

NORWALK CONSERVATION COMMISSION MINUTES

**Conservation Commission
July 10, 2007**

ATTENDANCE: Anne Cagnina, Chair; D. Seeley Hubbard; Andrew Kydes; Emily Wilson; Karen Destefanis (6:07 PM); Matt Caputo (6:10 PM)

STAFF: Alexis Cherichetti, Senior Environmental Officer; Laura Lubin, Conservation Assistant

OTHERS: Aleksandra Moch; Domenick Lionetti; Jean Northup; Dean Martin, Grumman Engineering; Kate Throckmorton, Environmental Land Solutions; Mike Gulick, Gulick Associates; Edward Skeen

CALL TO ORDER

The meeting was called to order at 6:02 PM.

ROLL CALL

Ms. Cherichetti called the roll.

RECEIPT/DISCUSSION

a) #S07-280 – 18 Cloverly Circle – Viggiano –Restoration, landscaping and grading in and adjacent to a wetland

Ms. Cherichetti said she left a phone message with the applicants to discuss the application, but had not received a call back as of the meeting. There was discussion of the submitted plan and soil survey, and several commissioners expressed concern that the plan was difficult to follow.

The application's proposed landscaping was discussed. Ms. Cherichetti noted that she suggested to the applicants that the permit include cleaning and stabilization of the delta.

Ms. Cagnina again expressed concern about the site plan's readability, and Ms. Cherichetti confirmed she would encourage the applicants to submit a better site plan.

PERMIT MODIFICATION

a) #S03-174A – 332 Chestnut Hill Road – Geignetter – Modification of Corrective Action permit to allow closer limit of disturbance and additional fill adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the discussion of the previous meeting, and mentioned this was a modification to a 2003 application. The importance of conditions 3, 4, 5 and 6 of Ms. Cherichetti's drafted permit were discussed briefly.

**** MS. DESTEFANIS MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE PROPOSED PLAN WILL RESULT IN THE PERMANENT STABILIZATION OF THE FILL SLOPE AND OFFER BETTER PROTECTION OF THE WETLAND VALLEY;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION PERMIT MODIFICATION APPLICATION #S03-174A, TO ALLOW ADDITIONAL FILL AND A CLOSER LIMIT OF DISTURBANCE TO THE ADJACENT WETLAND BE GRANTED TO KEVIN GEIGNETTER, FOR PROPERTY AT 332 CHESTNUT HILL ROAD, NORWALK, CT [5-31-224], WITH THE FOLLOWING CONDITIONS, WHICH SUPERCEDE THE CONDITIONS OF THE ORIGINAL PERMIT:

1. 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.
2. A \$ 5700.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO THE RECOMMENCEMENT OF ANY ON-SITE ACTIVITY. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR.
3. PRIOR TO INITIATING EARTH-MOVING ACTIVITIES, THE APPLICANT SHALL CAUSE TO HAVE A SECONDARY ROW OF HAY BALES INSTALLED ADJACENT TO THE EXISTING SILT FENCE IN THE AREAS WHERE THE SILT LIMIT OF DISTURBANCE IS WITHIN THIRTY-FIVE (35) FEET OF THE WETLAND LIMIT.
4. A WETLAND MITIGATION BUFFER AREA SHALL BE ESTABLISHED ACROSS THE DISTURBED FILL SLOPE WEST OF THE WETLAND AREA. THE MITIGATION BUFFER AREA SHALL EXTEND FROM THE WESTERN TOP OF SLOPE TO THE SILT FENCE ADJACENT TO THE WETLAND, AS DEPICTED ON

THE PLAN ENTITLED, "CONSERVATION PERMIT APPLICATION SITE PLAN", DATED JUNE 12, 2007 BY WILLIAM KENNY ASSOCIATES LLC.

5. WITHIN FIVE (5) DAYS OF COMPLETING PROPOSED GRADING, THE MITIGATION BUFFER AREA SHALL BE ENHANCED WITH THE PLANTING PLAN DESCRIBED ON THE PLAN ENTITLED, "CONSERVATION PERMIT APPLICATION SITE PLAN", DATED JUNE 12, 2007 BY WILLIAM KENNY ASSOCIATES LLC. THE AREA WITHIN THE WETLAND MITIGATION BUFFER AREA SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN.

6. THE ABOVE-DESCRIBED MITIGATION PLAN, INCLUDING THE REMOVAL OF FILL AND RE-GRADING, SHALL BE FULLY IMPLEMENTED WITHIN SIX (6) MONTHS OF THE ISSUANCE OF THIS PERMIT.

7. ANY CHANGE TO THE OVERALL PLAN, AS DESCRIBED AND DEPICTED IN THE SUBMITTED PLAN ENTITLED "CONSERVATION PERMIT APPLICATION SITE PLAN", DATED JUNE 12, 2007 BY WILLIAM KENNY ASSOCIATES LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MS. CAGNINA SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY WITH ONE ABSTENTION (MR. KYDES).

