The proposed pool will be adjacent to a wetland and watercourse and will be 11.5 ft. from the wetland line at its closest point.

**** MS. SMITH MADE A MOTION TO GRANT APPLICATION
#S03-154 – TO RICHARD BERGMANN WITH THE FOUR
CONDITIONS OUTLINED IN A MEMORANDUM FROM ERIN
LEONARD, CONSERVATION STAFF TO THE NORWALK
CONSERVATION COMMISSION DATED JULY 1, 2003.**

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

Ms. Smith asked if the applicant would be coming back to the Commission before they crossed the river. Ms. Cherichetti said that the applicant would not. She said the applicant is not removing any materials and the proposed wetland plantings on the opposite side of the river do not need a permit.

**** MOTION PASSED WITH 5 VOTES IN FAVOR, 1 ABSTENSION (MR. LOSIO).**

b) **341 Rowayton Avenue – Martin - #S03-157** – Construction of a new single-family

residence and rear decks adjacent to a wetland and watercourse

Ms. Leonard said that at the last meeting it was determined that the limit of lawn is the limit of disturbance. She said the only grading that will take place is in the driveway. She said a special

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condition added was the planting of a buffer area along the southeastern boarder of the property.

**** MS. CAGNINA MOVED TO APPROVE APPLICATION #S03-157 – MARTIN – 341 ROWAYTON AVENUE, NORWALK, CONNECTICUT WITH CONDITIONS 1 THROUGH 7 AS SPECIFIED IN A MEMORANDUM FROM ERIN LEONARD, CONSERVATION STAFF TO THE NORWALK CONSERVATION COMMISSION DATED JULY 1, 2003.**

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

**** MOTION PASSED 5 VOTES TO 0 WITH 1 ABSTENSION, (MR. LOSIO).**

BOND RELEASE/REDUCTION

a) **19 and 21 Park Street – Somma - #S01-71 & #S01-72** – Construction of 2 two-family

residences and associated driveway, parking area and landscaping

Ms. Cherichetti said these two permits were approved in 2001. She said these are two side-by-side lots with a two-family house adjacent to St. Paul's church. Ms. Cherichetti said the conditions of approval are plantings placed along the limits of lawn and that a storm drain be completed. She said all but one of the plantings is still alive.

**** MS. CORCILLO MADE A MOTION TO APPROVE THE
RELEASE OF BOND FOR 19 AND 21 PARK STREET,
NORWALK, CONNECTICUT #S01-71 & #S01-72 – SOMMA.**

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

**** MOTION PASSED UNANIMOUSLY 6 TO 0.**

b) **Merritt on the River - #733.P00** – Construction of a multi-family residential structure with bridge across the Norwalk River and associated site improvements

Ms. Cherichetti said this permit was approved in 2000. She said these are the last buildings in Merritt River Park. Ms. Cherichetti said the original permit required a \$50,000 performance bond. She said the applicant is asking for a reduction in plantings that have not been there for 1 full year. She said two conditions have not been met: 1) implementing the tree seedling program, and 2) catch basins requiring the applicant to insert pillows and to hire a firm to report the efficiency of the pillows. Ms. Cherichetti said that Staff recommends that \$20,000 be released and \$30,000 be released in the future. Ms. Cagnina asked if it was standard practice to release part of the bond. Ms. Cherichetti said that it is on larger projects. Mr. Caputo commented that he was puzzled as to why most of it had not been done yet. Ms. Cherichetti said the applicant submitted a letter last July from a firm doing an analysis of the pillows. She said they are awaiting a response. Ms. Cherichetti said that the pillows are replaced annually. Mr. Losio asked how long the pillows had been absorbing the water. Ms. Cherichetti responded that they are tested for two years. She said the pillows were replaced in May of this year. She said a report would be submitted to the Commission twice a year. Mr. Caputo asked how Ms. Cherichetti knows that the pillows were

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replaced in May. He asked if she had received a letter from the firm. Ms. Cherichetti responded that she had received a letter. Mr. Caputo asked if this was the same applicant with problems in the past of doing construction without a permit. Ms. Cherichetti said that there was a small bridge that was a problem where the applicant put in pipes without approval. She said it was a local and state violation. Mr. Caputo said that he was willing to go along with the reduction but said that he hoped the applicant has good reasons for this reduction because this applicant has a checkered past. Ms. Cagnina asked if it would be easier for Staff not to release the bond. Ms. Cherichetti said that it would not. Ms. Corcillo said that she feels the applicant needs to have the bond released.

