

**NORWALK CONSERVATION COMMISSION MINUTES**

**July 25, 2006**

Attendance: Karen Destefanis, Vice Chair; Andrew Kydes; Marny Smith; Matt Caputo; Susan Llorca; Ed Holowinko; D. Seeley Hubbard (6:20)

Staff: Erin Leonard, Senior Environmental Officer; Sarah Rettger, Conservation Assistant

Others: Don Strait, Grumman Engineering; William Tarala

**CALL TO ORDER**

Ms. Destefanis called the meeting to order at 6:10 PM.

**ROLL CALL**

Ms. Leonard called the roll.

**SHOW-CAUSE HEARING**

a) #V06-765 – 159 Winfield Street – Themelio Development – Clear-cutting and removal of vegetation adjacent to a wetland and watercourse

Ms. Leonard explained that a Notice of Violation had been issued to the property owner on May 25 for clear-cutting adjacent to a wetland and watercourse. The Notice of Violation required the owner to delineate wetlands on the property and obtain a corrective action permit by June 13. Ms. Leonard and Ms. Cherichetti had communicated with a representative of the owner before issuing the Notice of Violation and shortly after, but the owner made no additional contact and did not file for a permit. A Cease & Desist Order was issued. Staff recommended that the commission uphold the Cease & Desist Order requiring the owner to obtain a corrective action permit.

Ms. Destefanis asked about the original Notice of Violation. Ms. Leonard explained that she and Ms. Cherichetti had met with David Bass, manager of the site, to discuss the violation. She said there had been a call from the owner's landscape architect in late June informing them that the wetlands would be flagged. There has been no additional communication since then.

Ms. Destefanis asked what would happen if the owner did not comply with the Cease & Desist Order. Ms. Leonard said the matter would be forwarded to Corporation Counsel.

Ms. Smith said she did not want to grant any more extensions to the owner, since the site had been in violation since the end of May.

**\*\* MS. SMITH MOVED TO UPHOLD THE CEASE & DESIST ORDER AS WRITTEN.**

**\*\* MR. CAPUTO SECONDED THE MOTION.**

**\*\* THE MOTION PASSED UNANIMOUSLY.**

#### DISCUSSION/DECISION I

a) #S06-252 – 25 Huckleberry Drive South – Tarala – Construction of a new single-family residence and drainage pipe extension adjacent to a wetland and watercourse

Mr. Caputo recused himself from discussion of this application. He left the meeting at 6:19 PM.

Mr. Strait explained the changes he had made since last presenting this application to the commission. He showed two alternative plans in which he had moved the house away from the stream, as requested by the commission. He said the applicant had also decided to construct a deck and walkout basement, which would require less fill than the earlier plan. Mr. Strait said that Ms. Leonard had requested that he increase the five-foot watercourse buffer, and he was willing to make the necessary changes.

Mr. Hubbard asked whether the drainage ditch was natural. Mr. Strait and Mr. Tarala were unsure, but thought it was too straight to be natural. Mr. Hubbard also asked where the water flowed after passing through the drainage ditch. Mr. Strait explained that the ditch drained to Holy Ghost Fathers Pond, which drained to Holy Ghost Fathers Brook, which led to the Five Mile River.

Ms. Leonard suggested that the plan be changed to decrease the amount of turnaround space in the driveway in order to move the house farther from the watercourse. Mr. Strait said he could reduce the backup space to thirty feet, but less would be inconvenient.

There was a discussion of the planned parking spaces and possible locations.

Ms. Leonard reminded the commission that because they had determined this was a significant application, they needed to schedule a public hearing. There was a consensus in favor of holding the hearing August 22.

**\*\* MR. KYDES MOVED TO SCHEDULE A PUBLIC HEARING ON APPLICATION #S06-252 ON AUGUST 22, 2006.**

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

**\*\* THE MOTION PASSED WITH SIX IN FAVOR (MR. CAPUTO WAS RECUSED).**

Mr. Caputo returned to the meeting at 6:40 PM.

b) #S06-253 – 10 Rowayton Court – Zabavsky – Construction of an in-ground pool and deck adjacent to a wetland and watercourse

Ms. Leonard reminded commissioners that the applicant had submitted revised plans at their last meeting, and no concerns had been expressed.

**\*\* MS. SMITH MOVED THAT CONSERVATION APPLICATION #S06-253, TO CONSTRUCT A NEW 10 FT. X 35 FT. REAR DECK AND INSTALLATION OF IN-GROUND SWIMMING POOL, ON-GRADE PATIO, DRAINAGE PIPE, AND RETAINING WALL, WITH ASSOCIATED GRADING ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO VICTOR AND VALERIE ZABAVSKY FOR PROPERTY AT 10 ROWAYTON COURT, NORWALK, CT, [DISTRICT 6, BLOCK 27, TAX LOT 21] WITH THE FOLLOWING CONDITIONS:**

1. A \$ 775.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.
2. 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.
3. SILT FENCE OR HAY BALES SHALL BE INSTALLED IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED "ZABAVSKY, 10 ROWAYTON COURT NORWALK CONSERVATION INTERMEDIATE PERMIT APPLICATION", DATED MAY 8, 2006 BY PARSONS ASSOCIATES AND REVISED BY CONSERVATION STAFF JULY 18, 2006. THE SILT FENCING IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.
4. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.
5. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN ONE (1) YEAR OF COMMENCEMENT.
6. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED, "ZABAVSKY, 10 ROWAYTON COURT NORWALK CONSERVATION INTERMEDIATE PERMIT APPLICATION", DATED MAY 8, 2006 BY PARSONS ASSOCIATES AND REVISED BY CONSERVATION STAFF JULY 18, 2006 WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

**\*\* MR. CAPUTO SECONDED THE MOTION.**

**\*\* THE MOTION PASSED WITH FIVE VOTES IN FAVOR AND TWO ABSTENTIONS (MS. DESTEFANIS AND MS. LLORCA).**

c) #S06-255 – 181 West Norwalk Road – Patchen – Construction of a new single-family residence adjacent to a wetland and watercourse

Ms. Leonard said there was no new information on this application. The commission had previously scheduled a public hearing on this application for the August 22 meeting.

