

**NORWALK CONSERVATION COMMISSION MINUTES**

**AUGUST 13, 2002**

**ATTENDANCE:** Gerard Sciabbarrasi, Chairman; Matthew Caputo, Vice  
Chairman; Marny Smith, Karen  
Destefanis (6:15 p.m.) Ed Holowinko

**STAFF:** Alexis Cherichetti, Senior Environmental Officer, Cheryl  
Vallerie, Zoning Department

The Chairman opened the meeting at 6:15 p.m.

**RECEIPT**

**DeFelice – 31 Homer Street -- #S02-109 – Construction of a retaining wall, filling and associated landscaping adjacent to a wetland**

- \*\* MR. CAPUTO MOVED TO ACCEPT THE APPLICATION.**
- \*\* MS. SMITH SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

Mr. DeFelice showed photos of the neighbors' yard where there are multiple cars and propane tanks in a residential area. The existing wall is at the rear of his home. The property slopes downward and he will fill the area, approximately 14 feet by one foot, and plant hemlock trees as a natural barrier.

The Chairman observed that the plan did not show the well being made into a decorative area on the property. Mr. DeFelice said the desire to keep the well in its natural state is not what is indicated on the plan, but that it be filled in and planted over. The Chairman stated that the decorative plan is a deviation and would change the application under consideration.

Ms. Cherichetti stated that there is existing vegetation between the well house and the wetland. She suggested that the applicant not fill in right up to the wetland line. The suggestion was to move away from the wetland.

Karen Destefanis arrived at 6:15 p.m.

Ms. Smith demonstrated how the applicant might make the best choice in adding fill in front of the wall.

The applicant stated that he could put in a berm and then plant hemlocks in front of the berm. The Chairman suggested going over the alternatives with staff to determine what is best. He stated at the next meeting a vote could be made.

Ms. Cherichetti suggested that the site plan be revised to show where the vegetation is located and leave things as they are if a wall or berm is put in place.

Mr. DeFelice asked whether he could put up a stockade fence with no vegetation and to block out the neighbors' yard. The Chairman suggested working with the officer to complete the site plan if a privacy fence is chosen.

**Cornerstone Development LLC – 46 Old Rock lane -- #S02-110 – Construction of a single-family residence and associated landscaping adjacent to a wetland and watercourse**

**\*\* MR. CAPUTO MOVED TO ACCEPT THE APPLICATION**

**\*\* MS. SMITH SECONDED.**

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

Mr. Donald Strait represented the applicant. There is a man-made swimming pond on the property as well as wetlands. The house and septic are set as far back from the wetlands as possible. There is an existing patio/terrace near the pond. Mr. Strait commented that there would be plantings to mitigate the stream course from the wetlands. The stone lined pool will remain. There is an alternative plan to bring the seed mixture all around to create a wild flowers and shrub mix. The stream goes into and out of the pool into another lot just below this lot.

Ms. Smith commented that the pond is currently low from the summer weather and wondered whether the stream above has been held back on the neighbors' property above.

The chairman noted that the south and west lines were slightly off the setback lines. He wanted to know if the line could be moved back. Mr. Strait commented that they did not want to go back up on the property because it is a rocky area. The Chairman stated that the line and plantings had disappeared from the plan show at this hearing. Mr. Strait stated that it was on the original and he would reinstate it on an updated plan for the Commission.

**Granata – 40 Deerwood Manor -- \$S02-113 – Two lot subdivision adjacent to wetlands**

**\*\* MR. CAPUTO MOVED TO ACCEPT THE APPLICATION**

**\*\* MS. DESTEFANIS SECONDED.**

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

Mr. Granata stated that in purposing a subdivision he found that he had wetlands. The only problem would have been the driveway. A shared driveway with the existing house was one proposal and second proposal would be a stone driveway over the sewer easement.

Ms. Cherichetti asked whether the City would allow a driveway over the sewer line. He said the City stated that they needed to have access to the manhole covers in case of a problem. The area in question that is a wetland is far removed from the proposed house and driveway.