**** MR. LOSIO MADE A MOTION TO RELEASE BOND FOR 19 AND 21 PARK STREET, NORWALK, CONNECTICUT #S01-71 & #S01-72 – SOMMA IN THE AMOUNT OF \$20,000.**

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

**** MOTION PASSED UNANIMOUSLY 6 TO 0.**

c) **6 Country Club Road – Bonaddio - #703.S99** – Construction of a rip-rap back for

erosion control adjacent to a wetland

Ms. Cherichetti said a performance bond of \$1,000 has expired. She said the only item remaining is for additional plantings are at the top of the slope. She said that she and Ms. Leonard did a site inspection and the Staff recommends release of the bond.

**** MR. LOSIO MADE A MOTION TO RELEASE BOND FOR 6 COUNTRY CLUB**

ROAD, NORWALK CONNECTICUT – BONADDIO - #703.S99.

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

**** MOTION PASSED UNANIMOUSLY 6 TO 0.**

Mr. Caputo stated that the Public Hearing would commence at 7:00 p.m.

**** MS. SMITH MADE A MOTION TO AMEND THE AGENDA IN ORDER TO MOVE ON TO OTHER ITEMS, SPECIFICALLY THE MINUTES OF JUNE 24, 2003.**

**** MR. LOSIO SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY 6 TO 0.**

ACCEPTANCE OF MINUTES – JUNE 24, 2003

The following corrections were made to the minutes:

Page 1, Paragraph 3, Strike last two sentences from the bottom of page. "**Ms. Cherichetti said the applicant...**" and "**She suggested that the Commissioners...**"

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Page 1, Paragraph 2, and throughout correct the spelling of "Mr. Hollowinko" to "Mr. Holowinko".

Page 2, Paragraph 1, Second Sentence, "She asked if the applicant would be taking down any trees" add "in the wetland restoration project across the river."

Page 2, Paragraph 1, Second to Last Sentence, "Ms. Smith said that she has concerns about the plantings..." add "across the river..."

Page 2, Paragraph 1, Last Sentence, "...should not disturb anything" add "along the river bank."

Page 2, Paragraph 5, "She said she was concerned with the absorption of the land." should be "She said she was concerned with the absorptive capacity."

Page 3, Paragraph 2, Second Sentence, Strike "He asked if the applicant could petition for a public hearing" and replace with "He asked if the public could petition for a hearing".

Page 3, Paragraph 2, Third Sentence, "...then the Commission..." should be "then the public..."

Page 3, Paragraph 2, Last Sentence, "She said the hearing must be held not later than 14 days..." should be "She said the petition must be received not later than 14 days..."

Page 3, Paragraph 3, Strike "Mr. Kydes agreed".

Page 3, Paragraph 4, add a sentence to the end of the paragraph that reads: "The consensus was that there was no need for a public hearing."

Page 3, Paragraph 5, Second Sentence, "...are disturbing vegetation." should be "...may not disturb vegetation."

Page 3, Paragraph 7, and throughout "Bindfield" should be "Bienfield".

Page 6, Paragraph 4, First Sentence, change "do" to "to".

Page 6, Paragraph 4, Sixth Sentence, "...limited disturbance." should be "limit of disturbance."

Page 6, Paragraph 4, Seventh Sentence, "**She said the limited disturbance...on either side of the oversight**" should be "**She said the limit of disturbance should be limited to 2 feet on either side of the pipe...**".

