

NORWALK CONSERVATION COMMISSION MINUTES

SEPTEMBER 9, 2003

ATTENDANCE: MATT CAPUTO, CHAIRMAN; LARRY LOSIO (6:12 p.m.); KAREN DESTEFANIS, VICE-CHAIRMAN (6:15 p.m.); ANDREW KYDES; MARNY SMITH; ED HOLOWINKO, ALTERNATE; SUSAN LLORCA, ALTERNATE; ANNE CAGNINA; BETH ACKERMAN, ALTERNATE (6:25 p.m.)

STAFF: ERIN LEONARD, ACTING SENIOR ENVIRONMENTAL OFFICER; MICHAEL GREENE, DIRECTOR OF PLANNING

AND ZONING

The Chairman called the meeting to order at 6:10 p.m.

RECEIPT & DISCUSSION

a) **16 Hilltop Road-Watson-#S03-166**-Temporary filling of wetland with gravel and

deposition of fill and landscaping adjacent to a wetland.

Ms. Judith A. Slayback, Principal, Environmental Land Solutions, LLC, Norwalk, Connecticut representing Mr. and Mrs. Watson said the property has a swimming pool, patio and some major landscaping. Ms. Slayback stated that the Watson's are now looking to put up some screening by planting evergreen trees 25 to 30 feet in height in order to give them some privacy from the house that is being constructed across from them on Valley Road. Ms. Slayback said that on the other side of the swimming pool there is a lot of ledge and in order to do the screening, soil has to be brought in and the site needs to be graded. Ms. Slayback said there is a drainage swale over which soil would be brought in the area that would be replanted after the completion of the work. She said the drainage ditch is overgrown with invasive species, poison ivy and other material. She stated that she proposes putting stone down, establish a path for the crane and replant the area with native shrubs and small trees. She said she would submit a sediment/erosion plan.

Mr. Losio arrived at 6:12 p.m.

Ms. Destefanis arrived at 6:15 p.m.

Ms. Smith said it is a very ambitious plan and everything is spelled out.

Mr. Steve Vasale, President of Oakdale Landscaping of Norwalk, Connecticut said they are proposing Norway spruce no less than 20 feet tall and no more than 30 feet. He said a crane is needed to set them in. He said there would also be Douglas Fir put in.

Ms. Leonard asked when Mr. Vasale anticipated doing the work. Mr. Vasale said as soon as he

gets an approval. Ms. Leonard asked how long the work would take. Mr. Vasale stated that it should not take any more than 2 to 3 weeks depending on the weather.

Ms. Smith asked Mr. Vasale how he would go about getting the gravel and the trees on the property. He stated that eventually he would have to build a pad, something stable for the crane could sit on.

Ms. Slayback said the intent is to get the grade in the swale elevated. She said she would have to get a permit from the City of Norwalk in order to do this. Ms. Smith asked if any wetland soil would have to be added to bring it up to that level. Ms. Slayback said yes, in order not to have pooling of water.

Mr. Holowinko asked when the house was built. Mr. Vasale said it was completely remodeled 2 years ago.

b) **87 East Rocks Road-Oestmann-#S03-167**-Construction of detached garage in rear

yard adjacent to a wetland and watercourse.

Ms. Leonard said that she sent a memorandum to the Commissioners dated August 29, 2003 regarding this matter. She stated that there are no major issues. Ms. Leonard said the property owner Mr. Oestmann was present to answer any questions the Commissioners might have. She said Mr. Oestmann had submitted an alternative in their packets.

Mr. Oestmann said he did not want to mislead anybody he calls it a garage because it has a garage door on it but it is not necessarily a garage. He stated that he would use it as a workshop and as storage.

Ms. Smith asked what kind of items would be stored there. She asked if there would be any pesticides.

Mr. Oestmann replied, nothing like that. He said he has an enclosed trailer that is an eyesore and would be put in the garage along with a lawnmower and things of that nature.

Ms. Cagnina said that she would like to see it called something other than a garage.

Ms. Leonard stated that any future driveway would have to have the approval of the Conservation Commission. Mr. Greene stated that if it were called a storage shed it would not imply anything to a future homeowner. Ms. Leonard said garage door could be crossed off the description.

Mr. Oestmann said that he was not opposed to it being called a storage shed.

Ms. Ackerman arrived at 6:25 p.m.

Mr. Oestmann stated that the proposed plan is the one he favors for a variety of reasons. He said the topographics of the yard for that corner is very steep and there are some large trees he does

not want to cut down. He said there is a shed on the proposed site right now that the previous owners used that needs to be cleaned up. He stated that his neighbor on the other side of the brook has had some washout problems and is trying to stabilize the area.

