

NORWALK CONSERVATION COMMISSION MINUTES

JULY 22, 2003

ATTENDANCE: MATT CAPUTO, VICE CHAIRMAN; ANDREW KYDES;

**MARNY SMITH; JANE CORCILLO;
LARRY LOSIO; ED HOLOWINKO**

**STAFF: ERIN LEONARD,
CONSERVATION STAFF; MIKE
WRINN, CONSERVATION STAFF**

The Vice Chairman called the meeting to order at 6:10 p.m.. Mr. Caputo said that the continuation of a Public Hearing is to commence at 7:00 p.m. He said the Public Hearing is limited to the sole purpose of the receipt of consents with regard to access to the area as was stated at the last meeting and is not for the receipt of any additional information.

RECEIPT & DECISION

a) **56 Freshwater Lane – Pichotta - #S03-158** – New terrace, addition, 1-car garage, and

2nd story addition to single-family house adjacent to a wetland and watercourse and land-

scaping, including removal of vegetation and re-grading in and adjacent to a wetland and

watercourse.

Ms. Leonard said the original application, site plan and applicant's proposal along with a memorandum from Alexis Cherichetti, Environmental Officer was sent to the Commissioners in their packets as well as a letter to the applicant regarding some outstanding information. She said it is on the agenda tonight to see if there is anything in addition. She said she and Ms. Cherichetti did meet with the landscape designer for the project today and have gone through a few ideas to work out addressing some of these issues.

Ms. Smith asked if the number of plantings were addressed. She said a buffer is badly needed. Ms. Leonard said it was addressed today. Mr. Caputo asked if there was anyone present to represent the applicant.

Mr. Geoffrey Craig Williams, Architect stated that this is an existing 1-story house and the applicants want to add on and do a lot of renovations on the inside. He said a master

bedroom would be added on the second floor, an office space, and another bedroom. Mr. Williams stated that the work on the second floor would be the only work extending beyond the perimeter of the building and that all the work on the first floor is within the existing perimeter except for the new 1-car garage. He said that on the north side it would be approximately 6 inches off grade. Ms. Leonard said the site plan shows the limit of disturbance. Ms. Lisa McIness, Landscape Designer referring to the drawing submitted to the Commissioners said that she has a narrative that reads with this. She said basically what she is looking to do is to remove the invasive plants, to clear it out. She said underneath are ferns and other native plants that she would like to increase so that they could grow. Ms. McIness said there are three or four key spots to look at one being on the south side of the pond. She said she wants to clear out the overgrowth and create a buffer strip about 10 feet deep. She said another area is #5, clearing of some under story and 6 trees on the far side she would like to drop that range anywhere from 15 to 30 feet from the tags. Ms. McIness said they are also looking to increase the lawn at #8, the southern portion of the property.

Ms. Smith asked what Ms. McIness intended to do with the White Pines that are leaning into the pond. She said the roots would make it difficult to plant a buffer and under story there. Ms. McIness said that she would plant around them. Ms. Smith, referring to where the Black Gum and Maple tree are asked if they were coming down. Ms. McIness said just the Black Gum. She said the intent is to have a parallel track of grass next to the driveway and then the buffer strip on the other side of the grass.

Mr. Losio said there was a point raised in the memorandum from Alexis Cherichetti to the Commission that indicates that the rear buffer is 20 feet. He said he would like clarification as to where it is 20 feet. Ms. McIness said there are 6 trees. She said one of them is closer. She said she estimated that it was 10 to 20 feet away from the flags in the woods. Mr. Losio said that is marked consistently on the drawing as 20 feet. Ms. McIness said 20 feet would be where she would want to put lawn up to. Mr. Losio asked what she would be doing within the 20 feet. Ms. McIness said just leaving it. Ms. Smith said she would like to see a lot of bushes in this area to separate the lawn from the wetland area so that it fills in nicely.