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Page 7, Paragraph 2, "**Ms. Cagnina said that she believe that it is natural type surface.**" should read "**Ms. Cagnina said that she believes that it was taken from the ground surface.**"

Page 9, Paragraph 4, "**Ms. Cherichetti said the application...**" should be "**Ms. Cherichetti said the applicant...**"

Page 9, Paragraph 4, Last Sentence, "**Order...**" should be "**fee schedule...**"

Page 10, Paragraph 2, "**Mr. Caputo asked Ms. Cherichetti if there are any dangers...**" should be "**Mr. Caputo asked Ms. Cherichetti if there are eminent dangers...**"

Page 10, Paragraph 2, Second to Last Sentence, "**solluted**" should be "**stabilized.**"

**** MS. CAGNINA MADE A MOTION TO ACCEPT THE MINUTES AS CORRECTED.**

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

**** MOTION PASSED UNANIMOUSLY 5 TO 0, WITH 1 ABSTENTION (MR. LOSIO).**

The Vice Chairman adjourned the meeting for a recess at 6:50 p.m.

PUBLIC HEARINGS (TO COMMENCE AT 7:00 P.M.)

The Vice Chairman called the Public Hearing to order at 7:04 p.m. Mr. Caputo thanked everyone for coming and explained Public Hearing procedure to the audience. Mr. Caputo further explained that any photographs must be available for the public to view them, they become part of the record and the public has a right to see the file.

a. **City of Norwalk Inland Wetland and Watercourses Regulation Amendment**

—

revision of fee schedule for Conservation Permits

Ms. Cherichetti said that she mailed packets of the proposed fee schedule to the Commissioners. She said there is a Draft Resolution included and the effective date would be July 15, 2003 if passed tonight. Mr. Caputo asked if the City of Norwalk is the applicant. Ms. Cherichetti said there is no applicant. Mr. Caputo asked if there was anyone in attendance with respect to the fee schedule.

Ms. Diane Lauricella, a resident of 249 Chestnut Hill Road took the podium. Ms. Lauricella said that she is an Environmental Consultant who has lived in Norwalk for 21 years. She said that she is at the meeting tonight to suggest that the Commission agree to an upgrade in many of the fee structures. She said time spent helping applicants should be reflected in higher fees as long as it is fair. She said she would like for the Staff and the Commission to look at other Conservation Fee Schedules, especially in Fairfield and Wilton.

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Mr. Caputo closed the Public Hearing on this issue.

Ms. Smith said that it is an interesting idea. Mr. Caputo said that the City of Norwalk has studied other towns. He said the Commission could always revisit this area and implement changes at a time in the future and suggested that the Commission grant the fee schedule as proposed now. Mr. Losio said that he agreed with Mr. Caputo.

**** MR. LOSIO MADE A MOTION TO ACCEPT THE DRAFT RESOLUTION AS OUTLINED IN A MEMORANDUM DATED JULY 2, 2003 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER TO THE CONSERVATION COMMISSION: THAT AFTER DULY CONSIDERING ALL RELEVANT FACTORS, INCLUDING THAT THE PERMIT APPLICATION FEES SHALL COVER THE REASONABLE COST TO THE CITY OF EVALUATING AND PROCESSING AN APPLICATION, PUBLICATION OF NOTICES, AND MONITORING PERMIT COMPLIANCE; AND THAT THE CITY OF NORWALK CONSERVATION PERMIT APPLICATION FEES HAVE NOT CHANGED NOR BEEN UPDATED SINCE 1989; BE IT RESOLVED: THAT THE PROPOSED AMENDMENT TO THE NORWALK INLAND WETLAND AND WATERCOURSES REGULATIONS, ENTITLED "PROPOSED FEE SCHEDULE", BE**

**APPROVED AND ADOPTED; AND BE IT FURTHER RESOLVED
THAT THIS AMENDMENT SHALL BE EFFECTIVE BEGINNING
TUESDAY, JULY 15, 2003.**

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

**** MOTION PASSED UNANIMOUSLY 6 VOTES TO 0.**

Mr. Caputo again explained procedure for the Public Hearing.

