

NORWALK CONSERVATION COMMISSION MINUTES

AUGUST 26, 2003

**ATTENDANCE: MATT CAPUTO,
CHAIRMAN; KAREN DESTEFANIS,
VICE-CHAIRMAN; ANDREW KYDES;
ED HOLOWINKO;**

**JANE CORCILLO; SUSAN LLORCA; ANNE
CAGNINA**

**STAFF: ERIN LEONARD,
ACTING SENIOR ENVIRONMENTAL
OFFICER; MIKE GREENE,
CONSERVATION STAFF**

The Vice Chairman called the meeting to order at 6:19 p.m.

RECEIPT & DISCUSSION

a) **150 Glover Avenue-Townsend Norwalk, LLC-#S03-165**-Excavation and off-site

disposal of septic tank and contaminated soil adjacent to a watercourse.

Ms. Leonard referred the Commissioners to her memorandum dated August 18, 2003 regarding this item. She said this is the property on which the U.S. Surgical building lies. Mr. Caputo asked if there are any ways to handle this item expeditiously. Ms. Leonard said the original requests made of the applicant have been fulfilled.

Mr. Gordon Binkhorst, Austin Environmental Corporation, referring to his written summary reiterated that the excavated septic tank has been disused since 1978 and that his company is digging up contaminated soil from the area around the septic tank. The septic tank is in close proximity to a brook and is protected by a stone wall. He said the brook would be protected by a silt fence and appropriate erosion controls and replanting of the area according to the landscaping plan included in his summary. He said this is being done under the Connecticut Property Transfer Act, which requires U.S. Surgical to do the investigation and cleanup of the site.

b) **8 Allen Road-Faucher-#S03-159**-Construct a new single-family house adjacent to a

wetland and watercourse.

Ms. Leonard said that she had asked Mr. McAllister to clarify any proposed footing drains. She said there are no footing drains and that issue has been resolved. She said the applicant submitted a landscaping plan.

Mr. Steve McAllister, McChord Engineering Associates, Inc. reviewed the application. He said the property at 8 Allen Road, just north of the intersection with Newtown Ave. is approximately .77 acres of which a quarter is wetlands. Mr. McAllister referring to the site plan said they are proposing a 5 bedroom single-family residence and is served by public water and public sewer. He said the house would share a driveway with an adjacent home. He said the closest point of the home to the wetlands is 42 feet. He said they are also calling for a 25-foot limit of disturbance so the maximum closest disturbance to any of the wetlands is 25 feet. Mr. McAllister said there are a number of mature trees that would remain and there would be evergreens planted to provide a delineated buffer. He said no footing drains are required.

c) **310 Ely Avenue-Sedona Group (310 Ely Ave., LLC)-S03-160**-Construction of a 10-

unit apartment building and parking lot adjacent to a wetland and watercourse.

Ms. Leonard referred the Commissioners to her memorandum dated August 8, 2003. She said that Staff had raised a few questions regarding oil/grit separators. She said she received a revised Drainage Report stating what separators would be used. She said her questions have been answered.

Mr. David Waters, Lepofsky, Lepofsky and Lang, representing the applicant and referring to the site plan said that the property was originally part of a larger parcel before Martin Luther King Drive was created. He said the property essentially ran right through the center of a parcel that was solely located off of Ely Avenue. He said Martin Luther King is a fairly new road and has a significant impact on what the applicant can do with the property. He said to the north is Crestwood Housing, which is a multi-family use housing complex that fronts on Ely Avenue. He said there is an area of wetlands there and much of it is fed from the street and from Crestwood Housing as well. He said that because of the shape of the property and the location of the wetland is very awkward and very sensitive. He said an application was made to the Conservation Commission about 15 years ago. He said at that time it was approved nobody recognized there was any wetlands. He said what was approved was the piping of the street course and the paving of that entire area. Mr. Waters said the building as they propose it was located farther back into the property, which are now known as wetlands. He said the issue became dealing with the wetlands and one of the things that Grumman Engineering did was move the building up. He said this would require variances from the ZBA, which the applicant has not obtained yet.

Ms. Cagnina arrived at 6:30 p.m.

Mr. Waters said the applicant of 10-units they are proposing is not the maximum number of units allowed. He said by Zoning, density wise, there would be approximately 17 to 18 units allowed on this property.