Mr. Losio said he was still not with the program. He said he heard it explained that the 20 feet marked on the plan is essentially the limit of disturbance, yet it is referring to a 10 to 20 foot buffer and Ms. McIness commented earlier about measuring points from trees. He asked Ms. McIness if it is 20 feet, 10 feet or is she doing anything within that 20 foot buffer or not. Ms. McIness said that she would have to go back and look to see how many trees are within the 20. She said it is her guess is there might be two trees that are in the 20 feet. Mr. Losio asked Ms. Leonard if typically the Commission asked this to be marked out in the plan. Ms. Leonard said yes. Ms. McIness said the trees are marked on site but would mark them specifically. Ms. Leonard asked if Mr. Losio was looking to mark clearly what is staying and what is going. Mr. Losio said yes, within that buffer. Ms. McIness said that on the drawing there are two trees that fall within the buffer. Ms. Leonard said that in addition Ms. McIness would need to revise this dimension to scale. Ms. McIness said that was fine.

Ms. Corcillo said there is a line marked edge of woods and asked if all of it was going to be lawn toward the rear of the property. Ms. McIness said not all of it, just to the property line and to the 20-feet discussed. Ms. Smith said it would be a different terrain once the trees are down. She said it would change the density for new growth. Ms. Smith said she would like to see section by section what specifically would go in there. She said she would like to see a planting plan. Mr. Caputo said the Commission members would like more specificity as to what would be planted there. He said that Ms. Leonard has a very good idea of what the Commission is after that would aid them to evaluate the application. He said the Commission needs more information and the sooner Ms. McIness could get with Ms. Leonard the better so that the item could get back on the agenda. Ms. Leonard said that once Staff received the information they would put it back on the agenda to see if it satisfied the Commission's concerns. Ms. McIness said her biggest concern is that if there is anything in the landscaping that interferes with the building permit. She said she is happy to file again in six months. She said she does not want her application to affect Mr. William's application. Ms. Leonard suggested that Ms. McIness wait and see what information she would provide Staff with to address some of the Commissioners concerns and go from there.

DISCUSSION &/OR DECISION

- a) **194 North Taylor Avenue – Johnston - #S03-153** – Three-lot subdivision adjacent to a watercourse

Ms. Leonard said she submitted a Staff memorandum to the Commissioners with some possible conditions. Mr. Caputo said that he did read it and does not remember anything controversial. Ms. Smith said that her concern is with the terrain of the property. She said the three houses would require a lot of blasting and it is not known what the long-term effects would be on the wetlands. She said she feels that one house could require a lot of blasting but two houses would change the whole eco system. Ms. Leonard said that Staff does not have any information to address the issue at this time. She said at this point it is not known whether there will be any blasting.

**** MR. KYDES MADE A MOTION TO GRANT APPLICATION #S03-153 – 194 TAYLOR AVENUE, NORWALK, CONNECTICUT SUBJECT TO CONDITIONS 1 AND 2 AS OUTLINED IN A MEMORANDUM DATED JULY 14, 2003 FROM ERIN LEONARD, CONSERVATION STAFF TO THE NORWALK CONSERVATION COMMISSION.**

**** MS. CORCILLO SECONDED THE MOTION WITH THE UNDERSTANDING THAT CONDITION 1 WHICH STATES THAT THERE BE NO SITE DEVELOPMENT WORK ON PARCEL 1 OR PARCEL 2 WITHOUT THE PRIOR PROCUREMENT OF**

INDIVIDUAL CONSERVATION PERMITS FOR EACH LOT IS MADE CLEAR.

Mr. Holowinko said his concern is that it would make it difficult parking dividing the parcel into three lots and probably would make more sense to make it into two in order for the applicant to have more flexibility when he comes back before the Commissioners rather than granting three lots now. Mr. Caputo asked what the problem is. Mr. Holowinko said the problem is the terrain. Mr. Caputo said that once the applicant comes back with a specific plan it would be fair to ask about blasting. He said he has a sense that Staff does not see a problem with this. He said it is premature to impose requirements or to make judgments in regards to the number of lots based on things that are not before the Commission. Mr. Wrinn said that when the Commissioners do get the individual house plans before them they will have the opportunity to look at specific grades where the applicant is building the house at and could then address the blasting. Mr. Losio said that he was not present for this particular proposal and asked the Commissioners if there were any specific concerns such as the buffer and the proximity to the wetlands. Ms. Smith commented that there is a manmade pond and a rock cliff between where the house will go and the pond. She said there is not a buffer in the traditional sense. Ms. Leonard said that at the time of development the Commissioners could request it. Ms. Smith said that it would be a different kind of buffer. Mr. Losio asked if the Commissioners felt there were any concerns with potential incursion on the wetlands. Mr. Kydes said that unless the Commissioners know what the applicant is going to do there are no issues.

