

**NORWALK CONSERVATION COMMISSION MINUTES**

**AUGUST 27, 2002**

ATTENDANCE: Gerard Sciabbarrasi,  
Chairman; Larry Losio, Andrew Kydes,

Karen Destefanis, Ed Holowinko

STAFF: Alexis Cherichetti, Sr.  
Environmental Officer; Michael  
Greene, Director Planning &  
Zoning; Cheryl Vallerie, Planning  
& Zoning

The Chairman called the meeting to order at 6:08  
p.m.

RECEIPT

Pepperidge Farms Inc. – 595 Westport Ave. - #S02-112 – Restoration work following  
remediation of diesel spill in and adjacent to a wetland and watercourse

\*\* MR. LOSIO MOVED TO RECEIVE THE APPLICATION

\*\* MS. DESTEFANIS SECONDED

\*\* MOTION PASSED UNANIMOUSLY

The representative for Pepperidge Farms said the restoration plan process involves the upper area that has been completely cleaned up. They are accessing the extent of restoration in the wetland area (he indicated the area on the map) and said they are currently accessing remediation and as soon as this is done, they will define what they would do for remediation.

Ms. Cherichetti asked about blankets being placed in the watercourse and if it would still be seeded. The representative said it would be a combination of seed and plugs.

Mr. Sciabbarrasi noted that any additional information required should be submitted to Ms. Cherichetti. He stated this matter would be heard again at the meeting scheduled on September 10.

DECISIONS

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

Neither the applicant nor a representative was present to hear this decision so it was decided to table the matter.

\*\* MS. DESTEFANIS MOVED TO TABLE

\*\* MR. LOSIO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

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

Ms. Cherichetti stated the applicant supplied a revised map with minor changes for the infiltrator and to show the house was moved slightly to the south so it is now closer to the setback near the barn; she noted the silt fence was moved west.

Mr. Sciabarrasi asked if there was previous discussion about having buffer behind the pond. Ms. Cherichetti referred to the plan the commissioner's had indicating where there would be a buffer around the pond. She said there would be no shrubs in this location, but they would have a lawn planted with wetland seed mix. She also suggested it would be more prudent not to rip up the lawn but to maintain it as a lawn.

Ms. Cherichetti referred to the staff report dated August 20, 2002 and read condition #4 recommended.

\*\* MS. DESTEFANIS MOVED TO APPROVE CORNERSTONE DEVELOPMENT LLC – 46 OLD ROCK LAND – #S02-110 WITH THE 7 SPECIAL CONDITIONS, INCLUDING THE FOLLOWING CONDITION:

4. THE AREA EAST OF THE WATERCOURSE SHALL NOT BE MAINTAINED AS LAWN. AREAS OUTSIDE OF THE SHRUB PLANTING AREA ADJACENT TO THE WATERCOURSE SHALL REMAIN UNDISTURBED. THE AREA EAST OF THE WATERCOURSE MAY BE MOWED NOT MORE THAN ONCE PER CALENDAR YEAR.

\*\* MR. KYDES SECONDED

\*\* MOTION PASSED UNANIMOUSLY

Granata – 40 Deerwood Manor - #S02-113 – Two lot subdivision adjacent to wetlands

Ms. Cherichetti said the applicant also submitted another map showing the waterline installation and additional easement information for lot 13-B.

Mr. Sciabbarasi commented that it appears the applicant took the suggestions of the commission to work out an acceptable plan.

Ms. Cherichetti said yes, and she added that a future ingress and egress was also recommended along the existing driveway.

\*\* MS. DESTEFANIS MOVED TO APPROVE GRANATA – 40  
DEERWOOD MANOR - #S02-113 WITH THE FOLLOWING CONDITIONS:

1. ANY SITE DEVELOPMENT ON LOT 13-A WILL REQUIRE THE PRIOR APPROVAL OF A CONSERVATION SUMMARY PERMIT. THIS CURRENT CONSERVATION PERMIT, FOR SUBDIVISION OF THE PROPERTY, DOES NOT REPRESENT AN APPROVAL TO ALTER ANY LAND ADJACENT TO THE WETLAND WITHOUT PRIOR APPROVAL OF THE CONSERVATION COMMISSION.
2. ALL FUTURE INGRESS AND EGRESS TO THE NORTHERN PORTION OF LOT 13-A SHALL BE ACROSS THE EXISTING CONCRETE DRIVEWAY. THE APPLICANT SHALL CAUSE TO HAVE A DRIVEWAY EASEMENT PLACED OVER THE PORTION OF DRIVEWAY ON LOT 13-B IN FAVOR OF LOT 13-A.