Mr. Don Strait, Grumman Engineering, Norwalk, Connecticut reiterated that the current plan pushes the building up an additional 20-feet. Mr. Strait, referring to the site plan, pointed out the area where heavily planted good wildlife plantings had been planned in order to protect the wetlands. He said there is a limited access highway off of Martin Luther King Drive that the City, (DPW) would not allow them to use. Mr. Strait said the storm drainage consists of catch basins that drain directly to Martin Luther King Drive. He said there would be filters in all the catch basins to improve the water quality.

Mr. Waters said the applicant has looked at a variety of different ways to try and avoid this wetland proximity for the driveway. He said one of the concepts was to do a two-part development with some of it accessing Ely Avenue and some accessing Martin Luther King Drive. He said it does not work because the City of Norwalk and the State of Connecticut in their agreement related to Martin Luther King Drive, designated it a limited access road so the applicant does not have the right to access Martin Luther King Drive for any vehicular traffic. He stated that the City of Norwalk and the State of Connecticut were not willing to waive this. He said the applicant looked at an alternative, which proposed not to have the driveway at all but the DPW said that they would not grant access to Martin Luther King Drive. Mr. Waters said the real impact on the proximity to the wetlands is purely for a driveway. He said the applicant has retained Judy Slayback to discuss the quality of this wetland and what could be done to enhance it, however, with the holiday schedule and summer she has not been able to provide him with a report. He said he has been assured that there will be a report available by the next Conservation Commission meeting.

Mr. Waters said, as a point of information, the 10 units proposed would all qualify as affordable housing for the City of Norwalk. He said the property owner has expressed his desire to ensure that this property be designated as affordable housing.

Mr. Holowinko asked if the driveway was minimum size. Mr. Waters said yes, 20 feet is the minimum that is acceptable. Mr. Holowinko said he is concerned with the lack of buffer.

Ms. Corcillo asked if there was an additional 5 parking spaces near the building itself. Mr. Waters said yes. He said with 10 units there is a requirement of 20 parking spaces. He said there is a total of 20 spaces. Ms. Corcillo asked if this is a 2-story or 3-story building. Mr. Waters said it is a 3-story building, on the ground floor there would be a flat and above it a 2-story unit.

Mr. Kydes said he likes the fact that the driveway does not come off of Martin Luther King Drive.

Mr. Holowinko said he would like to see the 4-unit alternative. Mr. Waters, referring to the site plan, pointed out what the alternative would be like. Ms. Leonard asked if the applicant could draw up the 4-unit design and submitted it to the Commission. Mr. Waters said that he would have Mr. Strait draw up the design.

- d) **46 and 48 Carter Street-Sedona Group-#S03-161 and #S03162-** Construction of a single-family residence adjacent to a wetland and watercourse.

Ms. Leonard referred the Commissioners to her memorandum to the Commission dated August 18, 2003. She said this is the same property with two lots. She said number 48 Carter Street is the rear lot. She said the property is currently clear.

Mr. Waters representing the applicant said this is a piece of property that had been free-cut. He said the property is pie shaped and abuts an armory. He said at the intersection of Carter Street and New Canaan Avenue there is an area of wetlands that extends into the rear of this property. Mr. Waters, referring to the site plan, said about a third of the property is designated as inland wetlands. He said the property was the subject of variance requested to the ZBA because the two lots do not have the total frontage required for typical lots in the area. He said the condition of approval was that they have a single driveway that serves both of the properties. He said this is a pretty straightforward proposal.

Mr. Don Strait, Grumman Engineering, Norwalk, Connecticut said this is a fairly big lot. Referring to the site plan, Mr. Strait pointed out the plantings being maintained. He said there is 30-feet to the wetlands at the rear of the site. He said there is a septic system and it would be supplied by a public water system. He said there was some concern about a gas pipeline in the vicinity however it is not on this site it is on the property next door.

Mr. Caputo asked Ms. Leonard if she was waiting on the Health Department to sign off on this. Ms. Leonard said yes, she had not received anything yet. Mr. Caputo asked Mr. Strait if he anticipated any problems with the Health Department signing off on the application. Mr. Strait said he did not anticipate any problems.

- e) (See above)

- f) **9 North Seir Hill Road (Lot A)-Rose-#S03-163 and 11 North Seir Hill Road-Andrade-#S03-164-** Construction of a single-family residence adjacent to a wetland.

Ms. Leonard said there was a question of additional detail of the outfall pipe on 9 Seir Hill Road.