**** MOTION PASSES WITH 4 VOTES IN FAVOR, 1 AGAINST (MS. SMITH), 1 ABSTENSION (MR. LOSIO).**

b) **15 Renzulli Road – LaRacca - #S03-155** – Construction of a new single-family residence adjacent to a wetland and watercourse

Ms. Leonard referring to her memorandum of July 15, 2003 said that the Commissioners have seen this application previously. She said there is a special condition of added landscaping solely based on going out to the site and seeing some vacant areas in the buffer. Ms. Leonard stated that the applicant had defined the limit of disturbance as well as the limit of lawn. She said the applicant has a revised site plan and asked the Commissioners to refer to special condition #5, which basically is to extend the buffer line to further delineate the lawn area.

**** MS. SMITH MADE A MOTION TO GRANT APPLICATION #S03-155 – 15 RENZULLI ROAD - LARACCA WITH THE 9 SPECIAL CONDITIONS AS OUTLINED IN A MEMORANDUM TO THE NORWALK CONSERVATION COMMISSION FROM ERIN LEONARD, CONSERVATION STAFF DATED JULY 15, 2003.**

**** MR. HOLOWINKO SECONDED THE MOTION.**

Mr. Losio asked if the changes noted as well as the map would remain part of the permanent records. Ms. Leonard responded yes, it is in the conditions.

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

c) **Wenche Vey - #S03-156-369 Chestnut Hill Road** – Four-lot subdivision with associated

driveways, septic systems, and storm water drainage adjacent to a wetland and watercourse

Ms. Leonard stated, as mentioned in her Staff Report, Staff met with the applicant's engineer and has as requested, pulled back the limit of disturbance with the exception of the wells. She stated that the Commissioners had all received a revised plan. Mr. Caputo said that Ms. Destefanis could not attend the meeting tonight but had questions regarding the wells. He asked Ms. Leonard to expound on how those questions were addressed. Ms. Leonard said that Ms. Destefanis wanted to know the locations of wells to see if they could be relocated. She said she was most concerned with waste management practices in which the applicant had submitted a letter discussing it.

Mr. McAllister with McChord Engineering Associates, Inc. said that one of the issues was to get the wells as far away from the wetlands as possible. Mr. Kydes asked if anyone had filed for a Public Hearing. Ms. Leonard said that no one had. Ms. Smith commented that it is such an improvement from before.

**** MS. SMITH MADE A MOTION TO GRANT APPLICATION #S03-156-369 CHESTNUT HILL ROAD – WENCHE VEY FOR A FOUR-LOT SUBDIVISION WITH THE 3 SUB CONDITIONS OUTLINED IN A MEMORANDUM FROM ALEXIS CHERICHETTI DATED JULY 14, 2003 TO THE NORWALK CONSERVATION COMMISSION.**

**** MR. KYDES SECONDED THE MOTION.**

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

The Chairman adjourned the meeting at 6:50 p.m. for a 10-minute recess. The meeting was reconvened for a continuation of a Public Hearing at 7:00 p.m.

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

a) **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. Caputo explained the rules for the Public Hearing. He said that anyone who wishes to speak is afforded an opportunity to speak. He stated that the hearing is limited to the receipt of consents of private properties in this area.

Ms. Leonard stated that the Public Works Department has submitted all of the old consent letters that are affected by this project. She said the second reason the hearing was continued is that Commissioner Losio had asked that the flood lines be staked, which has been done. Ms. Leonard said that all of the work has been completed as described in the memorandum dated July 11, 2003 to the Norwalk Conservation Commission from Alexis Cherichetti, Senior Environmental Officer.

Mr. Caputo asked if it is Staff's opinion that the purpose for the Public Hearing has been fully satisfied. Ms. Leonard said yes. Mr. Caputo closed the Public Hearing at 7:05 p.m.

