

**NORWALK CONSERVATION COMMISSION MINUTES**

Special Meeting  
Room 215 - Norwalk City Hall  
**JULY 19, 2005**

ATTENDANCE: Anne Cagnina; Seeley Hubbard; Mathew Caputo; Susan Llorca; Ed Holowinko; Marny Smith

STAFF: Alexis Cherichetti

OTHER: John Markow

CALL TO ORDER

Anne Cagnina called the meeting to order at 5:10 p.m.

ROLL CALL

Alexis Cherichetti called the roll.

SHOW-CAUSE HEARING

a) #V05-746– HERON ROAD – MARKOW - Site work in and adjacent to a wetland and watercourse without a permit.

Commissioner Cagnina gave introductory remarks regarding the Cease and Desist Order. Alexis Cherichetti then gave a history of the enforcement actions and discussed the activities cited in the Cease and Desist Order. Ms. Cherichetti explained the procedure of the show-cause hearing and invited Mr. Markow to present any evidence or testimony regarding the case. Mr. Markow stated that he stood by the previous information he presented to the Conservation Commission on May 24, 2005. He added that he felt that his activities were exempt under Section 60A-4 of the Inland Wetlands and Watercourses Regulations. Mr. Markow continued with a description of his activities since he was last before the Conservation Commission. On July 2 or 3, 2005 he had the remaining stumps in the side yard pulled with a back hoe, deposited approximately 10 yards of topsoil and seeded the area. Regarding area "A" on his submitted map, the woodchips there were from wood and brush that were there that he chipped. Mr. Markow maintained that there was minimal vegetation growing in the area.

Commissioner Smith stated that it would be a much easier conversation if the applicant had a soil scientist flag the wetland on site.

Mr. Markow indicated that the side yard area was definitely not wetlands. Commissioner Caputo indicated that neither he nor Mr. Markow were soil scientists and that neither of them could make that determination. Mr. Markow hinted that he indeed did have a soil scientist on the property, though he was unwilling to share the report.

Ms. Cherichetti again explained the procedure of the hearing and further discussed the Order's directives, assuming the Order would be upheld. Ms. Cherichetti advised Mr. Markow that it would be in his best interest to submit any information that would lead the Conservation Commission to amend and lessen the directives of the Order. In particular, she noted, if Mr. Markow had evidence that the side yard was not wetland, or photos showing that the rear yard did indeed have minimal vegetation in the area of woodchip deposition, the Commission would certainly use that information to lessen the directives of the Order. In the absence of that information, the Commission is more likely to uphold the order as is.

\*\* COMMISSIONER CAPUTO MADE THE MOTION TO ADJOURN THE HEARING TO JULY 26, 2005 MEETING TO ALLOW MR. MARKOW THE OPPORTUNITY TO SUBMIT ADDITIONAL WRITTEN TESTIMONY OR EVIDENCE.

\*\* COMMISSIONER HUBBARD SECONDED THE MOTION.

\*\* MOTION PASSED WITH ALL VOTES IN FAVOR.

The meeting was adjourned at 6:10 p.m.

Alexis Cherichetti

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**Regular Meeting  
JULY 19, 2005**

ATTENDANCE: Anne Cagnina, Chair; Marny Smith; Susan Llorca; Ed Holowinko; Matt Caputo; D. Seeley Hubbard

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHER:

CALL TO ORDER

Ms. Cagnina called the meeting to order at 6:20 p.m.

ROLL CALL

Ms. Cherichetti read the roll call.

## DISCUSSION

Ms. Cherichetti and the Commissioners discussed the timeline for working sessions on the Open Space Plan, as well as the Evaluation of the Open Space Inventory results.

Ms. Cherichetti said that five of the ten steps in the Open Space Plan have been completed, and the next step is prioritization of all the open space properties. Many of them are along the Silvermine River, and many of them are residences, not private clubs. In West Norwalk, there was the property that is now the Dolce Conference Center. In East Norwalk, there is a lot owned by Mr. Crossland, and it is 10.5 acres, adjacent to property acquired in the Crossland Litigation process. It consists mainly of wetlands, and it was determined that there was an aquifer underneath it. There are 3 acres that are privately owned near the White Barn Theatre in Cranbury Park.

Ms. Cherichetti asked the Commission how they would like to go forward with the prioritization of the Open Space Plan. Ms. Smith said they have the list that was put together four years ago. Mr. Hubbard said that Governor Rell just signed a bill that \$30.00 for every land transfer document that is filed throughout the state will be put into a segregated fund for open space, and it will go into effect October 1. The request for a full-time Environmental Analyst was not approved for the Conservation Department. Ms. Cherichetti said that the Staff has taken on the added responsibilities of the Aquifer Protection Program. Ms. Cherichetti explained that there is a series of plans for the Aquifer Protection Program that have to be done on a certain timeline. The implementation of the regulations for the Aquifer Protection Program is not likely to take place until next year.

It was suggested that once the property owners of the open space properties are identified, that a form of communication go out before it goes public. One large map will be ready in August that will have all the City-owned and privately owned properties identified. Mr. Caputo suggested that the top ten properties be listed on the map.

## COMMENTS OF STAFF

There were none.

## COMMENTS OF COMMISSIONERS

Ms. Smith asked if a public hearing had been scheduled for the new regulations. Ms. Cherichetti said she sent out notices to 55 homeowner associations, The League of Women Voters, land surveyors, developers, consulting engineers, lawyers, and the Board of Realtors. She said she had invited other groups to look at it on the website. The public hearing is scheduled for September 20, 2005 at 7:00 p.m. in Room 101.

## ADJOURNMENT

\*\* MS. SMITH MOVED TO ADJOURN.  
\*\* MR. CAPUTO SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 6:55 p.m.

Respectfully submitted,

Carolyn Marr  
Telesco Secretarial Services