No action was taken on this item.

d) #S06-256 – 8 Brookhill Lane – Slipyy and Zdryko – Excavation and filling for landscape work adjacent to a wetland and watercourse

Ms. Leonard said that she had prepared a draft resolution based on commissioners' comments. Ms. Smith said that she would like to add a requirement that the berm be moved back from the watercourse. There was a discussion of the best way to include this requirement in the permit.

**\*\* MS. SMITH MOVED THAT CONSERVATION APPLICATION #S06-256 EXCAVATION AND FILLING FOR LANDSCAPE WORK ADJACENT TO A WETLAND AND WATERCOURS BE GRANTED TO VASYL SLIPYY & LILIYA ZDRYKO FOR PROPERTY AT 8 BROOKHILL LANE, NORWALK, CT, [DISTRICT 5, BLOCK 23, TAX LOT 40] WITH THE FOLLOWING CONDITIONS:**

7. A \$2300.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$1745.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL YEAR, INCLUDING ONE (1) FULL GROWING SEASON, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

8. 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.

9. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED ALONG THE OUTER EDGE OF THE PROPOSED DISTURBANCE AREA, AS DEPICTED ON

THE PLAN ENTITLED, "SITE PLAN FOR PROPOSED LANDSCAPE ACTIVITIES AT 8 BROOKHILL LANE", AMENDED BY STAFF JULY 17, 2006. THE SEDIMENTATION AND EROSION CONTROL MUST BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE RECOMMENCEMENT OF ANY WORK ON SITE.

10. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED ADJACENT TO THE WETLAND AND WATERCOURSE IN THE EASTERN REAR OF THE PROPERTY. THE DESIGNATED BUFFER SHALL EXTEND FROM THE PROPOSED PATIO TO THE WETLAND LIMIT LINE IN THE SOUTHEASTERN PORTION OF THE PROPERTY. THE BERM SHALL BE REMOVED FROM THE WETLAND BUFFER WITHIN TEN (10) FEET OF THE WATERCOURSE. THE DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ENHANCED WITH THE PLANTING PLAN DESCRIBED ON THE SITE PLAN. THE SHRUBS MUST BE A MINIMUM OF THIRTY-SIX INCHES (36") IN HEIGHT AT THE TIME OF PLANTING. THE EXISTING VEGETATION ADJACENT TO THE WETLAND AND WATERCOURSE AT THE EASTERN REAR OF THE PROPERTY SHALL REMAIN. THE AREA WITHIN THE DESIGNATED WETLAND BUFFER 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.

11. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, INCLUDING THE PLAN ENTITLED "SITE DEVELOPMENT PLAN", DATED MAY 5, 2006, BY LAND-TECH CONSULTANTS, INC. WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

\*\* MR. KYDES SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH FOUR IN FAVOR AND THREE ABSTENTIONS (MS. LLORCA, MS. DESTEFANIS, AND MR. HUBBARD).

## MINUTES

a) May 9, 2006

This item was tabled due to lack of a quorum.

b) May 16, 2006 (regulatory meeting)

\*\* MR. CAPUTO MOVED TO APPROVE THE MINUTES WITH CORRECTIONS.

\*\* MS. LLORCA SECONDED THE MOTION.

\*\* THE MOTION PASSED WITH FOUR IN FAVOR AND THREE ABSTENTIONS (MS. DESTEFANIS, MS. SMITH, AND MR. HUBBARD).

c) June 13, 2006

\*\* MR. CAPUTO MOVED TO APPROVE THE MINUTES WITH CORRECTIONS.  
\*\* MS. SMITH SECONDED THE MOTION.  
\*\* THE MOTION PASSED UNANIMOUSLY.

June 27, 2006

\*\* MR. CAPUTO MOVED TO APPROVE THE MINUTES WITH CORRECTIONS.  
\*\* MS. SMITH SECONDED THE MOTION.  
\*\* THE MOTION PASSED WITH FOUR IN FAVOR AND THREE ABSTENTIONS  
(MS. LLORCA, MS. DESTEFANIS, AND MR. HUBBARD).

#### ELECTION OF OFFICERS

Ms. Leonard said that Mr. Caputo had asked her to check whether alternate members could vote in these elections and hold elected positions. She said that according to the commission's regulations, both voting and holding positions were restricted to regular members.

Ms. Smith nominated Ms. Cagnina as chair and Ms. Destefanis as vice chair.

The motion passed unanimously.

#### COMMENTS OF STAFF

Ms. Leonard said two minor permits had been issued since the last meeting. A permit was granted at 29 Orchard Hill Road for a patio, and at 78 Crooked Trail for a garage addition and second floor addition.

Ms. Leonard also said that a Notice of Violation had been issued at 9 Boulder Circle for the construction of a retaining wall in a watercourse. The homeowner's representative had elected to implement the restoration plan, but needed to obtain encroachment permits from the Department of Public Works before any work could begin.

Ms. Leonard distributed brochures regarding the Redevelopment Agency's work at Oyster Shell Park.

#### COMMENTS OF COMMISSIONERS

#### ADJOURNMENT

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

The meeting adjourned at 7:10 PM.

Respectfully submitted,

Sarah Rettger  
Conservation Assistant