Ms. Leonard said she has one problem that Commissioner Losio had raised regarding the colored renderings of the maps that clearly marks the existing conditions to proposed Alternatives 1, 2 and 3. She said the only difference between Alternative 2 and 3 is the amount of actual disturbance within the actual wetland. Ms. Leonard said the information that was provided at the last meeting had said this information has been gathered from 2001. She said this is the information included in the application. Ms. Corcillo asked if the net effect is identical in Alternative 2 and 3. Ms. Leonard replied that the ultimate goal has the same effect for reducing the elevation of the flood line.

Mr. Caputo stated that there are three Alternatives. He said that Alternative 1 is more energetic than 2 and 3. He said that the concern of the applicant is about maintenance and keeping the system working. Mr. Holowinko said that he prefers Alternative 2. Mr. Losio said he prefers 2 or 3. He said the Commissioners should take a site visit to determine whether either 2 or 3 would have a damming effect. He said that he is most comfortable with Alternative 3 because it would have a significant impact on the problem with the least impact of all three alternatives on the wetlands.

Ms. Smith stated that the primary goal of the Commission is to protect the wetlands. She said Alternative 1 drains the wetlands as well as Alternative 3. Mr. Kydes said that the Commission has a responsibility to the property owners as well and that he is in favor of Alternative 1 because he does not want to see the property owners come back to the Conservation Commission with problems later on. He said it would be a bigger problem the next time if the Commission does not correct the problem. Mr. Holowinko said in reference to the sediment, some of it is coming off of Philips Avenue and that a catch basin should be made a part of the plan. Mr. Losio asked if this is something that can be discussed with the applicant at this point. Ms. Leonard responded that she believes it was discussed at the last meeting. Ms. Smith said the effect of Alternative 2 and 3 are the same. She said the further encroachment into the wetlands is Alternative 2. Ms. Corcillo said the amount of preventive maintenance for Alternative 2 is less than 3. Mr. Losio stated that although Alternative 1 allows the DPW to go forward with the project he is here tonight as an Inland Wetlands and Watercourse Commissioner, not as DPW focused on maintenance issues and therefore is looking to make a decision that has as much

positive impact and achieves the desired results for the residents and for the City as possible but at the same time minimizes the impact on wetlands and the watercourse. Ms. Corcillo said that the amount of preventive maintenance for Alternative 2 would be less than Alternative 3. Ms. Leonard said that it is the excavation within the wetlands that makes the difference. She said the water level is the same for both Alternative 2 and 3. Mr. Losio said the nature of the soils is that when you dry them up they can compress and possibly subside. He said if that happens, the end results would be unpredictable. He said that does not help the Commissioners distinguish between Alternatives 2 and 3 because Alternatives 2 and 3 have the same effect in reducing the standing water. Ms. Leonard said the excavated area for Alternative 2 is larger. Ms. Leonard said it is a disturbed area. Ms. Smith said she certainly sympathizes with the residents. She said this problem has gone on long enough and something has to be done. She said that all three alternatives are going to achieve the relief that they need. She stated that she is hoping to get that relief with the least damage to a wetland that does not function now but will once the larger pipe is installed and the water is able to be drained. There was some discussion about elevation of 107 for the 25-year flood as discussed at the last meeting. Ms. Leonard said a map in the packet given to the Commissioners shows what the existing conditions are and what the proposed elevations are for Alternatives 1, 2 and 3. She said right now, the two houses that flood are at elevation 107.6. She said it clearly shows that all three alternatives meet the 25-year storm event. She said it is the 50-year storm event that will come up to the foundation line of the two homes. Mr. Kydes said that is when the residents will have all of the problems with water they are having right now. Ms. Leonard said that the engineer had explained that the flooding problem stems from the fact that the pipe is clogged and is too small. She said all three of these alternatives address that issue the same way except for the outlet area and the extent of disturbance to the wetlands. Mr. Caputo asked what would happen to the two houses with the flooding in the basements under these proposals. Ms. Leonard asked if Mr. Caputo meant the current water level or the flooding. Mr. Caputo stated that Alternative 1 is much more drastic than 2 and Alternative 2 is more energetic than 3. He asked what would be the effects on the basements of these two homes.