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

Installation of drainage system in and adjacent to a wetland and watercourse

Mr. Linnartz, Acting Director of the DPW, City of Norwalk said he was at the meeting to present the City's plan to improve storm drainage in the area of North Taylor Avenue and Ferris Avenue. He said more than two years ago the residents brought this matter to the attention of the City in regards to flooding of their property and health issues related to mosquitos and requested to the Public Works Committee that the City address this issue. Mr. Linnartz said that what the City has is a watershed, which is drained by a series of private and City controlled drainage systems. He said there is a wetland area between North Taylor Avenue and Ferris Avenue, which drains the south though a 12-inch pipe running through private property discharging into an open channel that runs through Ferris Avenue, up Connecticut Avenue and across Connecticut Avenue down to the Turnpike and then the Norwalk River. Mr. Linnartz said the City's proposal is to replace the 12-inch pipe on private property, pipe the open channel and lower a section of 24-inch pipe, providing 1000 feet of new 24-inch pipe. He said there are three alternatives of impact to the

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wetlands that are relatively minor in nature. He said that the City has funded this project with \$160,000 in the capital budget. Mr. Linnartz said that any rainfall causes problems to two of the residents. He said that what the City is proposing would eliminate flooding on all properties. He said it would be a fairly substantial improvement in flood conditions, allowing the wetlands to serve as a catch basin while protecting the adjoining property.

Ms. Maryann Wypyski with Lockwood, Kessler & Bartlett, Inc. discussed three alternatives to alleviating the drainage problem. She said the City of Norwalk's concerns are to relieve the flooding problem, particularly at 34 and 36 North Taylor Avenue and the potential health problems caused by standing water and mosquitos. She said the area has two separate wetlands. She said the flooding in the northern wetland is from an undersized 12-inch pipe. She said the City proposes a practical solution to the problem, which is to replace the 12-inch pipe between the wetlands with 24-inch pipe. She said some additional easements are required. Ms. Wypyski said the three alternatives with regard to limited impact on the wetlands are: 1) a new ditch would be provided which is approximately a 60 foot wide, 210 foot long to facilitate the flow of the wetland area. She said that the length of the proposed ditch is important because it cuts through a build up of sediment and if allowed to continue would hamper the effectiveness of the improvement; 2) the length of the channel is considerably less, going from 210 feet to 70 feet long. She said this does not cut through the build up of sediment. She said a 20 x 20 stonewall would be constructed for maintenance purposes. The area of disturbance under this alternative would be 0.17 whereas under Alternative 1 the disturbance would be 0.68. She said that for alternative number 3 the disturbance would be 0.98 and the length of drainage would be even less, 60 feet wide and 40 feet long. Ms. Wypyski said the most effective solution would be Alternative number 1. She said that she would strongly recommend Alternative 1 to the Commission because it cuts through the sediment and would have only a slight impact on vegetation. She said there is no anticipation of any changes to animal life.

Mr. Linnartz said that although the City is highlighting two of the properties this is a neighborhood problem and the degree of the problem has increased over the years. Mr. Losio asked if, with Alternatives 2 and 3 there would be potential long-term problems with sediments after 6 months. Ms. Wypyski said there would be natural build up. Mr. Linnartz said that flooding increases as the years go by. He said that he recommends Alternative 1 because it cuts through the sediment. He said that he would expect the residents would be coming back to the Commission dissatisfied down the road if they decided to go with either of the other two alternatives. Mr. Losio asked if the cost of all three alternatives is the same. Mr. Linnartz said there is a slight savings in the cost due to the minimal excavation. He said that there is no guarantee that any funding will be granted again for this project.

