

NORWALK CONSERVATION COMMISSION MINUTES

AUGUST 9, 2005

ATTENDANCE: Andrew Kydes; Elizabeth Ackerman; Susan Llorca; Ed Holowinko; Karen DeStefanis, Chair (6:10 p.m.)

STAFF: Alexis Cherichetti, Sr. Environmental Officer

OTHER: Don Straight, Grumman Engineering; Richard Roina, Attorney; Amy Souchuns, Attorney; Ralph DiCostanzo; Igor Kurbatov; Pat Cutrone

CALL TO ORDER

Mr. Kydes, Acting Chairman for Ms. DeStefanis, called the meeting to order at 6:07 p.m.

ROLL CALL

Ms. Cherichetti read the roll call.

RECEIPT/DISCUSSION

a) #S05-227-203 Silver Creek Lane – Slapin – Construction of a new residence adjacent to a wetland and watercourse

Ms. Cherichetti explained that a preliminary review letter dated August 2, 2005 had outlined seven points and had been sent to the applicant and copied to the Commission. Mr. Don Straight, landscape architect from Grumman Engineering, said that the application is for the last unit in a conservation subdivision.

Ms. DeStefanis arrived at 6:10 p.m.

The map shows a conservation easement. They hired their own soil scientist. The first plan, taken from an original master plan, showed a house spaced evenly between the existing garage units. The site plan has a deck on the back, dated 7/19/05. It went to the association, and their two suggestions were to remove the deck from the plan and turn the house so it would be lined up better with the other house and the existing garage. The new plan showed the house turned and set 12 feet back. The silt fence would remain the same with the hay bales. There would be a buffer planting along the top of the boulder wall with 30 shrubs and a conservation seed mix. Mr. Straight said they would have to excavate approximately 200 yards of soil from the foundation. Mr. Kydes asked if this had been presented before the Conservation Commission or other boards for permits prior to this. Ms. Cherichetti replied that the other remaining 3 units did not have any need to come before the Conservation Commission due to their distance from wetlands. Mr. Straight will get a copy of the original conservation development plan, the original unit plan, and the full map to Ms. Cherichetti. The size of the footprint is 1380 sq. ft. per

floor. It has a full basement. He will also provide Ms. Cherichetti with the architectural plans, prepared by the Sullivan Group.

b. #S05-228 East Rocks Road – DiCostanzo – Construction of a new residence adjacent to a wetland and watercourse

Ms. Cherichetti said that this property should be familiar to the Commission. It is a lot that was formed following a February approval of a two-lot subdivision. It was noted in her Staff Report that a preliminary site development plan was proposed, and this plan is similar to that one as far as the distance of the disturbance to the wetlands. A terrace is now being proposed, the garage has been enlarged, and the septic system has been moved to a different location. All of these changes occur within the same development envelope. The applicant, Mr. DiCostanzo, was present at the meeting but didn't have anything to report. Ms. Cherichetti spoke about the subdivision preliminary design plan. It proposes a series of retaining walls built closer to the wetland but not any closer than where the septic system would have been. During the subdivision, a concern was raised about the steep slope on the property and developing on it. The level of disturbance has not been affected. They are proposing 45 native shrubs to be planted between the limit of disturbance and the stone walls.

DISCUSSION/DECISION I

a. #S05-219 – 4 May Drive – Davidson - Corrective action clearing, filling, and construction of deck in and adjacent to a wetland and watercourse

Ms. Cherichetti informed the Commission that Ms. Davidson had filed for a conservation permit. She reminded the Commission that their general comments were not favorable towards this proposal. Ms. Davidson was keeping the disturbed area that she had done work in without a permit, and she proposed building a 25-ft wide deck off the back of the house as well as a lawn area. Ms. Davidson had constructed a stone wall, without a permit, and was instructed to plant shrubs between that wall and the lawn area she was proposing. Ms. Cherichetti asked Ms. Davidson to consider alternatives, and she then explained them to her. She provided Ms. Davidson with a sketch plan that showed a wall that would go straight across the property. She has not heard back from Ms. Davidson regarding the options.

There is approximately 65 ft. of stonewall being constructed in the wetland. The Commission was not comfortable with the wetlands being turned into a lawn area, the mitigation plantings, the incomplete application, and the applicant not meeting the directives of the notice of violation.

**** MR KYDE MOVED TO DENY #S05-219 – 4 MAY DRIVE – DAVIDSON - WITHOUT PREJUDICE. THE APPLICANT WOULD HAVE TO REAPPLY WITH THE PROPER INFORMATION.**

**** MS. LLORCA SECONDED.**

Ms. DeStefanis wanted to make it clear that she was uncomfortable with the lack of information presented.