\*\* MR. LOSIO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

Reynolds – 1 Hollow Spring Road - #S02-114 – Installation of sewer line adjacent to wetlands

Mr. Sciabbarasi briefly reviewed this application before a vote was called.

\*\* MR. KYDES MOVED TO APPROVE REYNOLDS – 1 HOLLOW SPRING  
ROAD - #S02-114 WITH THE FOLLOWING CONDITIONS:

1. A \$1000.00 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 BE IN THE FORM OF A SAVINGS PASSBOOK.

2. THE SEDIMENTATION AND EROSION CONTROL MEASURES ARE TO BE INSTALLED PRIOR TO COMMENCEMENT OF ANY PERMIT-RELATED WORK. THE SILT FENCE SHALL BE INSPECTED AND APPROVED BY CONSERVATION STAFF PRIOR TO COMMENCEMENT OF WORK.
3. ANY CHANGE TO THE OVERALL APPROVED PLAN "MAP OF SANITARY SEWER EASEMENT OR 1 HOLLOW SPRING ROAD", DATED SEPTEMBER 24, 2001 AND

LAST REVISED JULY 11, 2002, BLACK ROCK SURVEYORS OR FAIRFIELD, CT, SHALL REQUIRE A RETURN TO THE CONSERVATION COMMISSION.

4. ANY EXCAVATED MATERIAL NOT DEPOSITED AS BACKFILL IN THE DUG TRENCH MUST BE PLACED A MINIMUM OF 50 FEET FROM ANY WETLAND OR WATERCOURSE.
5. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT IS TO BE COMPLETED WITHIN ONE YEAR.

\*\* MR. HOLOWINKO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

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Mr. Sciabbarrasi returned to the DeFelice decision and stated the proposal was changed to a stockade fence. He asked that the commissioners take a few moments to review the application and then vote.

\*\* MR. KYDES RESOLVED THAT APPLICATION #S02-109, TO INSTALL A STOCKADE FENCE, BE GRANTED TO RICHARD AND GLORY DEFELICE FOR PROPERTY AT 31 HOMER STREET, NORWALK, CT, WITH THE FOLLOWING CONDITIONS:

1. NO VEGETATION (INCLUDING TREES, SHRUBS AND GROUND COVER) MAY BE REMOVED WITHIN 40 FEET OF THE WETLAND LINE.
2. IN THE EVENT THAT THE POST HOLES ARE NOT DUG BY HAND, THE APPLICANT MUST NOTIFY THE CONSERVATION OFFICE OF THE TYPE OF MACHINERY TO BE USED, PRIOR TO ANY DIGGING. NO EXCAVATED MATERIAL, RESULTING FROM THE DIGGING OF THE POST HOLES, SHALL BE DEPOSITED IN THE WETLAND.
3. THIS PERMIT DOES NOT ALLOW ANY DEPOSITION OF FILL OR RE-GRADING ON ANY PORTION OF THE PROPERTY.

\*\* MR. HOLOWINKO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

#### TENTATIVE PROPOSAL

Ms. Mary Lucas the representative for the Department of Public Works (DPW) stated she was hired to study flooding on North Taylor Avenue. She said they did hydrological and wetlands report studies. She explained the area is 36 acres surrounded by Connecticut Avenue, North Taylor Avenue, Benedict Court and Ferris Avenue; she said what is there are 36 acres and wetlands located in backyards. She stated the area is primarily residential and at the southern end is more

commercial land. There have been complaints near two houses that have first floor elevation that have experienced backyard flooding. What they found with the study was that there were basically four areas. There is a wetland area that drains into a 12" diameter pipe and out to an open channel wetland and picked up by a 24" pipe through easements down Connecticut Avenue and I-95. She noted they found the pipe is undersized and a portion is wetland. She further explained that what happens is the area is bowl shaped and run-off is quick and steep and tends to run through a "muck" where sediment builds up at the outlet pipe and buried at the muck. She said eventually it would fill up and drain out to the pipe.