Mr. Strait, Grumman Engineering, Norwalk, Connecticut referring to the site plan said the property seems to be a watercourse that was interrupted by North Seir Hill Road and is quite dry. He stated that there is some fern growing there but for a wetland area it is remarkably dry for this time of year. He said there is a stone wall running through it that the applicant intends to preserve. Mr. Strait referred to the Commissioners to lot A, which is the northerly lot of the two. He said there is a brook course in the back near the highway. Mr. Strait referring to the wall of limit of disturbance said there are wildlife shrubs plantings, 25 Blueberry, Winterberry, Witchhazel, Mount Laurels and a few other plants. Mr. Strait said the plan shows footing drains in the area just for construction purposes. He said there is public water and public sewer. He said the second lot is similar. He said there is a 20-foot setback to the limit of disturbance and 35 to 40-feet to the corners of the house. Mr. Strait pointed out on the site plan a retaining wall to the 20-foot buffer area and buffer plantings along the area.

Ms. Leonard asked if there were footing drains. Mr. Strait said there is footing drain but no roof

drain or retention on the lot. Ms. Leonard asked if there would be footing drains on 9 Seir Hill. Mr. Strait said he could do that but did not know if that would give the same quality of water as would be from a roof drain. He said a roof drain would not be a bad thing to put in because of the good quality of water. Ms. Leonard asked if Mr. Strait could get some detail analysis on the pipe for the next meeting. Mr. Strait said that he would.

Mr. Holowinko, referring to a green area on the site plan asked if any thought was being given to placing more plantings and shrubs there so that no pesticides would be running off into the wetlands. Mr. Strait said that he could add more buffer. Mr. Holowinko said he would feel more comfortable with more buffer there. Mr. Strait pointed out on the site plan a natural stone wall in the area that would act as a natural buffer to the wetlands.

g) (See above)

PERMIT MODIFICATION/EXTENSION

a) **100-102 Richards Avenue-#S03-136a**-Richards Avenue Partners, LLC-
Construction

of a multi-family (54units) dwelling with associated parking lot, stormwater drainage,

and landscaping adjacent to a wetland and watercourse-Request for Transfer of Permit.

Ms. Leonard referred the Commissioners to her memorandum dated August 18, 2003. She said the applicant had previously been before the Commission. She stated that the Public Works Department has changed the address. She said the application was

approved as 110 Richards Avenue, Summitt TL, LLC. Ms. Leonard said it is the same entity but a different name.

MR. KYDES MADE A MOTION TO GRANT THE MODIFICATION OF APPLICATION #S03-136a-100-102 RICHARDS AS OUTLINED IN A MEMORANDUM FROM ERIN LEONARD TO THE CONSERVATION COMMISSION DATED AUGUST 18, 2003.

MS. CORCILLO SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY 7 TO 0.

BOND RELEASE

- a) **42 Field Street-#S00-45-Kerschner Development Co., LLC** – Construct a driveway adjacent to and across a wetland.

Ms. Leonard said the fence is in and Staff recommends that the Commission release the bond.

MS. CORCILLO MADE A MOTION TO RELEASE THE BOND FOR 42 FIELD STREET, #S00-45-KERSCHNER DEVELOPMENT CO., LLC.

MS. DESTEFANIS SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY 7 TO 0.

- b. **254 Fillow Street-#S01-53-Kerschner Development Co., LLC** – Construct a single-family house and relocate an existing driveway adjacent to a wetland/watercourse.

Ms. Leonard stated that the plantings are in, looks good and Staff recommends that the Commission release the bond.

MS. CAGNINA MADE A MOTION TO RELEASE THE BOND FOR 254 FILLow STREET, #S01-53-KERSCHNER DEVELOPMENT CO., LLC.

MS. DESTEFANIS SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY 7 TO 0.

- c) **80 Westport Avenue-#P98-691-Stew Leonard's**-Construct parking lot and one level

parking deck in wetland area.

Ms. Leonard said the original bond was \$50,000. She said \$30,000 was released. She said she is waiting on water quality testing to be done and that everything is in order.

MS. CAGNINA MADE A MOTION TO RELEASE THE BOND FOR 80 WESTPORT AVENUE, #P98-691-STEW LEONARD'S.

MR. KYDES SECONDED THE MOTION.

MOTION PASSED 6 TO 0, WITH 1 ABSTENSION (MR. HOLOWINKO).

The Commission welcomed Ms. Elizabeth Ackerman to the Commission. Ms. Ackerman will be an alternate commissioner.