**** MOTION PASSED UNANIMOUSLY.**

b. #S05-222 – 8 Eastwood Road – Kurbatov – Corrective action restoration of slope adjacent to a wetland and watercourse

Ms. Cherichetti said that the staff had concerns about what the applicant had proposed, and they asked for revised plans. The revised plans were submitted as well as a revised narrative. The primary changes show the applicant proposing to do grading uphill of the first proposed retaining wall. There are now two retaining walls. One wall is in the same location as originally proposed, and the second wall is more squared off to an angle. The applicant would now do the grading along the entire length of the wall. The wetland line is parallel to the easterly side of property line, and to the south also. The grading activity would be close to a portion of the wetland. Ms. Cherichetti had a draft resolution prepared with some potential conditions. The homeowner and applicant, Mr. Igor Kurbatov, was at the meeting. The reason for the two retaining walls would be to make a flatter area of lawn. Ms. Cherichetti said that the applicant is proposing to do 8 ft. of grading by having two 4 ft. retaining walls, and picking up 8 ft. in height. A suggestion was made to have a 25 ft. buffer and to move the retaining wall uphill to follow the contour. The applicant said there will not be any grading in that area. The applicant is proposing to build the wall and then back-fill it in. The mitigation plantings have been revised in the second narrative, and they include 35 shrubs, 20 trees and a native seed mix. The additional proposal was to add evergreen trees for the benefit of shading, and those trees would not be included in the bond estimate.

**** MS. ACKERMAN MOVED TO CONTINUE THE DISCUSSION OF #S05-222 – 8 EASTWOOD ROAD – KURBATOV – AFTER THE PUBLIC HEARING.**

**** MR. HOLOWINKO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

PUBLIC HEARING

Ms. DeStefanis opened the public hearing at 7:02 p.m.

Ms. Cherichetti read the roll call.

Ms. DeStefanis explained the procedure and asked that anyone who spoke during the public hearing be respectful of everyone else's time.

a. #S05-223 – MLK Drive – Cutrone Builder LLC – Construction of a non-residential structure and associated parking, stormwater drainage and wetland mitigation in and adjacent to a wetland.

Ms. Cherichetti said the public hearing notice was published twice in the Norwalk Hour on 7/28/05 and 8/4/05.

Mr. Richard Roina, Attorney for Mr. Pat J. Cutrone, said that Mr. Cutrone, Principal, was present as well. Mr. Roina then gave the notice letters with receipts and responses to Ms. Cherichetti. He wanted to indicate to the Commission that after a discussion with his client, they were interested in postponing this hearing until the next meeting when there would be more people to hear it. Ms. Cherichetti informed Mr. Roina that there was no guarantee that the turnout would be greater at the next meeting, and the Commissioners not in attendance this evening would have the information from the Public Hearing made available to them. Mr. Roina and his client had a brief discussion, and Mr. Roina said that they would still prefer to wait until the first meeting in September.

Ms. DeStefanis asked if there was anyone from the public present to speak on this, and there was one couple who had shown up. Ms. Ackerman asked Mr. Roina if he was expecting the people receiving the letters of notice to be here. He said that he had been contacted by some people, as well as by the Attorney from the Church. He said that he would like to have letters from them saying they are in favor of the proposal, in lieu of them showing up.

**** MR. KYDES MOVED TO GRANT EXTENSION TO #S05-223 – MLK DRIVE – CUTRONE BUILDER LLC TO SEPTEMBER 13, 2005.**

Ms. Cherichetti explained that there are 35 days from the date of tonight's scheduled public hearing, to conclude the hearing, which would then be September 13, 2005.

**** MS. ACKERMAN SECONDED.**

**** MOTION PASSED WITH FOUR VOTES IN FAVOR (DESTEFANIS, KYDES, LLORCA, AND ACKERMAN) AND ONE OPPOSITION (HOLOWINKO)**

b. #S05-224 – 7 Renzulli Road – Torre – Corrective Action restoration, with associated grading and planting, in and adjacent to a wetland.

Ms. DeStefanis recused herself.

Mr. Kydes assumed the role of chairperson and read the roll call.