Ms. Smith suggested staying with the original driveway. She said that if there were a problem the driveway would not come into question . Also if they did not place the driveway over the easement they could get to the house without a secondary problem being created accessing the house because DPW was digging it up.

Ms. Cherichetti inquired whether the permission for an easement across 13A to 13B to his property was established. He stated it had been written and was under discussion at the Zoning meeting tonight. He stated that the Commission's suggestion to use the existing driveway would be considered in the final decision. Ms. Cherichetti said that an easement might be required on his lot for City water. The water for the proposed dwelling would be a joint effort of the City departments to run the sewer and water lines.

The Chairman commented it would be the Commission's hope that any easement for utilities is run on 13B away from the wetlands.

**Reynolds – 1 Hollow Spring Road -- #S02-114 – Installation of sewer line in and adjacent**

**\*\* MR. CAPUTO MOVED TO ACCEPT THE APPLICATION**

**\*\* MS. DESTEFANIS SECONDED.**

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

Mr. Reynolds stated that the current septic system has failed. It could not be repaired. It was determined that a line must be run up to Highland Avenue to connect to the City sewer line. Wetlands were discovered on the chosen route. An alternative would be an easement on their neighbors' property.

The Chairman stated that it did not sound as if there would be any damage in the route he is taking as no trees would be lost and the wetlands would be avoided.

**City of Norwalk, DPW – Crooked Trail -- #S02-117 – Installation of sewer line in and adjacent to a wetland and watercourse**

**\*\* MR. HOLOWINKO MOVED TO ACCEPT THE APPLICATION.**

**\*\* MS. SMITH SECONDED.**

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

Mr. Linnartz of DPW stated this was the last phase of a sewer project on Crooked Trail road. There were delays due to CL&P and Metro North. A contract is in place to drill under the railroad tracks and complete the project. The project will run adjacent to the wetlands and will eliminate a pump station. The cost is a little over \$400,000. The bids would go out in November with Commission approval and the project would be completed in the Spring of 2003. He referenced a basic plan that shows the lines and how they will run along the CL&P easement and under the tracks. The depth will be six to twelve feet underground. There will some areas that will run through a wetland. There would be some tree removal. The work will be below the watercourse.

Ms. Smith asked whether residents were required to hook up to the sewer once it is installed. The citizens are not required to use the system. They will often wait until the septic fails before hooking up due to the distance from their homes to the main line.

**\*\* MR. CAPUTO MOVED TO SCHEDULE A PUBLIC HEARING ON  
SEPTEMBER 10, 2002, FOR THE APPLICATION.**

**\*\* MS. SMITH SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

**DECISIONS**

**28 Yew Street – DiScala -- #S02-104 – Construction of single-family house adjacent to a wetland and watercourse**

Mr. Ed Holowinko removed himself from this discussion..

Mr. George DiScala said that the issues have been addressed and all options exhausted. This project dates back to last Spring.

The Chairman said that the proximity of the project to the wetlands may necessitate a public hearing. Mr. DiScala stated that was stated earlier, but there may be no need as there is only one neighbor.

Ms. Slayback, Environmental Land Solutions, LLC, presented a site plan that was revised with more plantings. Parking has been changed eliminating the side setback problem. An alternative plan, Site Plan 4, was resubmitted on July 10, 2002. The site plan shows the construction to the far side of the site to limit blasting and disturbance of the property. The house and the wall are further back from the wetlands and there are more plantings in the new site plan. The eight-foot wall will serve as a demarcation between the project and the wetlands. This will enable the property to be well maintained.

Ms. Smith suggested that there be an environmental engineer on the site to keep track of how the project is progressing and whether it is following the decision mandated by the Commission. She suggested that the engineer be a condition as part of the permit. She also stated that this is a significant activity near a wetland. It might be advisable to have a public hearing.

The Chairman said that the extensive activity in the wetlands usually requires a public hearing.

Mr. DiScala stated that they are not working in the wetlands. There would be no adverse affect to the wetlands or downstream from the property.