Ms. Leonard said a 2-year storm brings the water up and partially into a portion of the houses. She said the difference is in the amount of area that is excavated for the drop in water. She said the 2-year storm is 107.7. She said 10-years is 108.6. Ms. Leonard referring to the map said that Alternative 1 is the exact same wetland that shows the proposed excavation disturbance. She said Alternatives 2 and 3 have the same effect on the surface water and flooding. She said the surface water would be dropped to 106. She said the 2-year storm runs just inside the wetland line. She said the 50-year comes to 107.6, which comes to the foundation of the lowest house. She said all three Alternatives call for the same pipe the only difference is the amount of excavation needed. Ms. Leonard said the two homes at issue are in a regulated area. Ms. Smith said that means that if the homeowners want to fill their yards at some point after this is completed they would not be able to do it. Ms. Leonard said the regulations do not say the owners cannot have any activity within a wetland. She said it is says that any property owners proposing any activity on the property within a regulated area need to file for an application and specify what specifically is being done. Mr. Caputo asked the Commissioners if they

were ready to vote on at least one of the alternatives tonight. The consensus of the Commissioners was that they were ready to vote.

Mr. Holowinko said he would want to make sure that Condition 2 regarding sediment of the Draft Resolution is implemented initially. Ms. Leonard said it is an area addressed in the memorandum that might be of future concern but that Staff has no studies with regard to future sedimentation rate. She said, according to the engineer, the flooding is caused by the pipe and sedimentation in that area. Mr. Losio said that no sedimentation study had been done so anything that has to do with how quickly, when or if sedimentation might occur is purely speculative. He said with that in mind, without discussing it with the engineers, he would have difficulty amending an engineer's proposal.

Mr. Holowinko said it is his understanding that this used to be a channel. He said right now it has a build up between the two areas. He said the sediment could be removed for it to be acceptable. Mr. Losio said there is nothing in the application about this. Mr. Wrinn said that he found something in the Conservation Report that indicates that the engineers had noted, in effect that currently the outlet pipe to the northern wetland is buried under 2 feet of silt. He said according to maintenance records this is probably an accumulation over a 1-year period. He said they do have some indication of knowing how much is in there over a 1-year period. Mr. Wrinn stated that it says that the accumulation of silt and sediment is a function of the wetland soils cannot be eliminated and will require ongoing maintenance. He said the report goes on to say that the proposed improvements are designed to trap and store the sediments ahead of the outlet pipe leaving it as functional as possible. Mr. Wrinn said the engineers have addressed some of the maintenance issues in the report. He said that is why the engineers are recommending the large ditch with a certain size ratio for the sidewalls, etc.

Mr. Losio said that he is uncomfortable with the Commissioners making recommendations without being able to engage in dialogue with the engineers that developed it. He said if there was some way of approving Alternatives 2 or 3 while stipulating as a condition that it be considered as part of implementation of Alternatives 2 and 3 and the applicant could work with Staff he would be more comfortable with it. Ms. Corcillo said that essentially what the Commissioners are looking at is drying out a wetland. She said the real question is whether drying out the wetland is the right thing to do. Mr. Holowinko suggested that if the Commissioners go with Alternatives 2 or 3, that plantings, a buffer and a 3-foot fence be incorporated in the plan. Mr. Losio said that he would be for maintaining the channel if the Commissioners could be sure that garbage was not going to be dumped into it. He said he does not have that confidence. Mr. Holowinko said that he thinks the area can still be saved and made to look nice. Mr. Losio said that since the channel is the most critical component in all three proposals he is not comfortable with going forward with it. Mr. Holowinko said that the channel could be made to look nice for the residents. He stated that it would not cost the City any more money. Ms. Smith asked if there is a planting plan. Ms. Leonard said that as stated in possible special conditions a detailed planting plan is in the engineering report. Mr. Holowinko said he thinks the Conservation Commission could save the channel and make it beneficial to the neighborhood. Mr. Losio said that someone would have to visit