Ms. Cherichetti said the public hearing notice was published in the Norwalk Hour on 8/2/05 and was continued from July 26, 2005. She provided some background information. It appeared earlier in the day to the applicant and his attorney that there wouldn't be a quorum for this meeting tonight. The applicant's attorney also knew that there would be a lack of Commissioners, and that the Chairwoman would recuse herself from the meeting. Ms. Amy Souchuns, Attorney for Mr. Torre, confirmed Ms. Cherichetti's information. She said that LBG had been hired, and they would need additional time to address the comments they have received already. Their request is to reschedule for 8/23/05.

** MR. HOLOWINKO MOVED TO POSTPONE #S05-224 – 7 RENZULLI ROAD – TORRE – TO AUGUST 23, 2005.

** MS. ACKERMAN SECONDED.

** MOTION PASSED UNANIMOUSLY.

Ms. Destefanis re-joined the meeting at 7:25 p.m.

DISCUSSION/DECISION II

a. #S05-223 – MLK Drive – Cutrone Builder LLC – Construction of a non-residential structure and associated parking, stormwater drainage and wetland mitigation in and adjacent to a wetland

Because there was no public hearing or additional information presented, there was no further discussion.

b. #S05-224 – 7 Renzulli Road – Torre – Corrective Action restoration, with associated grading and planting, in and adjacent to a wetland.

Because there was no public hearing or additional information presented, there was no further discussion.

DISCUSSION/DECISION I (CONTINUATION)

b. #S05-222 – 8 Eastwood Road – Kurbatov – Corrective action restoration of slope adjacent to a wetland and watercourse

Mr. Kurbatov rejoined the meeting. Ms. Cherichetti confirmed that there was no conclusion about the location of the retaining walls. She wanted to resolve any of the Staff's concerns regarding the 11 conditions listed. The setback of 25 ft should apply to both the eastern and southern retaining walls. The Commissioners are in agreement with the 25 ft. The silt fence has to be at least 25 feet and the wall would be within that. Mr. Kurbatov said that it would require more excavating activity. The footings will be 18 inches. Mr. Kurbatov said he will start work on the wall right away, and he thought it would take about three months. Ms. Cherichetti said that she would need it to be completed within three months. When work begins on the garage and the southern retaining wall, it must be completed within one year. There are now 39 shrubs proposed instead of 45.

Amendment of Conditions:

1. The amount of the bond is \$10,900
2. No change
3. Delete (xxx) and have it read "be at least 25 ft. from wetland line"
4. No change
5. Replace twenty (20) ft with twenty-five (25) ft of the rear wetland line

6. Replace twenty (20) ft with twenty-five (25) ft of the southern wetland limit
7. No change
8. No change
9. Insert the word “days” after 30
10. The last sentence should read “the shrubs shall be planted within 6 months of completion of the southern portion of the retaining walls south of wetland flag #7”. The number of shrubs has been reduced from 45 to 39.
11. It should read “This permit expires in 5 years. Once work commences on either the garage or the southern portion of the retaining wall, all portions of the proposed plans must be completed within one year”. The last portion can be deleted.

** MR. KYDES MOVED TO APPROVE #S05-222 – 8 EASTWOOD ROAD – KURBATOV - WITH CONDITIONS 1-11 AS MODIFIED WITH MS. CHERICHETTI.
** MS. LLORCA SECONDED.
** MOTION PASSED UNANIMOUSLY.

SHOW CAUSE HEARING (CONTINUATION)

- a. #VO5-746 – 8 Heron Road – Markow – Site work in and adjacent to a wetland and watercourse without a permit

Ms. Ackerman recused herself at 8:20 p.m. This was tabled until the next meeting on 8/23/05 as there was no quorum.

Ms. Ackerman rejoined the meeting at 8:22 p.m.

MINUTES

- a. July 19, 2005 Special Meeting minutes
- b. July 19, 2005 minutes
- c. July 26, 2005 minutes

The minutes listed above were tabled to the next meeting due to no quorum.

COMMENTS OF STAFF

- a. Declaratory Permits and other Enforcement Actions

Ms. Cherichetti said that a declaratory permit had been issued for the demolition of a building at 123 Murray Street. There are wetlands behind it.

Ms. Cherichetti had not written any formal enforcement actions.

- b. Report of Senior Environmental Officer

Ms. Cherichetti said that the Silvermine River Restoration project is moving along well. They have removed the pedestrian bridge. The sedimentation issues continue as a result of the diversion of the channel. There is a portion of the ballfield that is affected by this, and pumps have been purchased to help alleviate it.

COMMENTS OF COMMISSIONERS

ADJOURNMENT

** MR. KYDES MOVED TO ADJOURN.

** MS. ACKERMAN SECONDED.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:26 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services