DISCUSSION/DECISION

a) #S07-271 – 20 Betmarlea Drive – McGettigan – Construction of addition, and associated on-site septic changes, driveway and landscaping activities, adjacent to wetland and watercourse

This item was tabled at request of the applicant.

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

This item was tabled until after the public hearing.

c) #S07-276 – 213 West Rocks Road – Lionetti – Corrective Action restoration and landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the discussion of the previous meeting. Several commissioners expressed ongoing concern with the validity of the soil report.

Ms. Moch, the soil scientist, stated that there are roughly 1500 square feet of wetland on the property, which Ms. Cherichetti confirmed was under 1/20th of the acreage.

The commissioners discussed Ms. Cherichetti's two proposed options: to instruct the applicants to remove wetland fill and redo the delineation, or continue with the proposed application with conditions. Ms. Cagnina asserted that the latter option would be an exception to commission procedures. Ms. Destefanis stated that despite the commission's opinion of the plan, to grant such an exception was not acceptable.

**** MR. CAPUTO MOVED TO DENY THE APPLICATION WITHOUT PREJUDICE DUE TO THE LACK OF AN ACCURATE SOIL DELINEATION.**

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

**** THE MOTION PASSED UNANIMOUSLY WITH TWO ABSTENTIONS (MR. KYDES AND MR. HUBBARD).**

d) #S07-277 – 1 Oakwood Court – Guarnieri - Construction of additions adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the discussion of the previous meeting. She discussed that the applicant would build the proposed garage on an existing asphalt driveway and planned to work from the front of the property to limit wetland disturbance. Minimal vegetation disturbance near the watercourse was planned.

**** MS. CAGNINA MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND

WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT LIKELY RESULT IN ANY NEGATIVE IMPACT ON THE WATERCOURSE;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-277, TO CONSTRUCT A TWO-STORY GARAGE ADDITION ADJACENT TO A WATERCOURSE BE GRANTED TO LOUIS AND ROBIN GUARNIERI, FOR PROPERTY AT 1 OAKWOOD COURT, NORWALK, CT [5-38B-50], WITH THE FOLLOWING CONDITIONS:

1. 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.

2. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED IN THE LOCATION INDICATED ON THE PLAN ENTITLED, "PROPOSED TWO STORY ADDITION", DATED 6-1-2007 BY LOUIS GUARNIERI. 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. THE CONTROL MUST REMAIN PROPERLY INSTALLED UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.

3. THE ABOVE DESCRIBED HAY BALES OR SILT FENCE SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE. NO ACTIVITY OR DISTURBANCE INCLUDING, BUT NOT LIMITED TO GRADING, REMOVAL OF VEGETATION, STOCKPILING, PARKING OR CONSTRUCTION ACCESS, MAY OCCUR BEYOND THE LIMIT OF DISTURBANCE LINE OR WITHIN OTHER AREAS WITHIN THE UPLAND REVIEW AREAS OF THE WETLAND AND WATERCOURSE.

4. THOUGH THIS PERMIT EXPIRES IN FIVE (5) YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN EIGHTEEN (18) MONTHS OF THE COMMENCEMENT OF ACTIVITY.

** MS. DESTEFANIS SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY WITH ONE ABSTENTION (MR. KYDES).

e) S07-278 – 152 Witch Lane – Northup – Corrective Action restoration and landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the discussion of the previous meeting. The applicant's plans for meadow cultivation and wetland mitigation were discussed. Ms. Cherichetti suggested the applicant be allowed to cut and grub the wetlands once again to remove nonnative plants and improve wetland quality.

** MS. DESTEFANIS MOVED TO APPROVE THE FOLLOWING RESOLUTION:

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND

WHEREAS, THE PROPOSED RESTORATION PLAN WILL RESULT IN AN IMPROVEMENT TO THE PLANT DIVERSITY AND FUNCTION OF THE WETLAND,

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-278, TO PERFORM CORRECTIVE ACTION RESTORATION OF A WETLAND IN AND ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO JEAN B. NORTHUP, FOR PROPERTY AT 152 WITCH LANE, NORWALK, CT [6-18B-7], WITH THE FOLLOWING CONDITIONS:

1. 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.
2. A \$ 1580.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO THE RECOMMENCEMENT OF ANY ON-SITE ACTIVITY. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR.
3. A WETLAND MITIGATION AREA SHALL BE ESTABLISHED IN AND ADJACENT TO THE DISTURBED WETLAND ON THE NORTHERN AND NORTHWESTERN PORTIONS OF THE PROPERTY. THE MITIGATION AREA SHALL EXTEND FROM THE NORTHERN AND WESTERN PROPERTY LINES, THROUGH THE WETLAND TO THE CURRENT LIMIT OF LAWN. THE MITIGATION AREA SHALL BE ENHANCED WITH THE PLANTING PLAN DESCRIBED ON THE PLAN ENTITLED, "WETLAND MITIGATION PLAN", DATED JUNE 8, 2007, BY ENVIRONMENTAL LAND SOLUTIONS, LLC. THE EXISTING VEGETATION IN OTHER PORTIONS OF THE WETLAND MAY REMAIN. THE AREA WITHIN THE WETLAND MITIGATION AREA SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN.
4. TO MAXIMIZE GROWTH OF NATIVE SPECIES, THE PREVIOUSLY DISTURBED AREA SHALL BE CUT AND GRUBBED OF EXISTING VEGETATION PRIOR TO RAKING AND SOWING OF NATIVE SEED MIX. THE MEADOW SHALL BE CUT HIGH 3-4 TIMES PER YEAR UNTIL THE NATIVE GRASSES ARE FIRMLY ESTABLISHED.
5. THE ABOVE-DESCRIBED MITIGATION PLAN SHALL BE FULLY IMPLEMENTED WITHIN SIX (6) MONTHS.

ANY CHANGE TO THE OVERALL PLAN, AS DESCRIBED AND DEPICTED IN THE SUBMITTED PLAN ENTITLED “WETLAND MITIGATION PLAN”, DATED JUNE 8, 2007, BY ENVIRONMENTAL LAND SOLUTIONS, LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MR. HUBBARD SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

f) S07-279 – 15 Cranbury Woods Road – McCarthy/Sanchez – Filling, grading, landscaping, and drainage improvements in and adjacent to a wetland

Ms. Cherichetti reviewed Grumman Engineering’s drainage report and site plan, and noted a recent revision.

Mr. Martin of Grumman Engineering stated that the owner’s existing drainage system was insufficient and had an unknown outlet. Ms. Cherichetti suggested it may follow the course of a nearby stream. Mr. Martin outlined the proposed new drainage system, sized for a 100-year storm. He noted the relative locations of the existing septic tank, septic pump and leaching system.

Mr. Kydes asked Mr. Martin if he knew whether the state has worked on a nearby poorly drained overpass. Mr. Martin said he did not know, and their work’s repercussions would not extend that far.

Mr. Martin confirmed that the plan had been submitted for approval to Department of Public Works. Ms. Cherichetti suggested such approval be obtained before scheduling a public hearing.

ELECTION OF OFFICERS

Mr. Caputo nominated Mr. Hubbard as chair; Mr. Kydes seconded the motion, and it was agreed upon unanimously.

Mr. Caputo nominated Ms. Cagnina as vice chair; Ms. Destefanis seconded the motion, and it was agreed upon unanimously.

MINUTES

a) June 26, 2007

** MS. DESTEFANIS MOVED TO APPROVE THE MINUTES.

** MR. CAPUTO SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

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 reviewed the two Notices of Violation and two minor permits she had issued.

PUBLIC HEARING

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

Ms. Cherichetti called the roll, then realized the hearing's published legal notice gave an incorrect room location. During a brief recess, Mr. Caputo checked at that location for members of the public but found none.

Ms. Cherichetti noted that all neighbors had been notified of the hearing.

Mr. Martin reviewed the application and proposed residence to be built on the subdivided parcel. He discussed the plan to create a storm water system able to handle a 25-year storm, a silt fence, and plantings. Three stages of protective barrier would be in place during construction to limit disturbance without significant re-grading.

Alternative plans were reviewed briefly. Mr. Gulick of Gulick Associates stated that most grading would be done during fall and winter, and the whole project should span six to nine months.

There was discussion of whether or not to keep the hearing open until the next meeting.

Mr. Skeen introduced himself as an abutting property owner, and expressed concern that his property, or other neighboring properties, would be affected by runoff from this site.

Messrs. Martin and Gulick each asserted that Mr. Skeen's property would be unaffected. Mr. Martin added that protective measures would be taken and no additional material would be brought on site.

**** MR. KYDES MOVED TO CLOSE THE HEARING.**

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

Mr. Caputo confirmed that the applicant had nothing further to say in rebuttal.

**** THE MOTION PASSED UNANIMOUSLY.**

DISCUSSION/DECISION (CONTINUED)

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

Messrs. Kydes and Caputo each stated confidence in the quality of the applicant's work. Cagnina noted that the only potential harm to the site was during the construction, not resulting from it.

Ms. Cherichetti said she would draft a proposal for review at the next meeting.

COMMENTS OF COMMISSIONERS

Ms. Cherichetti distributed a revised copy of Open Space plan to the commissioners.

Mr. Caputo thanked Ms. Cagnina for her service as chair, and Ms. Destefanis for her service as vice-chair.

ADJOURNMENT

** MS. CAGNINA MOVED TO ADJOURN THE MEETING.

** MR. KYDES SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 7:34 PM.

