

NORWALK CONSERVATION COMMISSION MINUTES

CITY OF NORWALK
CONSERVATION COMMISSION

July 9, 2002

ATTENDANCE: Matthew Caputo,
Chairman (6:15); Gerard Sciabbarrassi;
Marny Smith; Larry Lossio; Andrew
Kydes; Les Bell; Karen Destefanis
(6:35)

STAFF: Michael Greene; Alexis Cherichetti; Erin Leonard

Mr. Sciabbarrassi called the meeting to order at 6:14 pm in Mr. Caputo's absence.

RECEIPT OF APPLICATION

**Toohy for McPartlan and Chasmars, LLC – 337 & 339 Rowayton Ave. -
#SDV – Four lot subdivision adjacent to wetlands and the Five Mile River**

**** MS. SMITH MOVED TO ACCEPT THIS APPLICATION.**

**** MR. BELL SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Cherichetti reported that the applicant was proposing that the boundaries of three existing lots be redrawn to allow subdivision of one of the lots. She illustrated on the attached map that the two lots to the south (Lot 8A-1 and 8B) currently existed as similarly sized lots. All of the land north of the dashed "former lot line" was currently a single 1.88 acre lot. The redrawing of the existing lot lines would allow the northern property to be subdivided into two lots (Lots 8A-2A and 8A-2B).

Two wetlands laid on those properties. A linear wetland that was associated with the Five Mile River to the west of the properties and a smaller wetland pocket in the northwestern corner of proposed Lot 8A-2A. The wetlands were

delineated by Tom Pietras in April 2002. The wetlands were previously delineated by Otto Theall in February 1988. The two soil scientist's reports were very similar, though the area of the wetland pocket was more extensive according to Mr. Theall's investigation.

The subject properties were flat to gently rolling at Rowayton Avenue and rise westward to a knoll on proposed Lot 8A-2B. (Steep (27-43% grade) slopes dominated the western 1/3 of the property, as the land slopes down to the Five Mile River. The front half of the properties were currently maintained as lawn and the rear half generally wooded. Four existing residences surround the subject parcels and some lawn area encroaches the proposed rear lots.

In 1998, the Commission approved a two lot subdivision that resulted in Lot 8A-1 and Lot 8A-2. The 1998 subdivision increased the rear yard setbacks to 50 feet from the 25 foot required to keep construction slightly further from the wetland and river. The subdivision also included a conservation easement over the area between the rear yard and the property line that restricts clearing without the prior consent of the Commission.

Mr. Caputo arrived at the meeting at 6:15 pm.

The attorney representing this application stated that he has had discussion with Ms. Cherichetti and wanted to clarify that this was actually a 2 lot subdivision even though it states 4 lots on the agenda. He also noted that Michael Wrinn had suggested that they present this application this way. Ms. Smith stated that she wanted to see some stipulation that the building would be moved away from the wetland. Ms. Cherichetti expressed concern about the wetland pocket between proposed lot 2A and 2B and the study conducted by Mr. Theall, which showed the wetland area to be larger. This was followed by extensive discussion between the applicant's representative and the Commission. Mr. Sciabbarrassi suggested that that the applicant conduct their own research and present their findings to the Commission before a final decision is made. The members concurred.

Cascio – 246 Grumman Avenue - #S02-107 – Corrective Action – filling adjacent to wetland and watercourse.

- ** MR. BELL MOVED TO ACCEPT THIS APPLICATION.**
- ** MR. KYDES SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

Ms. Cherichetti reported that the applicant was not able to attend the meeting and that the applicant was issued a Notice of Violation on June 13, 2002, following the observation that deposition and re-grading of material had occurred adjacent to a wetland and seasonal watercourse on the property. She distributed photographs.

She also reported that the disturbed area was near the corner of Grumman Avenue and Knowalot Lane. A storm water pipe conveyed drainage onto the property approximately 60 feet North of the intersection. A wetland and intermittent watercourse began at the outflow of this pipe. The watercourse was a tributary of Stony Brook, which flows to the Saugatuck River.

Ms. Cherichetti also reported that the applicant maintains that this area has been used as a compost pile for years. During recent work on their front yard, while they had machinery on-site, the applicants stated that they removed and added material and turned over the pile. The applicants wish to continue to use the area as an active compost pile. They offer the alternative of vegetating the pile and leaving it in place and find a new spot, removed from the wetland, to keep a compost pile.

Ms. Cherichetti stated that staff recommends that the area not be used as an active compost site. Though composting is a sound environmental practice, the production of this nutrient-rich soil amendment should not occur directly adjacent to a water resource. The current placement makes the watercourse too vulnerable to excess sediment and nutrient during rainstorms.

She also stated that work in the area was probably best kept to a minimum. The existing pile to be pulled back from any trees that were covered by more than three inches of sediment and the pile should be planted with 4-6 native shrubs to secure the loose soil and to speed up uptake of nutrients. Future compost piles should be constructed at least 50 feet from the wetland limit.

