

NORWALK CONSERVATION COMMISSION MINUTES

JULY 27, 2004

CALL TO ORDER

The meeting of the Norwalk Conservation Commission was called to order at 6:09 p.m. by the Chair, Karen DeStefanis.

ROLL CALL

Present were:

Anne Cagnina; Jane Corcillo; Ed Holowinko; D. Seeley Hubbard; Andrew Kydes; Marny Smith; Matthew Caputo (6:10 p.m.); Karen DeStefanis

Alexis Cherichetti, Senior Environmental Officer

RECEIPT/DISCUSSION

a. 2 & 8 Wilson Avenue – S04-191-6th Taxing District – Installation of a 46-space parking lot and associated drainage and landscaping adjacent to a wetland and watercourse

Ms. Cherichette said that she had nothing to add to the staff report.

Attorney Liz Suchy, Tierney, Zullo, Flaherty & Murphy represented the 6th Taxing District. They are proposing to create parking in the Rowayton area. The plan suggests a buffer area between 25 and 30 feet wide.

Attorney Suchy gave a brief overview of the plan, which includes 36 parking spaces plus 10 parking spaces on Mr. Conroy's property.

Mr. Caputo arrived at 6:10 p.m.

Attorney Suchy said that any plan proposed or suggested will not intrude into the wetlands, but a zoning change will be necessary.

Mr. Don Strait, landscape architect, Grumman Engineering reviewed the site plans. He explained that he would like to modify the planting plan and add more to the buffer area.

Ms. Cherichetti said that she conveyed to the applicant's agent that she would like more information on the drainage system.

Ms. Smith asked if moving the access road would lessen the number of parking spaces. Attorney Suchy replied that is an alternate plan that needs review.

Ms. Cherichette suggested that the Commission could decide that this is a plenary application and they do not have to schedule a public hearing date tonight, but if a public hearing is scheduled, it must be held on or before the September 14th meeting.

Attorney Suchy said that if an extension of time is necessary, the applicant is willing to grant an extension.

The sense of the meeting was that all of the Commissioners were in agreement to classify this application as a plenary application.

Ms. Cherichetti said that she would schedule the public hearing date at the August 24th meeting. She will receive the revised plan prior to that date and believes the public hearing will be held on September 14th.

b. 73 North Seir Hill Road - #S04-192 – Hopkins – Construction of a new garage and 2nd story addition and removal of existing asphalt adjacent to a wetland and watercourse

Ms. Cherichetti said that the applicant was unable to attend this evening's meeting due to the birth of his child today.

The application is not considered complete because he doesn't have an accurate site plan.

c. 2 Four Winds Lane - #S04-193 – Colangelo – Construction of a new single-family residence adjacent to a wetland and watercourse.

Ms. Cherichetti explained that this is an application to construct a new single family residence. This is one of the 3 vacant lots. This lot was the closest of the 3 to the wetlands.

Mr. Steve McAllister, Chord Engineering explained that this lot was always tight to work in. All of the site improvements are outside of the 40 ft. limit except for the well.

This is the last of the 3 vacant lots to apply for a permit to build, but no implementation has taken place.

Ms. Cherichetti reviewed the site plans. She said that she talked with the applicant and encouraged the exploration of alternatives, as none have been proposed.

MS. SMITH MADE A MOTION TO TAKE THE AGENDA OUT OF ORDER

MS. CAGNINA SECONDED

MOTION PASSED UNANIMOUSLY

DISCUSSION/DECISION

a. 130 Ponus Avenue - #S04-190 – Bell – Proposed two-lot subdivision adjacent to wetland and watercourse

Ms. DeStefanis left the meeting at 7:40 p.m.

Ms. Corselo took over as Chair of the meeting.

Ms. Cherichetti said that a draft resolution was included in the memo.

MS. CAGNINA MOVED TO APPROVE THE ITEM

MR. CAPUTO SECONDED

MOTION PASSED WITH ONE (1) ABSTENTION (MS. SMITH)

Ms. DeStefanis returned to the meeting at 7:45 p.m. and Chaired the meeting.

MS. SMITH MADE A MOTION TO TAKE THE AGENDA OUT OF ORDER

MS. CAGNINA SECONDED

MOTION PASSED UNANIMOUSLY

RELEASE OF BOND

a. 343 Rowayton Avenue - #S03-145 – Taylor – New single family residence and associated landscaping adjacent to a wetland

Ms. Cherichetti explained the item. She said that all of the plantings are alive and lush.

MS. SMITH MOVED TO RELEASE THE BOND

MR. HOLOWINKO SECONDED

MOTION PASSED UNANIMOUSLY

b. 11 Orchard Hill Road - #D02-76 – Lofaro – Construction of a shed and associated landscaping adjacent to a wetland

Ms. Cherichetti explained that this was a declaratory application and it was approved with an enhancement to the buffer. The staff recommended releasing the bond.