Mr. Drew Berndlmaier, a Civil Engineer of Construction with the City Norwalk said that the effectiveness of any project depends on how well it is maintained afterwards whether the residence or the City maintains it. Ms. Smith asked if it was likely that the residents would be cleaning out the sediment. Mr. Linnartz said that the City of Norwalk would be maintaining the drainage system. He said that the City would be approaching the affected property owners and

requesting easements from them to clean and maintain it.

Mr. Caputo said that the Commission preferred Alternative #1 and asked Ms. Wypyski to review what would happen to these wetlands under all 3 alternatives. Ms. Wypyski said that the northern wetland's standing water would drop approximately 2 feet. Ms. Cherichetti asked if that was initial standing water. Ms. Wypyski said yes. Ms. Smith said it would be essentially draining the wetland. Ms. Wypyski said the area around the edges would be draining. Mr. Linnartz said the water level is way beyond the delineated wetlands. He said the City is trying to bring the water level back to where the wetland was.

Ms. Corcillo said that there was lots of flow rate calculations but wanted to know if there was any prediction as to when sedimentation would occur. She said that she was trying to gauge the impact of sedimentation. Mr. Linnartz said the City has not calculated the rate of sedimentation.

Mr. Losio asked that since alternatives 2 and 3 would predominately effect two homes are there any measures that can be taken. Mr. Linnartz responded that the City could not fill the yards because it would trap the sediment.

Ms. Corcillo asked what the lowest elevation of the wetlands area. Mr. Linnartz responded that it has a contour of 105 with fairly good variation up to 10 feet.

Mr. Burrows who resides at 48 North Taylor Avenue said the area is not a wetland it is a swamp. He said he has lived there for 34 years and the last 4 years it has been all screwed up. He said he votes for Alternative 1, hands down and if the Commission did not vote for Alternative 1 they would be wrong.

Ms. Jordan who resides at 38 North Taylor Avenue said that she started calling City Hall regarding this problem in 1999. She said the association of neighbors was formed in 2000. She said for the past two years this has been going on. Ms. Jordan said that Mr. Burrows shed is 6 inches under water. She said the water problem has gotten worse. She said has had water rats 10 inches long, jiggers preventing her grandchildren from playing in the yard, and stench so bad she can not even open the back door. She said she appreciates everything the Commission has done but feels they should have worked harder. She stated she believes that if the DPW, the Health Department and the Commission had worked as a team this would have been resolved. Ms. Jordan said upstream is a problem as well as downstream. She said that people on Benedict Court have the same problem. She said there are 3 to 5 drains that need to be cleaned out. Ms. Jordan said that pipes on Ferris Avenue have to be rerouted somewhere. She said that the residents could not wait another season with the water problem they have now. She said the following summer would be twice as bad. Ms. Jordan said she was asking the Commission to do the right thing quickly. Ms. Jordan then presented a photograph of 34 North Taylor Avenue to the Commission.

Mr. Guarino, who resides at 42 North Taylor Avenue, said he has been a resident since 1955. He stated that the year of the flood, when he bought the house, there was 5 feet of water on the west

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side of North Taylor Avenue. He said the east side was dry. Mr. Guarino said the next year they drained the pond across the street. He said that the residents did not have flooding until everybody started building more and more houses up high on the water table. He stated that the water table was not there anymore. Mr. Guarino said that the oak trees and mulberry trees have died because of the water. He suggested Alternative Number 1 to the Commission stating that Alternatives 2 and 3 are only band-aids.