Ms. Smith stated that there was another area on the other side of the stone wall of the property in which the applicant can have his compost pile and not near the wetland. Mr. Lossio stated that he agreed that the compost pile should be removed, but he was not sure if the area Ms. Smith was proposing was the place.

Ms. Destefanis arrived the meeting at 6:35 pm.

MODIFICATION OF PERMIT

41 ½ Soundview Avenue - #S02-100 – Transfer of permit from George DiScala to Paragon Builders of CT, Inc.

Ms. Cherichetti reported that this application was granted with conditions on April 23, 2002. The property has been sold to Paragon Builders of CT Inc of Norwalk. As required by the application, the new owner, Jessica DiScala has submitted initialed copies of the Permit S02-100 and an approved map dated March 22, 2002.

**** MR. BELL MOVED TO APPROVE THIS MODIFICATION.**

**** MR. SCIABBARRASSI SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

DECISIONS

Canevari – 6 Allen Road – #S02-103 – Construction of a new single family house adjacent to wetlands

Ms. Cherichetti reported that Mr. Canevari brought in a preliminary alternative plans to the office on July 3, 2002. The new plan included the following changes:

- The proposed house was now less deep (36 feet) and has the garage on the north side of the residence. She reported that it appeared that the garage would be dropped at 74' elevation and would meet the existing grade downhill. Excavation would have to occur on the uphill side of the garage,

and the applicant was proposing a short 8 foot high retaining wall between the driveway and the front yard. She also reported that no house plans or elevation drawings have been provided at this time, which would help clarify the proposal. She stated that house plans were dropped off at 3 pm on Wednesday July 3rd, the layout of the

house does not match the site plan and she had asked that Mr. Canevari submit a resolution to this discrepancy by the morning of Friday, July 5, 2002.

- Ms. Cherichetti also reported that the limit of disturbance has been redrawn. The applicant now proposes to roughly follow the 68 foot contour line as the line of disturbance. This limit was the most reasonable proposed so far. A sketch of the previous proposal and the current proposal was distributed to the members. Ms. Cherichetti also stated that Mr. Canevari wanted the Commission to know that there would be also an electric fence on the property. She also stated that the dimension of the turnaround area on the property was greater than what Zoning allows.
- Ms. Cherichetti also stated that the applicant proposes to keep the existing vegetation that surrounds the 20" oak tree. She noted that this was a sound proposal. The silt fence would come just uphill of this row of vegetation and openings along this line would be planted with native shrubs. The applicant suggested 20 shrubs, staff recommends that it be creased to 30 shrubs.

**** MR. KYDES MOVED TO GRANT THE APPLICATION SUBJECT TO THE CONDITIONS STATED ON JULY 3, 2002 MEMORANDUM.**

**** MR. CAPUTO SECONDED.**

Mr. Bell asked if Mr. Canevari had a detailed plan which showed all of the items mentioned with measurements so that a lay person could look at it and know what was there. Mr. Bell commented that it seemed there was a lot of "it's approximately here....it's approximately there....". and added that this plan did not seem professional. There was extensive discussion among the members concerning the materials submitted by Mr. Canevari.

Mr. Lossio commented that they had conflicting pieces of information. Mr. Sciabbarrassi commented that they had to request for everything exactly the way it was going to be in order to make an informed decision.

**** MR. KYDES WITHDREW HIS MOTION.**

Mr. Caputo asked for the deadline to vote on this application. Ms. Cherichetti replied this evening. Mr. Caputo asked a member representing the applicant if the applicant would agree to grant the Commission additional time to receive the additional information from Mr. Canevari before a decision was made. This member agreed and also agreed to put this agreement in writing. Ms. Cherichetti was asked to follow up in writing.

28 Yew Street – DiScala- #S02-104 – Construction of a single-family house adjacent to a wetland and watercourse

Ms. Cherichetti reported that the application was received at the last meeting, however she did not have time to put the information in the packet so the Commission could review it. She stated that the applicant has agreed for the Commission to table discussion of this application until the next meeting. She also stated that she would be contacting the applicant to discuss some issues with the current plan. These issues included making the driveway turn-around smaller (it currently does not conform to zoning regulations) and increasing the plantings in the planting plan.

**** MS. SMITH MOVED TO TABLE THIS APPLICATION.**

**** MR. LOSIO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

20 Prince's Pine Road – Sautkulis - #S02-105 - Grading, construction of stone retaining walls, and landscaping adjacent to a wetland

Ms. Cherichetti reported that the side of this property was partially terraced and the front yard slopes down to the wetlands. The applicants wish to rebuild two of the existing retaining walls so that the distance between them was greater,

resulting in a wider flat area. The activities the applicant was proposing would come within three feet of the wetland line. The retaining walls would be at least seven feet from the wetland. The walls would be 3-4 feet in height. To mitigate this activity, the applicants were proposing 10 native shrubs along the silt fence line. The use of dry-laid (nor mortared) construction was encouraged.