MS. CAGNINA MOVED TO RELEASE THE BOND

MS. CORCILLO SECONDED

MOTION PASSED WITH ONE (1) ABSTENTION (MR. HOLOWINKO)

MR. KYDES MADE A MOTION TO TAKE THE AGENDA OUT OF ORDER

MS. CAGNINA SECONDED

MOTION PASSED UNANIMOUSLY

MINUTES

a. July 13, 2004 minutes

These minutes were not available.

COMMENTS OF STAFF

a. Declaratory Permits and Enforcement Actions

Ms. Cherichetti said that there were none in the past two weeks. There were two enforcement actions during the last two weeks.

Ms. Cherichetti said that she will be making calls this week to see if they can have a meeting to issue a Cease and Restore order at 17 Woodchuck Lane, which is on the banks of Keeler's Brook, for a leaking home oil tank.

A violation warning was issued to 2A Rowayton Avenue. There is a new house under construction and they are using the vacant lot near the wetland to stockpile materials. Ms. Cherichetti will ask them to come into the office with their site plans.

b. Proposed amendment to the Inland Wetland and Watercourses Regulations

Ms. Cherichetti distributed the draft amendment. It will be revised by the Law Department. She asked the Commissioners to carefully read the draft. The Commissioners read the draft and suggested changes.

PUBLIC HEARING

a. 461 Newtown Avenue - #S04-189 – Pugliese – New single family dwelling in and adjacent to wetland

The public hearing opened at 7:05 p.m.

The Chair invited those interested in speaking to sign the sign up sheet.

Ms. Cherichetti called the roll.

Ms. Cagnina read the legal notice.

Mr. Strait presented the site plans. The main proposal is to utilize an existing driveway as access to the 3 bedroom residence. He is proposing an on-site septic system and tried to keep the house and the septic system as far from the wetlands as possible.

Mr. Strait said that he is proposing plantings all along the back. He reviewed three revised plans. He said that there is a well on the site and it is located 75 feet from the septic system.

Mr. Strait said that he is submitting proposal plan number two as their main plan. It is the least disruptive to the wetlands.

Mr. Matthew Pugliese, one of the owners of the site said that he will do what ever makes the most sense to the Commission. He and his siblings own both of the properties.

Mr. John Anderson, Environmental Land Solutions said that their goal is to remove the old fill material and bring in organic fill base to fill in the hole, and add plantings. Mr. Strait added that once the site is properly graded it will be the same as the existing adjoining area.

Ms. Cherichetti asked Mr. Strait if he had submitted a grading plan for the alternate plan #2. He said that it would be the same grading plan that was already submitted.

The Chair opened the public hearing.

Ms. Jill Montasento – Save Cranbury – spoke in opposition to the application. She said that part of the desirability of the Cranbury area is due to the woods and wildlife. It is disturbing to try to squeeze a house on that lot and she would hate to see it go there and loose the wildlife that lives there.

Mr. Tom Maher, 462 Newtown Avenue – spoke in opposition to the application. He said that he has concerns about erosion on the property during the construction phase and due to the removal of the trees. Increasing the grade and removing trees will increase runoff into the wetlands. He said that he had concerns about where the runoff will go and asked if it would drown the plantings.

The 1960 sub division shows a culvert under the driveway to the south, but Mr. Maher said that he does not believe it exists and feels it will act as a dam down stream.

Mr. Peter Hines, 462 Newtown Avenue – spoke in opposition to the application. He asked the Commissioners if they had walked the property. He noted that it is a 10-15 ft. drop off and has some concerns. He said that there is an aquifer there and the area continues to get pounded with development. Mr. Hines added that he is also concerned about the continued impact the development has on the wildlife. He has turkey, deer and

hawks on his property. The desirability of the Cranbury area is that it is rural, but it is being taken away.

Mr. Hines has environmental impact concerns and does not think this application is the right thing for this neighborhood. He said that he was concerned about the number of trees that would be removed and the destabilization that would result in their removal.

Mr. Caputo noting that the public hearing was for everyone, asked where the speakers lived. Mr. Hines said that he lives across the street. Ms. Montesanto said that she does not live in the neighborhood.

Ms. Diane Lauricella, Norwalk Land Trust – spoke in opposition to the application. Ms. Lauricella said that she lives on the next street, to the west of the area.

Ms. Lauricella asked the Commission to deny this application because their plans were not properly submitted due to no grading plan for alternate #2. In addition, because there was no hydro geologic report the plan should be denied.

There is confusion on the plans. The narrative states that the site will be serviced by public water, but the plans show a well on site. There is a question of if you can recreate a wetlands in 5 years. She said that she was concerned about the impact to the wildlife that pass through the lot. She has seen red fox, wild turkey and red hawks pass through the site.