Ms. Lauricella, Chairperson of the Fairfield County Group of the Sierra Club said that she first got involved with this project about 4 years ago when she was attending a Common Council Public Health and Safety meeting. She said that when she went to visit the site it seemed be a place of nature that was out of balance. She said she was able to work with the neighborhood association and take some aerial photographs. She said that it appears that back in the 40's and 50's there was a stream but over time the stream got a little wider and there was development along Route 1. Ms. Lauricella, referring to scope limitation, said that there is indication that drainage from the north of Benedict Street drains into this wetland. She said in order to fix this problem the Commission needs to make sure the contribution of the waters are accurate. She said back in April of 2001 the residents were able to get Richard McQuad, who was then Chairman of the Common Council Health and Safety Committee to write a letter to the DPW under William Grumman and Peter Romano to demand that they look above Benedict Street. Ms. Lauricella said that she does not see where the issue was ever revisited by the Committee members. She asked that the Commission read through some of the material she handed out and not to come to a conclusion tonight and perhaps have a special meeting to discuss some important issues with regard to this problem. Ms. Lauricella asked that the Commission modify Alternative Number 2 because she feels that with property due enforcement this Commission has as far as dumping in the wetlands is concerned, she feels that no matter what options would have a diminished amount of flooding. She said the lack of enforcement in allowing a person to dump on the property has caused some of the problems. She said she has filed a formal verbal complaint. She said that enforcement measures have to be included with the landowners south of the wetland area. Ms. Lauricella said that this is a City project and the DPW and the Conservation Commission should work together to have an excellent application. She said that this is not a private applicant. She stated that none of the Commissioners have contacted the neighbors or herself. She said that there is a great need for creativity and there is a lack of information as to what to do. She said she feels that Alternative Number 2 is the best alternative.

Ms. Cordera, a resident at 34 North Taylor Avenue said the water has been coming in more and more each year. She said the water is going into her basement, there is no parking lot, and her children can not play in the backyard because of the insects. She said the project started 2 years ago to correct the problem and asked that a decision be made as to what to do within the next month.

Ms. Lopez, a resident at 52 North Taylor Avenue stated that there are various health issues including mosquitos and that her family cannot enjoy the backyard. She said that she has been a

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Norwalk resident for the last 3 years and that the problems have increased year after year. She stated that the neighbors cannot open their door without walking into a swamp.

Mr. McGregor, whose residence is 14 North Taylor Avenue said he has been a resident since 1977. He said when he first purchased the property there were no problems with water for almost 20 years but in 1995 he noticed the water levels increasing a little more every year. Mr. McGregor said that now it is a crisis. He said that the project before the Commission is probably necessary but he has a few problems with it. He said he is more comfortable with Alternatives Number 1 and 2. Mr. McGregor said in the mid 90's he cleaned up the south end of the wetlands and filled a huge dumpster with debris, i.e., car parts, engines, bicycles, etc. He said he does not allow anyone to dump on his property, not even people who work for him. He stated that in the 1990's he was approached by the Commission to put a fence along the area to keep debris out of it and to preserve the wetlands. He said there is mulch there that is not blocking any inlet. He said the inlet is not where it was constructed. Mr. McGregor said he wrote a letter to the Commission giving permission for them to go on the property to survey, etc. He said he would continue to participate in helping to clean up the area. He said he had pipes cleaned out a couple of years ago and he has no problem with the City coming in and doing whatever it takes to maintain it. Mr. McGregor stated that in early June rainwater is quite high but for the last week the water had been down. He said the water is now 6 inches below the line. He said on June 28th he hired someone to clean out debris, rocks, etc. Mr. McGregor said the wetlands near Liberty Apartments were impossible to do. He said there were lots of kids playing in the area and that it is a dangerous area. He said the area should be piped if for no other reason than to keep kids from getting hurt.

The Vice Chairman called for a recess at 9:18 p.m. The Vice Chairman reconvened the meeting at 9:37 p.m. and called for the rebuttal by the applicant.

Mr. Linnartz said that he appreciated the public for coming out and supporting the City's proposal. Ms. Corcillo asked if it was the City's long-term plan to install storm drains on North Taylor Avenue. Mr. Linnartz said the pipes would have to drain into the wetland watercourse. Ms. Cagnina asked what the water level would look like if the Commission chose to go with Alternative 1. Mr. Linnartz said it would have a very irregular line, mostly following but not exceeding the wetlands.