**** MR. KYDES MOVED TO GRANT THIS APPLICATION SUBJECT TO THE CONDITIONS STATED ON THE JULY 3, 2002 MEMORANDUM**

**** MS. SMITH SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Caputo called for a 5 minute recess at 7:30 pm to change meeting rooms. The meeting was reconvened at 7:35 pm in the P&Z conference room.

RELEASE OF BOND

Vallejo/Savieno - 4 Klim Lane - # S-704 – Landscaping bond in association w/ construction of single-family house.

Ms. Cherichetti stated that this application was approved the Commission on August 24, 1999 and all conditions of the permit have been met.

**** MR. BELL MOVED TO RELEASE THE BOND ON THIS ITEM.**

**** MR. SCIABBARRASSI SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

601 Main Avenue - #N-015 & D160– Partial bond release/ construction of bridge, abutments, office building and associated landscaping adjacent to Norwalk River

Ms. Cherichetti stated that this application was approved the Commission in 1996 and the majority of all the conditions have been met and the plantings were in this year so the applicant has asked for a partial release. She also stated that the original bond was for \$30,000 and she was recommending a release of \$24,000, which would leave \$6000 remaining. She stated that she estimated the cost of the plants and their implementation would be around \$5500.

**** MR. SCIABBARRASSI MOVED TO RELEASE THE BOND ON THIS ITEM.**

**** MS. SMITH SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Kerschner – 257 Chestnut Hill Road - #S00-46 – Landscaping bond in association w/ construction of single-family house

Ms. Cherichetti stated that this application was approved by the Commission in January 2001. The plants have been in and all the other conditions appear to have been met.

**** MR. KYDES MOVED TO RELEASE THE BOND ON THIS ITEM.**

**** MR. BELL SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

ACCEPTANCE OF MINUTES

June 25, 2002

The following change was made to the Minutes of June 25, 2002:

Page 6 – replace third sentence with:

Ms. Smith commented that people over 65 were the most rapidly increasing segment of the population.

**** MS. SMITH MOVED TO APPROVE THE MINUTES AS CORRECTED.**

**** MR. BELL SECONDED.**

**** MOTION PASSED WITH 5 VOTES IN FAVOR AND 2 ABSTENTION (SCIABBARRASSI, DESTEFANIS).**

COMMENTS OF STAFF

Current Violations –

Ms. Cherichetti reported that there were no new violations reported since May. She also reported on the following violations:

91 Witch Lane – Lirot:

Site has been stabilized. Applicant has applied for a Declaratory Permit.

7 Mohackemo Lane – Gravante:

Declaratory Permit has been approved and site was partially completed.

24 East Rocks Road – Jorge Guerra:

Application was filed on 4/23/02.

5 Admiral Court – Connor/Wood:

Applicants have supplied additional information. There is no permit required.

20 Maher Dr – Wilk:

Landscaping activities adjacent to watercourse, wetlands without a permit.

8 Shadow Lane – Alvarado:

Applicant has applied for Summary Permit on 6/25/02.

246 Grumman Ave – Cascio:

Applicant has applied for Summary Permit on 6/25/02.

5 Mohackemo Dr – Sandalo:

Installation of curtain drains and site disturbance in and adjacent to wetland and watercourse.

595 Westport Ave. - Pepperidge Farm –Remediation oversight by DEP or private company (ENSR)

Ms. Cherichetti stated that the DEP wanted to know if the Commission would prefer tighter remediation oversight by the State or by a private company at the Pepperidge Farm facility. Mr. Caputo asked for the advantages and disadvantages. Ms. Cherichetti replied possibly more stringent oversight by the DEP. The members stated that they would prefer tighter oversight by the DEP and asked Ms. Cherichetti to send a letter. Ms. Cherichetti also stated that based on her dialogue with Pepperidge Farm and ENSR, the volume of spills entered into the wetland area by Pepperidge Farm seemed to be less.

COMMENTS OF COMMISSIONERS

Discussion regarding Plan of Conservation & Development comments.

Ms. Cherichetti distributed draft of her notes from the meetings for the members review and modification. Ms. Smith stated that she would prefer time to review this. The members concurred.

ELECTION OF OFFICERS

**** MS. SMITH MOVED TO ELECT MR. SCIABBARRASI AS CHAIRMAN.**

**** MR. LOSSIO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MS. DESTEFANIS MOVED TO ELECT MR. CAPUTO AS VICE CHAIRMAN.**

**** MR. BELL SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Upcoming Meetings

July 23rd

August 13th

ADJOURMENT

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

**** MR. CAPUTO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:30 pm.

Respectfully submitted,

Gerda Adonis

Telesco Secretarial Services