Ms. Lauricella said that the house and the septic system are being shoe horned. The impact on reptiles and insects has not been included in the application and it therefore should be denied.

Ms. Lauricella submitted three documents for the record. A copy of the Norwalk Land Trust flyer, a solution to storm water pollution flyer and a copy of the Maryland Department of Environmental Protection's procedures for wetlands mitigation.

Ms. Lauricella suggested that the applicant could grant an easement to the Norwalk Land Trust. This is not the best use of the property.

Mr. Bill Wrenn, President of the Norwalk Land Trust, spoke in opposition to the application. Mr. Wrenn said that he was concerned that half of the site is wetlands and the proposed mitigation is questionable. He is concerned that by taking down trees and filling the wetlands it may detract from the habitat they are trying to create on the White Barn property.

Mr. Wrenn suggested that this site may not be appropriate for this type of development.

There were no further speakers and the applicant was invited to rebut.

Mr. Strait pointed to the area on the site map showing the location of the project. The mitigation of the wetlands is a restoration of the area. When they dig the area out, it will work out nicely. This plan was revised two weeks ago at the last meeting and was created to limit the disturbance on the site. The culvert on the site is functioning and the proposed location of the house will provide the least disturbance of the wetlands.

Mr. Anderson said that the purpose of the process is to find the least impact to the wetlands as possible. There is a concerted effort to come up with a plan that strikes a balance of meeting the development goals of the property owners and ensuring almost no impact to the wetlands system.

Ms. Cagnina asked what the ratio of replacement was. Mr. Anderson replied that it is 3 to 1 restoration to disturbance ratio.

Mr. Strait said that this is a small 3 bedroom house with a 2 car garage. It is not a Mc Mansion.

Ms. Smith asked why they were not connecting to the municipal water supply. Mr. Strait replied that it is too far. He does not know why it was included in the report, and believes it was a typo.

Ms. DeStefanis told the Commissioners that they could choose to either close or keep the public hearing open. It seems that the public is concerned about the lack of information.

Ms. Cherichetti suggested that the Commission ask the applicant for the plan that shows the primary proposal with the grading plan; the revised construction sequence and any proposed amendments to the mitigation planting plan. In addition they should ask for a letter from the owners of the property that abuts the site where the work is proposed stating that they are one and the same owners.

Ms. DeStefanis said that it would be beneficial to have a summary of how the proposal will impact the neighborhood.

Ms. DeStefanis suggested keeping the public hearing open to have time for the applicant to submit new information as requested.

Ms. Cherichetti said that the public hearing may remain open for 35 days from commencement. The public hearing will reconvene on August 24, 2004 at 7:00 p.m. The Commission has 35 days from the close of the public hearing to reach a decision.

Ms. Cherichetti requested that the applicant submit the requested information 2 weeks prior to the public hearing.

DISCUSSION/DECISION

b. 461 Newtown Avenue - #S04-189 – Pugliese – New single family dwelling in and adjacent to wetland

This item is continued to August 24, 2004.

c. White Barn draft resolution

Ms. Cherichetti said that Mr. Wrenn, President of the Norwalk Land Trust is requesting \$200,000 from the City of Norwalk's Open Space Fund to pursue the purchase of the White Barn property.

The Commissioners discussed the draft resolution.

Mr. Caputo said that it was a laudable cause to save this property, but needs more information. Ms. Smith said that the group has been working on this project to save this property.

Mr. Kydes left the meeting at 9:00 p.m.

Mr. Caputo asked if there were any other nominated parcels. Ms. Cagnina said that there was a lot of work still left to do that they hope will be completed in September. The group is inventorying all of Norwalk for potential open spaces.

Mr. Wrenn said that this property is consistent with the appropriate use of the city funds. The group is fundraising, but if they do not have the funding by a certain point, they could lose the property to a developer before it could be saved.

Mr. Caputo said that he is hearing mixed messages regarding the deadline. Mr. Wrenn said that it is a private negotiation and the City is involved to a degree. Part of the property is in Westport. If the group cannot raise the entire amount for the property, they would only buy the property located in Norwalk.

Ms. Smith left at 9:15 p.m.

Ms. Cagnina left at 9:15 p.m.

Ms. Cherichetti asked Mr. Wrenn to submit a letter suggesting the time line, outlining fundraising activities, and a discussion of two appraisals, anticipated costs involved and the easements for the City.

Mr. Hubbard suggested that this is an excellent investment on the part of the City, but he is not comfortable committing this funding due to too many loose ends.

COMMENTS OF COMMISSIONERS

The Commissioners did not have any specific comments.

ADJOURNMENT

There was no further business and the meeting was unanimously adjourned at 9:30 p.m.

Respectfully submitted,

Rosemarie Lombardi

Telesco Secretarial Services