Mr. Caputo said it was a good idea to continue this hearing in order to clear up the last 1 or 2 property owner issues. He said it could be discussed tonight but felt the Commission should keep the discussions open in order to have the necessary access to the properties that remain before a decision is made. Mr. Caputo said to make a decision in the absence of those owners could be problematic. Ms. Smith asked that the DPW make every effort to contact the 2 or 3 owners for consent forms as soon as possible. Mr. Caputo said the DPW indicates that they have gotten 1 of the remaining consents and are close to getting the remaining two. Ms. Smith asked if two weeks was enough time to keep discussions open. Mr. Caputo said that two weeks was enough time for them to digest all the information heard tonight. He said the next meeting would not be a time for the public to speak but would be reserved for the 3 remaining consents. Mr. Losio said that he

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walked the site last year but would like to revisit the site to see where it is now. Ms. Corcillo said that she would also like to do a site walk but that it is clear to her that something needs to be done. Mr. Caputo said that the Commission would continue the Public Hearing for the purpose of receiving the necessary consent for property owners to try to ascertain the location of 106 ft. line so the Commission members may view it and walk the site. Mr. Caputo asked the Staff to notify the 3 property owners and to notify the Commissioners prior to the next meeting that it is in place. Mr. Caputo concluded the considerations of the discussion with the plan to consider them within the next two weeks.

ELECTION OF OFFICERS

Ms. Cherichetti said that she received a letter from Karen Destefanis to cast her vote for Vice Chairman. Mr. Caputo said he held her vote proxy as well as his vote.

**** MR. KYDES MADE A MOTION TO NOMINATE
MATTHEW CAPUTO FOR CHAIRMAN OF THE NORWALK
CONSERVATION COMMISSION.**

**** MS. CORCILLO SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY 6 TO 0.**

Mr. Caputo said that Ms. Destefanis has the technical expertise and background to serve as Vice Chairman. He said she is ready to do it.

**** MR. CAPUTO MADE A MOTION TO NOMINATE MS. DESTEFANIS FOR VICE**

CHAIRMAN OF THE NORWALK CONSERVATION COMMISSION.

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

**** MOTION PASSED UNANIMOUSLY 6 TO 0.**

COMMENTS OF STAFF

a. Declaratory Permits and Enforcement Actions

Ms. Cherichetti said that there were 3 Declaratory Permits issued. One was at 11 Yorkshire Drive for addition to a single-family home adjacent to a wetland. She said another permit was for 488 Main Avenue, a Seligson property. She said it is a multi-family complex disturbing the wetlands. She stated that the applicant applied for restoration of the wetlands. Ms. Cherichetti said the applicant meets regulations and there is a gas line easement. She said the last permit was for 165 Ponus Avenue. Ms. Cherichetti stated that the applicant was approved for construction of a small rear deck, an enhanced buffer adjacent to a watercourse.

Enforcement Actions

Ms. Cherichetti said the enforcement action is for 44 and 46 Winding Lane (off West Rocks

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Road, south of the Merritt Parkway). She said there was tree cutting in the rear yards, tree clearing and removing of vegetation. She said the violation was with a time line to come up with a plan for the removal of wood chips, etc. She stated that there was a directive to remove the chips by the end of the month. Ms. Cherichetti said the four trees in violation are greater than 6 inches in diameter.

b) Progress Report

Ms. Cherichetti said that the agenda for the meeting for the 15th is the same as the last meeting. She said there would be an update on the Conservation articles in the newspaper and discussion on open space. Ms. Cherichetti said the Commissioners requested copies of the open space section of the old master plan and comments of the Commissioners regarding future conservation development. Mr. Losio stated that he could not attend the next meeting.

COMMENTS OF THE COMMISSIONERS

**** MR. KYDES MADE A MOTION THAT THE MEETING BE ADJOURNED.**

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

**** MOTION PASSED UNANIMOUSLY 6 TO 0.**

The meeting adjourned at 10:15 p.m.

Respectfully submitted,

Linda Custis

Telesco Secretarial Services