it regularly because no one knows when a storm is going to hit or when someone is going to throw something into it and block the channel. Mr. Wrenn said the Commission would have to know what the elevations on the down stream are. Mr. Losio said that he is sympathetic with wanting to make the area look nice but practically whether DPW would have to go to the site regularly and check to make sure the channel is clear. He said there is no way of knowing when something would be thrown into the channel and clog it up. Mr. Caputo said that everyone wants to help the residents and it is the consensus of the Commissioners to vote on one of these proposals. Mr. Losio said what he is trying to do is balance an impact on the wetlands while at the same time giving the residents and the City the greatest possible assurance that the work is going to have the desired effect. He said each of the Commissioners has to try to establish some personal balance. Ms. Leonard explained the landscaping proposal with regard to Condition 3, going beyond the rip-rap area and along the sloped banks of the channel. Mr. Losio asked if Staff is comfortable with the taking of the southern area, balancing mitigating enhancements underscoring Mr. Holowinko's concept. She suggested adding a number 4 to Condition 3 (planting plan shall include). Mr. Losio said the Commissioners would want to see some kind of proposal for enhancing these areas. Ms. Leonard said one note is that no matter what amount is excavated north of the pipe, the large chunk of money is used in the southern portion. She said she did not want the Commissioners to get the impression that reducing the amount of excavation is going to be a significant amount of extra money. Mr. Losio said that he raised that issue in the previous Public Hearing. He said while the amount was not half, it was still a significant amount. Ms. Leonard said that Mr. Losio is correct. She said her notes indicate that Mr. Linnartz stated that number 3 would be the least amount of cost but the pipe cost is the most expensive of the project.

Mr. Holowinko questioned whether sedimentation on Philips Avenue had been addressed. Ms. Leonard asked if it was discussed at the prior Public Hearing. She said, looking through her notes from the last hearing, Mr. Linnartz addressed catch basins on Benedict Court. She said she does not recollect Philips Avenue. Mr. Holowinko said that he suggests putting a sedimentation basin at the end of the storm pipe on Philips Avenue. Mr. Wrenn said, at this point, it his strong recommendation that the Commissioners put it as a condition that the applicant have a regular maintenance program and that they give the Commissioners the results on maintaining the catch basins to include specifically Philips Avenue and Ferris Avenue. Mr. Caputo asked Ms. Leonard to clarify the other special condition. Ms. Leonard stated that the proposal is that in consideration of the loss of some of the .13 acres of the southern wetland that landscape mitigation for the northern wetland be submitted to staff to be worked out as per the budget of the project.

**** MR. LOSIO MADE A MOTION RESOLVED THAT CONSERVATION APPLICATION #S03-143 – TO INSTALL A DRAINAGE SYSTEM DESCRIBED AS ALTERNATIVE #3 IN AND ADJACENT TO A WETLAND AND WATERCOURSE GRANTED TO THE CITY OF NORWALK DEPARTMENT OF PUBLIC WORKS THE PROPERTY ALONG NORTH TAYLOR AVENUE, NORWALK, CONNECTICUT (DISTRICT 5, BLOCK 65,**

TAX LOT 150, 149A, 302, 249, 317, 145, 144, 143, 142, 132) WITH THE FOLLOWING CONDITIONS:

1. **PRIOR TO COMMENCEMENT OF ANY ONSITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL PROVIDE PHOTO DOCUMENTATION OF THE SITE AND CROSS-REFERENCE OF PHOTOGRAPHS AND THE SITE PLAN. THE PHOTOGRAPHS SHOULD REPRESENT WIDE ANGLE VIEWS.**
2. **PRIOR TO COMMENCEMENT OF ANY ONSITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL SUBMIT A DETAILED SEDIMENTATION AND EROSION CONTROL PLAN. THE PLAN MUST DEPICT, AT A MINIMUM: 1) A DEFINED LIMIT OF DISTURBANCE; 2) CONSTRUCTION ACCESS ROUTES; 3) WATER DIVERSION METHODS; 4) THE DESCRIPTION AND LOCATION OF ALL SENDIMENTATION DEVICES (SILT FENCE, HAY BALES, SILT SACKS, TEMPORARY DETENTION BASINS, ETC.; 5) STOCKPILE AND/OR DE-WATERING AREAS; 6) SITE STABILIZATION PLANS; AND 7) A DETAILED**

CONSTRUCTION SEQUENCE AND STAGES OF WORK. THIS PLAN MUST BE APPROVED BY THE CONSERVATION STAFF PRIOR TO ANY COMMENCEMENT OF ON-SITE WORK.