Attorney Fuller stated that he was not part of the original request and denial. He said this particular plan before the Commission has no impact on the wetlands. He referenced the regulations as set forth for wetlands, which he said none of them are being encroached upon by the project as set before the Commission at this meeting.

He said there will be no activity in the wetlands or the watercourse. There will be a stone wall and a sediment fence to avoid erosion. He also stated that there does not seem to be a need for a public hearing. He also commented that an extension would be given to the Commission if needed for a decision.

The Chairman said that the term "may" in the regulation is what leads the Commission to believe a public hearing would be required on this project.

Ms. Slayback responded that the project is being developed away from the wetlands. The blasting of the rock would be performed first and then building the wall. This would be done before the building of the house and this would not

affect the watercourse or the wetlands. She closed by saying she did not anticipate any potential problems in these areas.

Mr. DiScala commented that he does hire professionals to assist in performing the job and completing the project in order to avoid any infringement on the wetlands or action out of line with the permit.

Mr. Caputo suggested that an extension be granted.

**\*\* MS. SMITH MOVED THAT BASED ON THE FACT THAT THE**

**PROPOSAL INVOLVES ACTIVITIES IN A WETLAND AND  
WATERCOURSE A PUBLIC HEARING BE HELD.**

**\*\* MS. DESTEFANIS SECONDED.**

**\*\* MOTION PASSED WITH FOUR VOTES IN FAVOR, ONE ABSTENTION  
(MR. HOLOWINKO).**

**PUBLIC HEARING**

**Rolling Ridge Condominiums – 50 Aiken Street -- #P02-101 --**

**Dredging, via suctioning, of recent deposits in and adjacent to wetlands  
and a watercourse**

The Chairman opened the Public Hearing at 7:34 p.m.

Ms. Cherichetti referenced a letter from Environmental Land Solutions dated August 12 and received via fax on August 13, 2002, for the record.

The representative for Environmental Land Solutions reviewed the letter and items discussed at a previous meeting. Some of the concerns that were raised were included in her letter. An electrical pump will be installed in the event the dam should fail. The draw down will take between five to seven days. All three areas will take ten days using four or five trucks taking the sediment off site. There is no detailed profile of the pond underneath the water line. The sediment is about four to five feet deep. Any fish can remain in the middle of the pond as the process is done. She informed the Commissioners that any questions they had would be answered this evening.

The Chairman inquired whether there have been ongoing conversations with the Association. The representative commented that there have been discussions with the Association about the dam. The pond was full a few days ago. The seepage is not causing the pond to empty.

The Chairman inquired whether there was anyone wishing to speak in favor of or in opposition to the application. There being no one the representative made additional comments.

The pond has the depth required for this type of dredging as evidenced by the lilies that grow in the pond. If the pond was at the proper sediment level, the lilies would cover the pond, which they do not do now. The type of pump used will empty the pond and not threaten the downstream channel.

There being no more comments or questions, the Chairman closed the hearing.

**\*\* MS. SMITH RESOLVED THAT THE CONSERVATION APPLICATION**

**#S02-101, TO PARTIALLY DRAIN A POND AND DREDGE, VIA SUCTIONING, DEPOSITS AT THREE LOCATIONS WITH A POND, BE GRANTED TO ROLLING RIDGE CONDOMINIUM ASSOCIATION FOR PROPERTY AT 50 AIKEN STREET, NORWALK, CT, WITH THE FOLLOWING CONDITIONS:**

- 1. A \$2500.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. ALL SPECIAL AND GENERAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.**