Ms. Lucas said that she believes in order to relieve flooding they looked at the 2-year, 5-year, 10-year and 50-year storms and flooding occurs in all but the 2-year storm thus causing twelve houses to become flooded so they are proposing to replace the 12" pipe in the same location and elevation with a larger 24" pipe; clean out the area surrounding and put in a stone gabion, 200 feet long, 60 feet wide to act as a siltation area where there would be ongoing maintenance.

Mr. Losio asked if there is a 2-foot buildup because sediment flows in this location. Ms. Lucas replied yes, there is some flow going through now and what happens when it rains it fills up the wetland, gets through the muck and out the pipe; she noted it goes out slowly over time and builds up and the wetland keeps spreading and spreading.

Ms. Lucas said they looked at aerial photos from various years and saw that over time there was some filling down which probably caused run-off to another yard. She said they are also proposing to upgrade the pipe to 24" and proposing an open channel become part of the pipe system. She said this is classified as wetland and they would like to close it over because it is located in the middle of the parking lot. At the other end of the open channel is a 24" pipe that runs easements to Ferris Avenue and down to Connecticut Avenue so they are proposing to pipe from the wetland to the area indicated to the manhole where there is an open channel that is 4 feet deep and funnels into a 24" pipe.

Ms. Destefanis asked if there would be regular maintenance. Ms. Lucas said yes, it must be maintained by a stone apron with enough surface to get a portable dredge in to vacuum out, she noted this technique would be less destructive.

Mr. Sciabbarrasi asked if the 24" pipe would have the same elevation as the 12" pipe. Ms. Lucas replied it would be pretty close.

Mr. Losio asked about page 6 where it refers to the open channel and whether .13 of an acre was correct. Ms. Lucas replied this was correct.

Mr. Kydes commented he has seen the area in question and it is all mess.

For clarification purposes Ms. Cherichetti pointed out the area to Mr. Losio on the drawing.

Ms. Vallerie asked how often they anticipate maintenance. Ms. Lucas said once per year, she said when they started last year they found the sediment was created over the course of a year.

Ms. Cherichetti asked what the sediment is. Ms. Lucas said its muck; she said she wasn't sure if any other sediments were contained but she doesn't believe there are. Mr. Matt Delaine the wetlands representative added there might also be a lot of sand from the surrounding areas.

Mr. Sciabbarrasi asked about the channel near the parking area and if flow is running from this area to the channel and is it plugged. Ms. Lucas said they are providing inlets to pick it up.

Mr. Greene asked Ms. Lucas to provide information for the northern wetland. Ms. Lucas referred to a drawing and gave an explanation going from North>South; at the southern end it all flows down and the stone wall would be replaced. The channel comes out either side to a 10-foot wide channel; they are proposing a 60-foot wide channel to provide 20 feet down the middle to the channel directly to the pipe and to minimize any erosion.

Mr. Losio asked if there was any assessment done on the impact of the channel and wetland environment. Ms. Lucas said no, a final design has not been done yet and they would do additional survey work in the wetlands to pinpoint where it would be.

Mr. Delaine said this would be entailed in a separate report.

Mr. Losio asked if the 60-foot channel is necessary for the proposal to work. Ms. Lucas said yes.

Ms. Cherichetti asked the purpose of the channel. Ms. Lucas stated that it is to have:

1. A defined area to come in and clean out.
2. To stabilize muck in the vicinity of the pipe so there is less runoff in that area.

She said the stone gabion would allow ground water to flow through but allows a trapping effect.

Mr. Losio asked where the stone gabion would be situated. Ms. Lucas said it would be directly in front of the pipe.

Mr. Sciabbarrasi asked if there is the possibility that the pipe would become mucked over. Ms. Lucas said that is the reason for maintenance.

Mr. Losio asked what type of material would be used along the channel length. Ms. Lucas said it would be a gabion basket that would run the entire 60-foot width.

Ms. Cherichetti asked if there was a way to limit the amount of stone and filter sediments in a more environmentally friendly way. Ms. Lucas said the entire wetland acts as a filter but not enough so that is why other measures are called for.

Mr. Greene noted that if you put in a channel you take out vegetation.

Mr. Sciabbarrasi said, in addition, they are making it less invasive in the wetland area because the pipe on its own with scheduled clean out would serve the same purpose of doing it three to four times per year instead of once per year.

Mr. Losio commented this would be important especially at the headwall area.