Ms. Cagnina said the present proposal has less removal of trees than the last one.

Ms. Llorca asked what type of trees would be coming out on the first plan. Mr. Vasale said there would be two trees 10 inches in diameter and a couple of other smaller trees. He said on the proposed site there is a maple and a white oak 24 inches in diameter.

c) **71 Perry Avenue-Troisi & Corradino-#S03-168**-Construction of additions to single-

family house adjacent to wetland and watercourse

Ms. Leonard stated that she included a memorandum in the packet to the Commissioners before she received some information from the applicant, which she submitted with the agendas. She said it includes a more detailed landscaping plan that show the exact areas discussed in the narrative as well as including the alternative plans that were discussed in the narrative. Ms. Leonard said the sewer line is coming in off of Perry Avenue. She said the applicants were present to make any presentations.

Ms. Troisi, owner of 71 Perry Avenue said that she had no idea that she would be asked to say anything. She said she and her husband are trying to put on a small addition down the back of the house to make it more livable. She said the property is almost unbuildable between the wetland setbacks and the road setbacks. Ms. Troisi said they are trying to build as far away from the water as they can. She stated that they would not doing

anything down by the water except for the removal of the wood chips that Ms. Leonard told them needed to be removed. She said they would move a few plants around, including one mountain laurel.

Ms. Leonard said all of the relocation of plantings are on the upward terraces.

Ms. Smith asked where the apple tree is located.

Mr. Corradino said the apple tree does not produce any more fruit. It is in the middle of the lower yard and is marked on the handout.

Ms. Smith said that the Troisi's did a nice job with the drawing and that she is glad to see the wood chips coming up.

Mr. Kydes asked what would happen to the existing parking area for the construction vehicles.

Ms. Troisi said the parking area is for a home office and not for construction.

Mr. Kydes referring to the drawing asked if the construction access driveway would remain after construction as well as the earth driveway. Ms. Leonard said both driveways would remain. There would be a total of two driveways.

DISCUSSION/DECISION

a) **150 Glover Avenue-Townsend Norwalk, LLC-#03-165-Excavation and off-site disposal of disused septic tank and contaminated soil adjacent to a watercourse**

**** MS. DESTEFANIS MADE A MOTION TO APPROVE APPLICATION #S03-**

165-150 GLOVER AVENUE-TOWNSEND NORWALK, LLC WITH THE CONDITIONS 1 THROUGH 7 AS SET FORTH IN A MEMORANDUM TO

THE NORWALK CONSERVATION COMMISSION FROM ERIN LEONARD, ACTING SENIOR ENVIRONMENTAL OFFICER DATED AUGUST 29, 2003.

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

**** MOTION PASSED 7 TO 0 WITH 1 ABSTENTION (MS. SMITH); 1 DID NOT VOTE (MS. ACKERMAN)**

- b) **8 Allen Road-Faucher-#S03-159**-Construction of new single-family house and landscaping adjacent to a wetland and watercourse

Ms. Leonard noting her memorandum to the Commissioners dated September 8, 2003 said she revised her memorandum with a draft resolution and that Mr. Steve McAllister, McChord Engineering also dropped off a site plan addressing all of the issues she raised in her memo. Ms. Leonard said the last issue is the sides of the front porch. She said there is a discrepancy between the elevation drawings and the actual site plan. Ms. Leonard said the applicant has noted that the site plan is the actual size of the porch and that the elevation drawings be amended not to expand the length of the front of the house. Mr. Caputo asked if the site plan controls. Ms. Leonard said yes. She said the applicant had been asked the limit of disturbance had been shown to be about 3 feet from the wetland line and was solely for the installation of buffer plantings and a second silt fence has been installed to show the limit of construction disturbance behind the proposed deck. Ms. Leonard said the applicant has also added additional buffer plantings.

Mr. McAllister, McChord Engineering noted the proposed footings for the deck. He said it is a reduced sized porch and it works.

Mr. Caputo asked when the Commission had to vote on this item.

Ms. Leonard said the Commissioners could vote tonight, however, last meeting for decision is October 14, 2003.

**** MR. KYDES MADE A MOTION TO APPROVE APPLICATION #S03-159-**

8 ALLEN ROAD-FAUCHER WITH CONDITION AS SET FORTH IN A MEMORANDUM DATED SEPTEMBER 8, 2003 FROM ERIN LEONARD, ACTING SENIOR ENVIRONMENTAL OFFICER TO THE NORWALK CONSERVATION COMMISSION WITH CONDITIONS 1 THROUGH 11 AND WITH THE ADDED CHANGE TO #4 WHICH IS: THE DATE OF 9/9/03 AND THE PORCH DIMENSIONS TO COMPLY WITH THE FRONT SET BACK ON KINGSTON PLAN.