**THE PERFORMANCE BOND MUST IN THE FORM OF A SAVINGS PASSBOOK.**

- 2. THE SEDIMENTATION AND EROSION CONTROL MEASURES, INCLUDING THE DEWATERING BAG AT THE OUTFLOW, ARE TO BE INSTALLED PRIOR TO COMMENCEMENT OF ANY PERMIT-RELATED WORK. THE PLACEMENT OF THE DEWATERING BAG MUST BE APPROVED BY THE CONSERVATION STAFF IN THE FIELD PRIOR TO OPERATION.**
- 3. THE RATE OF DE-WATERING THE POND SHALL NOT EXCEED THE CAPACITY OF THE DEWATERING BAG.**
- 4. AREAS OF THE POND PERMITTED TO BE DREDGED OR DISTURBED ARE STRICTLY LIMITED TO THOSE AREAS INDICATED ON THE SITE PLAN ENTITLED "POND DREDGING, ROLLING RIDGE CONDOMINIUMS, AIKEN STREET, NORWALK, CT" DATED JUNE 26, 2002, BY ENVIRONMENTAL LAND SOLUTIONS, LLC.**
- 5. ANY CHANGE TO THE OVERALL APPROVED PLAN "POND DREDGING, ROLLING RIDGE CONDOMINIUMS, AIKEN STREET, NORWALK, CT", DATED JUNE 26, 2002, BY ENVIRONMENTAL LAND**

SOLUTIONS, LLC, SHALL REQUIRE A RETURN TO THE CONSERVATION COMMISSION.

6. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT IS TO BE COMPLETED WITHIN ONE YEAR.
7. ALL PERMIT-RELATED WORK IS LIMITED TO OCCUR BETWEEN JUNE 1<sup>ST</sup> AND OCTOBER 15<sup>TH</sup> OF ANY GIVEN YEAR. THESE DATES ARE RECOMMENDED BY THE DEP FISHERIES DIVISIONS AS THE SEASON DURING WHICH WORK WOULD HAVE THE LEAST IMPACT ON FISHERIES. THESE DATES ARE ALSO WHEN THERE GENERALLY IS LOW-FLOW CONDITIONS.

\*\* MS. DESTEFANIS SECONDED.

\*\* MOTION PASSED WITH FOUR VOTES IN FAVOR, ONE ABSTENTION

(MR. HOLOWINKO)

**DECISIONS (CONT'D)**

**Cascio -- 246 Grumman Avenue -- #S02-107 – Corrective Action – filling adjacent to wetland and watercourse**

Mr. Cascio stated he did not know that he was in violation by creating a compose heap.

Ms. Smith suggested planting some shrubs.

\*\* MS. DESTEFANIS RESOLVED THAT CONSERVATION APPLICATION

**#S02-107, "CORRECTIVE ACTION" TO STABILIZE SEDIMENT PILE ADJACENT TO A WETLAND AND WATERCOURSE, BE GRANTED TO CHRISTOPHER CASCIO FOR PROPERTY AT 246 GRUMMAN AVENUE, NORWALK, CT, WITH THE FOLLOWING CONDITIONS:**

1. A \$400.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL YEAR AFTER THE SEASON OF INITIAL PLANTING. ALL SPECIAL AND GENERAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

**THE PERFORMANCE BOND MUST BE IN THE FORM OF A SAVINGS PASSBOOK.**



2. FIVE (5) SHRUBS SHALL BE PLANTED WITHIN THE AREA LABELED AS "COMPOST PILE SITE." THE SHRUBS MUST BE A MINIMUM OF THREE FEET (3') IN HEIGHT. ALL SPECIMENS MUST BE NATIVE TO CONNECTICUT. THIS AREA MAY NOT BE MAINTAINED AS LAWN.
3. THE PLANTING PLAN, AS DESCRIBED IN CONDITION #2 ABOVE, MUST BE FULLY IMPLEMENTED NO LATER THAN MAY 15, 2003.
4. ANY FUTURE COMPOST PILE MUST BE LOCATED LEAST 50 FEET FROM THE WATERCOURSE OR WETLAND, WITHOUT PRIOR APPROVAL OF THE CONSERVATION COMMISSION.

**\*\* MS. SMITH 2<sup>ND</sup>**

**\*\* MOTION PASSED 4 IN FAVOR, ONE ABSTENTION.**

### **BOND RELEASE**

#### **Mattera – 182 Chestnut Hill Road -- #732.S00 – Landscaping bond in association with construction of new single family house**

This bond release is for the house only, not for the additional bonds for plantings and a driveway.