Ms. Lucas reiterated that is what the gabion is for.

Mr. Losio suggested something smaller to promote maintenance. Ms. Lucas said there could be something smaller but she explained time is a factor in considering the time it takes for particles to come out.

Mr. Losio stated the interest of the Conservation Commission is the impact on the health of the wetland and he noted that from an ecologist's point of view, that he would have a keen interest in this. He suggested that any proposal to reduce the impact on the wetlands would be far more received than an alternate proposal.

Mr. Sciabbarrasi further added the tradeoffs and benefits of less impact on the wetlands vs. the number of times maintenance needs to be considered.

Mr. Sciabbarrasi acknowledged Ms. Lauricella's presence and he noted that other interested parties should be contacted by (DPW) regarding this matter.

Mr. Holowinko asked if there was a way to keep the trench open without destroying it. Ms. Lucas said they could, but it was not recommended because the area doesn't contain very pretty wetlands.

Mr. Losio asked if the assessment that would be done by the ecologist would include the open channel area. Ms. Lucas said yes.

Mr. Sciabbarrasi thanked the representatives for their presentation and he noted the possibility of the commission seeing a future application.

BOND RELEASE

Ms. Cherichetti said approval was granted in the year 2000 and was associated with the construction of a new home to extend the water main but it was near the watercourse.

\*\* MR. KYDES MOVED TO RELEASE THE BOND

\*\* MR. LOSIO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

ACCEPTANCE OF MINUTES

Monday, July 8, 2002

The Chairman stated there was no quorum available to allow a vote.

Tuesday, August 13, 2002

The Chairman stated there was no quorum available to allow a vote.

It was noted approval of the minutes would be tabled.

### COMMENTS OF STAFF

#### Current Violations

Ms. Cherichetti said that since the last meeting there have been two violations.

1. 31 Geneva Road – fill in to watercourse, they placed fill adjacent to the watercourse not knowing they needed a permit; staff is working with them to complete a full permit and they have been compliant so far.
2. 29 Burchard Lane - the original permit required a 20-foot buffer but they encroached the buffer and the house was constructed in the wrong location. The applicant submitted a complete site plan to resolve the violation and a surveyor and engineer were retained. They were given a deadline to submit the modification of the permit. She noted the originally approved permit was 46.5 feet constructed 40 feet from the wetland.

Mr. Greene commented the building was approved for one spot but they built in another and ended up between the two spots.

Ms. Cherichetti added so now it's farther down the hill too close to the wetland.

Mr. Losio asked what penalties could be assessed.

Ms. Cherichetti said the \$50.00 application fee and \$75.00 modification fee. She said that Sweeney needs to return for modification of permit and at this time conditions could be applied as deemed necessary by the commission.

3. 14 Purdy Road - a cease and desist was issued and maintained and amended. The applicant paid the fee and they have until Friday to submit an application.
- 4.

Mr. Losio asked about 5 Mohackemo Drive. Ms. Cherichetti said they had a deadline to submit an application but they didn't so a cease and desist was issued and a new deadline. She said that something should have been submitted as of today August 27 but they missed the deadline so now the initial application is accepted and if it is found to be complete they would have at least one month to comply.

## COMMENTS OF COMMISSIONERS

Mr. Losio relayed his thoughts on the drought situation and his concern that in the area of drought management, the way in which policy is formed is not clear. He said they have multiple water districts but little is done to raise public awareness regarding drought. He stated there is no signs posted indicating to people to conserve water so one of his suggestions is to post signs. He also questioned commercial properties such as hotels on Route-7 and whether there are any requirements on use of flow restrictors, shower heads etc. He said he informally called a couple proprietors and only a couple used these devices but not many. He feels this area needs some attention because the issue is of imminent concern so he recommends the following:

1. A series of recommendations submitted to the Common Council to stipulate commercial establishments use low flow devices and signs to raise awareness.

Mr. Sciabbarrasi agreed the issue should be brought to the Common Council's attention.

Mr. Losio asked if they could address the matter at the next scheduled meeting. Mr. Sciabbarrasi said they should probably schedule it for discussion for the meeting after the next.

### ADJOURNMENT

\*\* MR. KYDES MADE A MOTION TO ADJOURN

\*\* MR. LOSIO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 7:17 p.m.

Respectfully submitted by,

Diane Graham

Telesco Secretarial Services