3. **PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED**
ACTIVITY, THE APPLICANT SHALL SUBMIT A DETAILED PLAN. THIS PLANTING PLAN SHALL INCLUDE, AT A MINIMUM: 1) A MIX OF RICE CUTGRASS (*LEERSIA ORYZOIDES*) AND BLUE FLAG IRIS (*IRIS VERSICOLOR*), OR SIMILAR MIX ALONG THE BOTTOM OF THE PROPOSED CHANNEL BEYOND THE INITIAL 20 BY 20 FOOT RIP-RAP AREA; 2) NATIVE SHRUB AND SHADE TREES, AT A DENSITY NO LESS THAN EIGHT (8) OFF CENTER ALONG THE SLOPED BANKS OF THE PROPOSED CHANNEL; 3) SEEDING OF ALL REMAINING DISTURBED AREAS WITHIN THE WETLAND, INCLUDING BETWEEN THE ABOVE DESCRIBED SHRUBS, WITH A NATIVE CONSERVATION SEED MIX; AND 4) THAT IN CONSIDERATION OF THE LOSS OF THE .13 ACRES OF SOUTHERN WETLAND, THAT LANDSCAPE MITIGATION TO THE NORTHERN WETLANDS BE UNDERTAKEN WITH DETAILS TO BE WORKED OUT BY THE APPLICANT WITH

STAFF AND AS ALLOWED PER ALLOCATED BUDGET FOR THIS PROJECT.

- 4. THIS PERMIT ALLOWS ONLY THE PROJECTED SCOPE OF WORK FOR**

THE INSTALLATION OF ALTERNATIVE #3, WHICH INCLUDES THE CONSTRUCTION OF A 60-FOOT WIDE BY 40-FOOT LONG BY 2-FOOT DEEP CHANNEL IN THE NORTHERN WETLAND, AS DESCRIBED IN THE REPORT ENTITLED "NORWALK CONSERVATION COMMISSION REPORT", DATED APRIL 2003, AS PREPARED BY LOCKWOOD, KESSLER & BARTLETT, INC. ANY CHANGE TO THIS PLAN, AS DESCRIBED ABOVE, SHALL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR PERMIT MODIFICATION.

- 5. ALL ASPECTS OF THE PROPOSED WORK THAT OCCUR WITHIN THE**

NORTHERN WETLAND ARE LIMITED TO OCCUR BETWEEN JUNE 1ST AND DECEMBER 15TH OF ANY GIVEN YEAR. THESE DATES ARE WHEN THERE GENERALLY ARE LOW-FLOW CONDITIONS.

- 6. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER**

THIS PERMIT IS TO BE COMPLETED WITHIN THREE YEARS.

- 7. THE APPLICANT SHALL UNDERTAKE A REGULAR MAINTENANCE PROGRAM OF DRAINAGE CATCH BASINS AT THE FERRIS AVENUE AND PHILIPS STREET OUTFALLS TO THE WETLANDS. A REPORT OF THE MAINTENANCE ACCOMPLISHED MUST BE SUBMITTED TO THE CONSERVATION COMMISSION ON A REGULAR BASIS.**

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

Mr. Caputo said that a lot of good work has been done by DPW and by the Conservation Staff. He stated that a lot of consideration had been taken by everyone with respect to the experts that submitted information to the Conservation Commission. He said there are probably no perfect answers to this situation. Mr. Caputo said that as much as possible he would encourage the Commissioners to vote on this proposal in order to bring relief to this neighborhood.

**** MOTION PASSED WITH 5 VOTES IN FAVOR, 1 ABSTENTION (MR. KYDES)**

ACCEPTANCE OF MINUTES – JULY 8, 2003

The consensus of the Commissioners was to table the minutes until the next meeting.

**** MS. SMITH MADE A MOTION TO TABLE THE MINUTES OF JULY 8, 2003**

UNTIL THE NEXT MEETING.

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

**** MOTION PASSED UNANIMOUSLY.**

COMMENTS OF STAFF

a) **Declaratory Permits and Enforcement Actions**

None.

COMMENTS OF THE COMMISSIONERS

**** MS. CORCILLO MADE A MOTION TO ADJOURN THE MEETING.**

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

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

The meeting adjourned at 8:46 p.m.

Respectfully submitted,

Linda Custis

Telesco Secretarial Services