**** MR. HOLOWINKO SECONDED THE MOTION.**

Mr. Losio asked Ms. Leonard where the reference is made to the enhanced planting plan. Ms. Leonard said the amended planting plan is shown in the last map submitted today.

**** MOTION PASSED UNANIMOUSLY 7 TO 0 WITH 1 ABSTENTION (MS. LLORCA); 1 DID NOT VOTE (MS. ACKERMAN)**

c) **48 Carter Street-Sedona Group-#S03-162**-Construction of a single-family residence

adjacent to a wetland and watercourse

Ms. Leonard stated that Mr. Holowinko had asked where the nearest sanitary sewer line was. She said the applicant submitted the information and it is 2200 feet away. In addition, Ms. Leonard said she has received Health Department sign off for the proposed septic. She said other than that there were no questions or concerns raised by the Commission at the last meeting.

Mr. Caputo asked when the item had to be voted on. Ms. Leonard replied on or before October 28, 2003.

**** MS. CAGNINA MADE A MOTION TO APPROVE APPLICATION #S03-161-**

48 CARTER STREET-SEDONA GROUP, LLC WITH CONDITIONS 1 THROUGH 7 AS OUTLINED IN A MEMORANDUM TO THE NORWALK CONSERVATION COMMISSION DATED SEPTEMBER 2, 2003 FROM ERIN LEONARD, ACTING SENIOR ENVIRONMENTAL OFFICER.

**** MS. DESTEFANIS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY 8 TO 0 WITH 1 ABSTENTION (MS. SMITH).**

d) **46 Carter Street-Sedona Group-#S03-162**-Construction of a single-family resident

adjacent to a wetland and watercourse

Ms. Leonard said similarly, Mr. Holowinko asked as to the location of the sanitary sewer line. She said this line is also 2200 feet away. Ms. Leonard said she received Health Department sign off for the proposal and there were no other concerns raised by the Commissioners.

**** MS. DESTEFANIS MADE A MOTION TO APPROVE APPLICATION #S03-162-**

46 CARTER STREET-SEDONA GROUP WITH CONDITIONS 1 THROUGH 7

**AS SET FORTH IN A MEMORANDUM TO THE NORWALK
CONSERVATION COMMISSION DATED SEPTEMBER 2, 2003
FROM ERIN LEONARD, ACTING SENIOR ENVIRONMENTAL
OFFICER.**

**** MR. KYDES SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY 7 TO 0 WITH 2 WHO
DID NOT VOTE (MS. SMITH AND MS. ACKERMAN).**

e) **9 Seir Hill Road (Lot A)-Rose-#S03-163**-Construction of a
single-family residence adjacent to a wetland

Ms. Leonard stated that the Commission had requested additional plantings along the buffer line to clearly delineate the limit of lawn and natural vegetation. She said the applicant has submitted this under revised plans in the packets submitted to the Commissioners. Ms. Leonard said the applicant has also shown the driveway drain outlet on the plans. Other than that, no other concerns were raised by the Commission.

Mr. Losio asked what the specific plantings were. Ms. Leonard referred Mr. Losio to the site plan.

**** MR. KYDES MADE A MOTION TO APPROVE APPLICATION #S03-163-
9 SEIR HILL ROAD (LOT A)-ROSE WITH CONDITIONS 1 THROUGH 8
AS
SET FORTH IN A MEMORANDUM DATED SEPTEMBER 2, 2003 TO
THE
NORWALK CONSERVATION COMMISSION FROM ERIN LEONARD,
ACTING SENIOR ENVIRONMENTAL OFFICER.**

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

**** MOTION PASSED UNANIMOUSLY; 2 THAT DID NOT VOTE (MS.
SMITH AND MS. ACKERMAN).**

f) **11 North Seir Hill Road – Andrade-#S03-164**-Construction of a single-family
residence adjacent to a wetland

Ms. Leonard stated that the Commission had requested that the buffer plantings be increased. She said the applicant has shown this in the plans that were mailed out. Ms.

Smith asked where the increase in plantings was located. Ms. Leonard pointed out the location on the site plan.

**** MS. CAGNINA MOVED TO APPROVE APPLICATION #S03-164-11 NORTH**

SEIR HILL ROAD-ANDRADE WITH THE CONDITIONS 1 THROUGH 8

AS SET FORTH IN A MEMORANDUM TO THE NORWALK CONSERVATION COMMISSION FROM ERIN LEONARD, ACTING SENIOR ENVIRONMENTAL OFFICER DATED SEPTEMBER 2, 2003.