ACCEPTANCE OF MINUTES

a) August 12, 2003 minutes

Corrections:

Page 1, under Attendance, Jane Caputo **should be "Jane Corcillo"**.

Page 2, under a.) second sentence, "She said that the applicant was now only looking to do the additional portions" **should be "She said that the applicant was now only looking to do the addition to the house."**

Page 3, under b.) second sentence, "...the rear yard with..." **should read "...the rear yard except with..."**

Page 3, under number 2, "Any future site will ..." **should be "Any future site work will..."**

Page 3, "MS. CAPUTO SECONDED" **should be MS. CORCILLO SECONDED.**

Page 4, bottom of page, "MS. CAPUTO..." **should be "MS. CORCILLO MOVED..."**

Page 5, third paragraph from bottom of page, "Ms. Caputo" **should be "Ms. Corcillo"**

Page 5, last paragraph "...upon by the regulations." **should be "...upon by the regulations by the Commission."**

MS. CORCILLO MADE A MOTION TO ACCEPT THE MINUTES AS AMENDED.

MR. KYDES SECONDED THE MOTION.

MOTION PASSED 6 TO 0, WITH 1 ABSTENSION (MS. LLOVCA).

COMMENTS OF STAFF

a. Declaratory Permits and Enforcement Actions

Ms. Leonard stated that there were several declaratory permits issued in the past two weeks. She said there was a Cease and Desist Order for 3 Driftwood Lane. She said they have met the conditions of the order. Ms. Leonard said there was an expansion for a church at 15 Scribner Avenue and an inground pool at 114 Chestnut Hill Road. She said that 35 Ferris Avenue had a permit approved by the Commission and decided to convert to a two-family.

b) Permit need assessment-Oak Hills Golf Course

Ms. Leonard said she received information from Oak Hills for a restaurant. She said the applicant did get a significant distance from the wetlands. Ms. Leonard presented photos to the Commissioners. She said the only concern she has is the overflow parking at the rear of the property and the drainage. Ms. Leonard said she is comfortable with the outlet pipe and has no reservations about the application. Mr. Caputo suggested that the Commissioners go out to the site in order to satisfy any concerns.

c) CL&P-Milford to Norwalk Underground Line

Ms. Leonard said the underground line CL&P has proposed is coming in through Westport, along Westport Avenue. She presented a site plan to the Commissioners. Ms. Leonard said she does have comments for the Zoning Commission and the Planning Commission. She said the line would run through Westport Avenue, North Avenue, Cross Street, Belden Avenue and up Riverside Avenue. Ms. Leonard said the line is underground and is a solid cable.

Mr. Caputo asked how long the construction of the line would take. Mr. Greene responded that the cable would be installed at about a mile a month. Mr. Caputo, referring to a memorandum dated August 12, 2003 to the Planning Commission from the Land Use Committee said all the Commissioners are in agreement with resolutions 1 through 3, which reads: 1. We support the proposal to install the cable underground for its entire length in Norwalk; 2. Solid cable should be used to avoid possible aquifer impacts; 3. We support the proposed route but strongly suggest that the portion along Riverside Avenue be relocated to the east of the road shoulder in the excess right-of-way area. This will minimize disruption to business and to traffic flow. When regarding this area a twelve-foot wide paved bikeway should be constructed. This will serve as a mitigating factor for any temporary environmental impact caused by the construction of the lane. Mr. Caputo said the Commission has no comment at this time on number 4 of the resolution, which reads: Work should be done at night to minimize traffic disruption,

or number 5, which reads: Maintain at least one open lane of traffic in each direction at all times.

Ms. Leonard stated that she sent an updated Commissioners list to all of the Commissioners as well as to Mr. Tim Sheehan. She stated that Mr. Sheehan wanted to be put on the agenda for the October 28, 2003 meeting.

COMMENTS OF THE COMMISSIONERS

Ms. Cagnina said she would like the Commissioners to take a look at the set of plans of Reed Putnam and Wall Street Redevelopment and bring back at next regulatory meeting.

Mr. Caputo commended Ms. Leonard for doing a fine job during Ms. Cherichetti's leave. He said Ms. Leonard has very helpful and supportive to the Commissioners.

MS. DESTEFANIS MADE A MOTION TO ADJOURN THE MEETING.

MS. CORSILLO SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY 7 TO 0.

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Linda Custis Telesco Secretarial Services