**\*\* MR. CAPUTO MOVED TO RELEASE ONLY THE BOND FOR THE HOUSE.**

**\*\* MS. DESTEFANIS SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The commissioners will walk Crooked Trail on Wednesday, August 21, 2002, at 4 p.m. after a hearing for one application in City Hall. The office will confirm the time and post it as a special meeting.

### **MINUTES**

#### **July 8, 2002**

The minutes were not reviewed.

#### **July 9, 2002**

**\*\* MR. CAPUTO MOVED APPROVAL OF THE JULY 9, 2002 MINUTES AS SUBMITTED.**

**\*\* MS. DESTEFANIS SECONDED.**

**\*\* MOTION PASSED WITH FOUR VOTES IN FAVOR, ONE ABSTENTION**

**(MR. HOLOWINKO).**

**July 23, 2002**

Page 1, under Attendance, Mr. Caputo should read as Vice Chairman and Mr. Sciabbarrasi should read as Chairman

**\*\* MR. CAPUTO ACCEPTED THE MINUTES OF JULY 23, 2002, WITH  
CORRECTIONS.**

**\*\* MS. SMITH SECONDED.**

**\*\* MOTION PASSED WITH FOUR VOTES IN FAVOR, ONE ABSTENTION**

**(MR. HOLOWINKO).**

**COMMENTS OF STAFF**

**Current Violations**

Ms. Cherichetti noted that Mr. Faulkner removed four to five trees. He has been advised to apply for a declaratory application. He has submitted a plan replanting two shade trees and two azalea shrubs in a different area than where the trees were cut down. A play station is installed where the trees stood.

A cease and desist order was issued at 14 Purdy Road because the owner is across from a watercourse where he was digging. The letter has to go out and will contain directives that an application should have been applied for prior to the digging. A hearing must be held within 10 days of the order. August 21, 2002 would be the date of a special meeting to discuss the application at 4 p.m. in Room 221. Ms. Cherichetti will contact and confirm the date with the Commissioners.

**21 Apple Tree Lane**

This applicant corrected the violation. However, in her March 14, 2002, letter she requested that the violation fee of \$50 be waived and returned. She felt that as she did not know she was in violation she should not pay a fine and wanted the money returned. Ms. Cherichetti recommended that the fee stay in place. After discussing that the fee had already been paid and collected, it was decided that

the action would set a precedence to return it. The Commissioners decided against the request.

**\*\* MS. SMITH MOVED NOT TO RETURN THE APPLICATION FEE AND  
NOTIFY THE APPLICANT OF THE DECISION.**

**\*\* MR. CAPUTO SECONDED.**

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

### **North Taylor Avenue Drainage Project #S02-106**

Ms. Cherichetti stated that DPW had submitted an application for a drainage project on North Taylor Avenue. DPW is concerned that they are expending money to obtain answers for the Commission that may not be need until the project begins. Ms. Cherichetti said she is looking for specifics so that a specific permit could be written. DPW is looking for a directive as to whether they can dig in a wetland. She asked whether she should distribute the information for the Commissioners to review prior to the completion of the application.

The Chairman suggested that DPW should be able to supply what is needed just like any other applicant.

Ms. Destefanis felt it would not be improper to assist the neighbors to resolve the long-standing problem there on North Taylor.

The Chairman said that there is information that needs to be clarified. Once it is received, then a review of the material could be given. Having an advanced look may limit the Commission's ability to may a clear judgment.

Ms. Cherichetti suggested that DPW withdraw the application and work informally with the Commission and process a tentative proposal for the project. She will speak with DPW and the Commissioners agreed that they should withdraw the current application on that basis.

### **ADJOURNMENT**

**\*\* MS. DESTEFANIS MOVED TO ADJOURN.**

**\*\* MR. HOLOWINKO SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY BY VOICE VOTE.**

The Chairman adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Alvina L. Richardson Decker

Telesco Secretarial Services