**** MS. DESTEFANIS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY 7 TO 0; 2 THAT DID NOT VOTE, (MS. SMITH AND MS. ACKERMAN).**

BOND RELEASE

a) **197 Scribner Avenue-Ankers-#S01-60-Stabilizing streambed and landscaping**

Ms. Leonard said the property looks great. She said the applicant did what they were required to do and staff recommends release.

**** MS. DESTEFANIS MADE A MOTION TO RELEASE BOND FOR 197 SCRIBNER AVENUE-ANKERS-#S01-60.**

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

**** MOTION PASSED UNANIMOUSLY 7 TO 0, 2 DID NOT VOTE, (MS. ACKERMAN AND MS. LLORCA).**

b) **23 Glenwood Avenue-Sisk-#S01-68-Wetland restoration, landscaping, and replacement**

of driveway

Ms. Leonard stated that this is another corrected action. She said the property looks great and everything is alive and well. She said staff recommends release. Ms. Leonard said the permit was issued in 2001.

**** MS. SMSITH MADE A MOTION TO RELEASE BOND FOR 23 GLENWOOD**

AVENUE-SISK#S01-68.

**** MR. KYDES SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY 7 TO 0; 2 DID NOT VOTE (MS. ACKERMAN AND MS. LLORCA).**

Mr. Greene left the meeting at 7:10 p.m.

ACCEPTANCE OF MINUTES

a) August 26, 2003 minutes

Corrections:

Change the spelling of "Ms. Llovca" to "**Llorca**" under Attendance and throughout.

Page 1, Mr. Bankhorst should be "**Mr. Binkhorst**" and "Austin Environmental" should be "**ALTA Environmental**".

Page 2, the last Paragraph, "... had been planted..." should be "**...had been planned...**".

Page 2, third Paragraph, "He said an applicant was..." should be "**He said an application was...**".

Page 2, second Paragraph from bottom, applicant should be "**application**".

Page 6, "...Ms. Elizabeth McCormick..." should be "Ms. Elizabeth Ackerman".

Page 8, under Comments of the Commissioners, "...set of plans from..." should be "**set of plans for the Wall Street and Read Putnam redevelopment areas and bring them back at the next Conservation Commission meeting.**"

Page 8, under Comments of the Commissioners, Strike first sentence in the second paragraph.

**** MS. CAGNINA MADE A MOTION TO APPROVE THE MINUTES OF AUGUST 26, 2003 AS AMENDED.**

**** MS. DESTEFANIS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY 7 TO 0, 2 DID NOT VOTE (MS. LLORCA**

AND MS. ACKERMAN).

PERMIT MODIFICATION

a) **295 Newtown Avenue-Kerschner Development Co., LLC-#S03-126a-**
Modification

request to permit stone wall encroachment into wetland buffer area

Ms. Leonard said the applicant has brought this to the Commissions attention. She said once they have received a foundation as built for the first two houses and it was determined at that time that the stone wall was not in its approved location. Ms. Leonard said the applicant asked what they should do and they are at the meeting tonight seeking request for a modification permit.

Ms. Destefanis asked for clarification that the stone wall is shy 7.8 feet. Ms. Leonard, referring to the site plan, said that 7.8 feet was correct.

Mr. Genuario with the law firm of Genuario & Conover, Norwalk, Connecticut representing the applicant stated that this is a 5-unit conservation development located on 5.4 acres of land. He said 60% of the property has been reserved for a conservation easement and cannot be developed. He said the applicant began construction of the project when they had the as built survey done when they realized the wall was in the wrong place. He said as soon as the applicant discovered it they brought it to the attention of both the Conservation Commission Staff and the Zoning Commission Staff. Mr. Genuario said it is an honest mistake and importantly it is not an encroachment into the wetlands. He said the wall would be a considerable hardship to move. Mr. Genuario stated that there is very adequate protection to the wetlands. Mr. Genuario stated that moving the stone wall would require the use of heavy equipment. He said the applicant is willing to do a planting in the 7-foot area with a row of pines or whatever the Staff thinks is appropriate.

Mr. Losio asked if the 40-foot setback is within the conservation development. Mr. Genuario said the entire project is within the conservation development and clarified that it is an encroachment into the dedicated conservation easement. He said the applicant is not seeking to subtract that area from the conservation easement.

Mr. Kydes asked if there would be any additional wall connected to the existing stone wall.

