

NORWALK CONSERVATION COMMISSION MINUTES

**City of Norwalk
Conservation Commission
August 14, 2007**

ATTENDANCE: Anne Cagnina, Chair; D. Seeley Hubbard; Emily Wilson; Elizabeth Ackerman; Ed Holowinko; Matt Caputo (6:10 PM)

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Maria Genovese, ADA, LLC; Kate Throckmorton, Environmental Land Solutions; Mike Gulick, Gulick Associates; Tomas Viggiano; Soterios Koletsos

CALL TO ORDER

The meeting was called to order at 6:00 PM.

ROLL CALL

Ms. Cherichetti called the roll.

RECEIPT/DISCUSSION

a) #S07-283 – 10 Norden Place – Norden Center, LLC – Construction of an office building and associated parking, stormwater drainage, landscaping and restoration work in and adjacent to a wetland and watercourse

The applicant was not present to make a presentation. Ms. Cherichetti briefly summarized the project.

b) #S07-284 – 79 Comstock Hill Road – Ouzounidis – Corrective Action landscaping adjacent to a wetland and watercourse

Ms. Cherichetti briefly described the previous events that occurred without a permit. She noted that the construction of the new residence on the property was granted with her issuance of a Minor Permit. Under that permit, all activity, with the exception of the creation of a very small strip of lawn, were to be outside of the upland review area of the onsite wetland and watercourse.

The property owner was issued a Notice of Violation after clearing a portion of the woodland buffer that is immediately adjacent to the wetland limit.

Marie Genovese, Andropulos Design Associates, represented the applicant. She described the proposed landscaping plan. Ms. Cagnina stated that she did not like that there was

additional lawn area proposed. Ms. Ackerman concurred. Ms. Genovese stated that the applicant was willing to have less lawn and would submit a revised landscaping plan.

DISCUSSION/DECISION

a) #S07-275 – 129 East Rocks Road – Gulick Associates, Inc. – Two (2) lot subdivision of land in and adjacent to a watercourse and wetland

**** MR. CAPUTO MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION:**

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND

WHEREAS, THE DEVELOPMENT OF THE PROPOSED LOTS COULD BE ACCOMPLISHED WITHOUT DISTURBANCE OF THE FIRST FIFTY FEET OF THE WETLAND'S UPLAND REVIEW AREA AND THIS PERMANENT BUFFER WOULD PROVIDE SUFFICIENT PROTECTION OF THE WETLAND AND WATERCOURSE DURING ANTICIPATED ACTIVITIES OF CONSTRUCTION;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-275, FOR THE SUBDIVISION OF LAND INTO TWO (2) BUILDING LOTS IN AND ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO GULICK ASSOCIATES, INC. FOR PROPERTY AT 129 EAST ROCKS ROAD, NORWALK, CT, [DISTRICT 5, BLOCK 23, TAX LOT 18] WITH THE FOLLOWING CONDITIONS:

1. ANY SITE DEVELOPMENT OR ACTIVITY ON ANY OF THE LOTS MAY REQUIRE THE PRIOR APPROVAL OF A CONSERVATION PERMIT. THIS CURRENT CONSERVATION PERMIT, FOR SUBDIVISION OF THE PROPERTY, DOES NOT REPRESENT AN APPROVAL TO ALTER ANY LAND ADJACENT TO ANY WETLAND OR WATERCOURSE OR WITHIN UPLAND REVIEW AREAS WITHOUT PRIOR APPROVAL OF THE CONSERVATION COMMISSION.

2. ANY CHANGE TO THE PLANS PRESENTED FOR THIS APPLICATION, ENTITLED "TWO-LOT SUBDIVISION; ALTERNATE PLAN", DATED MAY 17, 2007 AND LAST REVISED JUNE 15, 2007, AS PREPARED BY GRUMMAN ENGINEERING, LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

**** MOTION WAS SECONDED BY MS. CAGNINA.**

**** THE MOTION CARRIED WITH FIVE IN FAVOR AND ONE ABSTENTION (ACKERMAN).**

b) # S07-281 – 81 Wolfpit Avenue – Strawberry Woods Condominium – Corrective action landscaping in a wetland

**** MR. CAPUTO MADE A MOTION TO APPROVE THE FOLLOWING RESOLUTION:**

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT LIKELY RESULT IN ANY NEGATIVE IMPACT ON THE WATERCOURSE AND WILL LIKELY IMPROVE THE VALUE AND FUNCTION OF THE WETLAND;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-281, CORRECTIVE-ACTION RESTORATION OF A WETLAND AND WATERCOURSE BE GRANTED TO STRAWBERRY WOODS CONDOMINIUM ASSOCIATION, FOR PROPERTY AT 81 WOLFPIT AVENUE, NORWALK, CT [5-16-10], WITH THE FOLLOWING CONDITIONS:

1. 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.
2. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED AT THE OUTER LIMITS OF THE DEBRIS PILE PRIOR TO THE COMMENCEMENT OF ANY SITE WORK. THE SEDIMENTATION AND EROSION CONTROL MUST BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE. THE CONTROL MUST REMAIN PROPERLY INSTALLED UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.
3. THE ABOVE DESCRIBED HAY BALES OR SILT FENCE SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE. NO ACTIVITY OR DISTURBANCE INCLUDING, BUT NOT LIMITED TO GRADING, REMOVAL OF VEGETATION, STOCKPILING, PARKING OR CONSTRUCTION ACCESS, MAY OCCUR BEYOND THE LIMIT OF DISTURBANCE LINE OR WITHIN OTHER AREAS WITHIN THE UPLAND REVIEW AREAS OF THE WETLAND AND WATERCOURSE.
4. ALL EXCAVATED LANDSCAPING DEBRIS MUST BE MOVED TO A LOCATION MORE THAN FIFTY (50) FEET FROM ANY WETLAND OR WATERCOURSE.

5. THE WETLAND MITIGATION PLAN, AS DETAILED IN THE NARRATIVE ENTITLED, "STRAWBERRY WOODS CONDOMINIUM – WETLAND RESTORATION PROJECT", BY CINDY SCHERSCHING, DATED AUGUST 3, 2007, SHALL BE FULLY IMPLEMENTED WITHIN THREE (3) MONTHS OF ISSUANCE OF THIS PERMIT.

6. THOUGH THIS PERMIT EXPIRES IN TWO (2) YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN THREE (3) MONTHS OF THE COMMENCEMENT OF ACTIVITY.

** MR. HOLOWINKO SECONDED THE MOTION.

** THE MOTION CARRIED UNANIMOUSLY.

c) #S07-280 – 18 Cloverly Circle – Viggiano –Restoration, landscaping and grading in and adjacent to a wetland

** MR. CAPUTO MADE A MOTION TO APPROVE THE FOLLOWING RESOLUTION:

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT LIKELY RESULT IN ANY NEGATIVE IMPACT ON THE WETLAND OR WATERCOURSE; AND WHEREAS, THE POSITIVE IMPACTS THAT WILL LIKELY RESULT FROM THE REMOVAL OF ACCUMULATED ROAD SAND AND THE ENHANCEMENT OF THE WETLAND WITH ADDITIONAL NATIVE SHRUBS OUTWEIGH ANY IMPACTS OF THE OTHER PROPOSED ACTIVITIES IN OR ADJACENT TO THE WETLAND;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-280, TO PERFORM GRADING AND LANDSCAPING IN AND ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO THOMAS AND LAURA VIGGIANO, FOR PROPERTY AT 18 CLOVERLY CIRCLE, NORWALK, CT [3-29-61], WITH THE FOLLOWING CONDITIONS:

1. 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.

2. A \$2,200.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO THE RECOMMENCEMENT OF ANY ON-SITE ACTIVITY. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR.

3. PRIOR TO THE COMMENCEMENT OF ACTIVITY, THE APPLICANT, OR APPLICANT'S CONTRACTOR, SHALL MEET WITH CONSERVATION STAFF AT THE SITE TO DELINEATE THE LIMITS OF EXCAVATION IN RELATION TO THE REMOVAL OF THE ACCUMULATED DEBRIS AT THE END OF THE DRIVEWAY.

4. SILT FENCE SHALL BE INSTALLED DIRECTLY NORTHEAST OF THE PROPOSED STONE WALL, THE LOCATION OF WHICH IS INDICATED ON THE PLAN ENTITLED, "18 CLOVERLY LANDSCAPE PLAN", DATED 7/14/2007 BY THOMAS VIGGIANO. THE SEDIMENTATION AND EROSION CONTROL MUST BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE. THE CONTROL MUST REMAIN PROPERLY INSTALLED UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.

5. THE ABOVE SILT FENCE SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE. NO ACTIVITY OR DISTURBANCE INCLUDING, BUT NOT LIMITED TO GRADING, REMOVAL OF VEGETATION, STOCKPILING, PARKING OR CONSTRUCTION ACCESS, MAY OCCUR BEYOND THE LIMIT OF DISTURBANCE LINE OR WITHIN OTHER AREAS WITHIN THE UPLAND REVIEW AREAS OF THE WETLAND AND WATERCOURSE UNLESS SPECIFICALLY ALLOWED BY THIS PERMIT.

6. THE WETLAND ENHANCEMENT LANDSCAPING PLAN, AS DETAILED IN THE PLAN ENTITLED, "18 CLOVERLY LANDSCAPE PLAN" BY THOMAS VIGGIANO, DATED 7/14/2007, SHALL BE MODIFIED TO REFLECT THAT ALL PROPOSED SHRUBS AND SMALL TREES PLANTED WITHIN THE WETLAND BE A MINIMUM OF THIRTY INCHES (30") IN HEIGHT AT THE TIME OF PLANTING. ALL PLANTS MUST BE NATIVE TO CONNECTICUT.

7. THE AREAS OF THE WETLAND BETWEEN THE EXISTING AND PROPOSED STONEWALLS MAY BE GRUBBED AND RAKED, AND A TOPDRESSING OF A MAXIMUM OF UP TO TWO INCHES (2") OF TOPSOIL MAY BE DEPOSITED IN THESE AREAS.

8. THOUGH THIS PERMIT EXPIRES IN TWO (2) YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN FOUR (4) MONTHS OF THE COMMENCEMENT OF ACTIVITY.

**** MS. CAGNINA SECONDED THE MOTION.**

**** THE MOTION CARRIED UNANIMOUSLY.**

d) #S07-282 – 28 Saxon Road – Layman – Landscape improvements, minor filling, retaining wall adjacent to a wetland

**** MR. CAPUTO MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION:**

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT LIKELY RESULT IN ANY NEGATIVE IMPACT ON THE WETLAND OR WATERCOURSE;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-282, CONSTRUCTION OF A RETAINING WALL, MINOR FILLING AND LANDSCAPING ADJACENT TO A WETLAND AND WATERCOURSE, BE GRANTED TO GREGG AND NANCY LAYMAN, FOR PROPERTY AT 28 SAXON ROAD, NORWALK, CT [3-17-143], WITH THE FOLLOWING CONDITIONS:

1. 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.
2. STAKED HAY BALES OR SILT FENCE SHALL BE INSTALLED IN THE LOCATION DEPICTED ON THE PLAN ENTITLED, "LANDSCAPE ENHANCEMENT; 28 SAXON ROAD, NORWALK, CONNECTICUT", DATED JULY 10, 2007 BY ENVIRONMENTAL LAND SOLUTIONS, LLC. THE SEDIMENTATION AND EROSION CONTROL MUST BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE. THE CONTROL MUST REMAIN PROPERLY INSTALLED UNTIL THE SITE IS DEEMED STABILIZED BY CONSERVATION STAFF.
3. THE ABOVE DESCRIBED HAY BALES OR SILT FENCE SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE. NO ACTIVITY OR DISTURBANCE INCLUDING, BUT NOT LIMITED TO GRADING, REMOVAL OF VEGETATION, STOCKPILING, PARKING OR CONSTRUCTION ACCESS, MAY OCCUR BEYOND THE LIMIT OF DISTURBANCE LINE OR WITHIN OTHER

AREAS WITHIN THE UPLAND REVIEW AREAS OF THE WETLAND AND WATERCOURSE UNLESS IMPLICITLY ALLOWED BY THIS PERMIT.

4. THE WETLAND ENHANCEMENT PORTIONS OF THE PERMIT, INCLUDING THE INVASIVE PLANT REMOVAL AND THE PLANTING OF NATIVE SHRUBS WITHIN THE WETLAND, MUST BE FULLY IMPLEMENTED WITHIN NO MORE THAN THREE (3) MONTHS FROM THE COMMENCEMENT OF LAWN GRADING ACTIVITIES.

** MS. WILSON SECONDED THE MOTION.

** THE MOTION CARRIED WITH FOUR IN FAVOR AND TWO ABSTENTIONS (CAGNINA AND ACKERMAN).

SHOW-CAUSE HEARING

a) #V07-286 – 110 Dry Hill Road – Koletsos – Performing regulated activities, including removal of vegetation, clear cutting, filling, expansion of lawn, in and adjacent to wetlands and watercourses, without a permit

Ms. Cherichetti explained that the residence of the respondent was constructed with a wetland permit and added that that older permit allowed the construction of the house, as well as the establishment of lawn in the wetland. She noted that the permit required the erection of a fence at the approved limit of lawn.

Ms. Cherichetti noted that her office had received a complaint regarding the wetland area beyond the fence. Upon inspection, she stated, she found a large portion of the wetland area beyond the fence had been mowed repeatedly and was now a rough lawn area. She stated that this mowing activity have effectively changed the natural character of the wetland from a shrub/scrub area to a lawn area and that the activity required a permit.

Mr. Koletsos, the property owner, spoke and indicated that he simply wished to have more usable yard area. He lamented the small size of his lawn and noted that he had many children that needed a place to play.

Ms. Cherichetti distributed maps filed with the original permit application to construct the house. She also distributed aerial photographs of the property from 1995 and 2003.

** MS. CAGNINA MADE A MOTION TO CLOSE THE SHOW-CAUSE HEARING.

** MS. ACKERMAN SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

BOND RELEASES

a) #S04-201 – 3 Indian Spring Road – 3 Indian Spring LLC – Release of bond for planting and sedimentation & erosion controls associated with permit

** MS. ACKERMAN MADE A MOTION TO RELEASE THE BOND HELD FOR PERMIT #S04-201.

** MR. CAPUTO SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

MINUTES

No action was taken.

COMMENTS OF STAFF

a) Minor Permits and Enforcement Actions

COMMENTS OF COMMISSIONERS

ADJOURNMENT

** MS. CAGNINA MOVED TO ADJOURN THE MEETING.

** MR. CAPUTO SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:04 PM.