Mr. Genuario said they stopped building the wall when they discovered this problem. Mr. Genuario pointed out on the drawing where the wall will continue to be built.

Mr. Kerschner, Kerschner Development said the wall is all but 30 or 40 feet in length from completion. Ms. Leonard referred the Commissioners to the drawing.

Mr. Losio said that he commended the applicant for bringing the error to the attention of the Conservation Commission but that he has a serious problem with this because he does not believe an error such as this would have occurred on the boundary of the neighbor's property. Mr. Losio said he did not think a neighbor would be inclined to want to accept that encroachment. Mr. Losio said he views the easement as conservation property and as such is subject it is an encroachment into the Commission's property. He said he would like the same attention that is generally paid in activities adjacent to other property owners be given to the conservation easement.

Ms. Destanfanis asked if it is possible to leave the area that has been walled off and replace it with an area equal in size in another location. Mr. Kerschner said the suggestion it is very possible.

Ms. Leonard referred the Commissioners to the plan.

Mr. Kydes said there is no question that it is an honest mistake.

Ms. Leonard asked if the applicant would have the property staked. Mr. Kerschner said the surveyor staked the silt fence line and it was pretty easy to work off those dimensions. He said the surveyor made an honest error.

Ms. Leonard asked Mr. Kerschner if he would like to see the situation swapped on a site plan to see how it affects another portion where landscaping is involved. Mr. Caputo said that maybe additional plantings could be discussed.

Ms. Cagnina asked if it was advantageous to the wetlands to replace the conservation area. Mr. Kerschner said he did not know but he could certainly create a buffer area in the encroachment area.

Ms. Smith said she would not like to see the wall torn down.

Mr. Caputo also commended Mr. Genuario and his client for coming and bringing this to the Commission's attention. He said the applicants could work with the Staff on proposing where the planting plan should be. Mr. Kerschner suggested that Grumman Engineering and Environmental Land Solutions make the determination and bring it back to the Commission for approval.

Mr. Caputo said the Commission did not need to vote tonight. He said the Conservation Commission is asking the applicant for more specificity about a plan consistent with the ideas discussed tonight.

COMMENTS OF STAFF

a. Declaratory Permits and Enforcement Actions

Ms. Leonard said that no additional declaratory permits had been issued. She stated that Enforcement Actions issued a notice of violation today to Fred Canevari at 6 Allen Road for failing to comply with conditions of the permit. She said there is a deadline of September 18th. She stated that it was a violation for failure to build the house as approved. Ms. Leonard said there was the construction of a rear deck without permit, excessive grading without a permit, and installation of buffer landscaping.

On another note, Ms. Leonard said that Cheryl Valerie in the Zoning Department had a baby boy last week.

COMMENTS OF THE COMMISSIONERS

Mr. Caputo said that Walter Briggs wants to stop by at the next meeting for the open space discussion. He is not necessarily going to participate but wants to come and observe. Mr. Caputo said he had been thinking about the Commission spending a couple of more hours on open space in order to make additional progress.

Ms. Smith said that the City used to have a recycling program for plastics not in the blue bins, and needs to have it again.

Mr. Holowinko asked if at the Commission's next Tuesday meeting the Commissioners could plan on getting together on a Saturday.

Mr. Caputo suggested scheduling the next Tuesday meeting for 3 hours from 6:00 p.m. to 9:00 p.m. He said the Commissioners should try to pick out a date at the meeting to get together for 3 hours on a Saturday either 9:00 a.m. to 12:00 p.m. or 10:00 a.m. to 1:00 p.m.

Ms. Smith asked if Mr. Caputo anticipated people making suggestions to Mr. Briggs concerning the Putnam and Wall Street development plan at the next meeting.

Mr. Caputo said no. He said that Mr. Briggs is interested in the open space aspect and he invited him just to observe and not for the purpose of him making a presentation.

Ms. Leonard said the Wall Street information would be presented to the Commissioners by Tim Sheehan, Norwalk Redevelopment Agency on October 20, 2003.

Mr. Caputo said the next meeting would be all discussion on open space.

Mr. Holowinko announced that this Saturday, September 13, 2003 at 8:00 a.m. there would be a clean up of Norwalk Island. He said Clean Sound would transport anyone

who is interested by boat, provide lunch and bring him or her back, probably around 3:00 p.m.

Mr. Caputo asked if the clean up is done every year.

Mr. Holowinko said there are two clean ups, one in the Spring and one in the Fall.

ADJOURNMENT

**** MR. KYDES MADE A MOTION TO ADJOURN THE MEETING.**

**** MS. SMITH SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Linda Custis

Telesco Secretarial Services

