

NORWALK CONSERVATION COMMISSION MINUTES

**City of Norwalk
Conservation Commission
September 11, 2007**

ATTENDANCE: Seely Hubbard, Andrew Kydes, Emily Wilson, Ed Holowinko, Elizabeth Ackerman, Karen Destefanis, Ann Cagnina (06:07)

STAFF: Alexis Cherichetti, Senior Environmental Officer
Bob Maslan, Assistant Corporation Counsel

CALL TO ORDER

The meeting was called to order at 6:05 PM.

ROLL CALL

Ms. Cherichetti called the roll.

** MR. KYDES MOTIONED TO AMEND THE AGENDA TO INCLUDE EXECUTIVE SESSION TO DISCUSS A POSSIBLE AGREEMENT TO RESOLVE THE APPEAL OF PERMIT #S07-265.

** MS. WILSON SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

** MS. DESTEFANIS MOTIONED TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.

** MR. KYDES SECONDED THE MOTION.

** THE MOTION WAS PASSED UNANIMOUSLY.

** MR. CAPUTO MOTIONED TO LEAVE EXECUTIVE SESSION.

** MR. KYDES SECONDED THE MOTION.

** THE MOTIONED PASSED UNANIMOUSLY.

RECEIPT/DISCUSSION

a) #S07-291 - 407 Rowayton Avenue – Montlick – Restoration and repair of retaining wall in and adjacent to Five Mile River

Ms. Cherichetti provided a short description of the proposed work. She explained that a portion of the existing retaining wall fell into the river following a large storm event. Mr. Montlick provided Commissioners with photographs of the impacted area.

b) #S07-292 – 110 Dry Hill Road – Koletsos – Corrective Action restoration and landscaping of wetland

Ms. Cherichetti described the activities that led to her issuance of a Notice of Violation, which required that the applicant apply for a permit. She also explained the original permit granted to construct the house and the location of the fence, which is to be the limit of lawn, at 50 feet from the rear of the house.

Mr. Koletsos requested that the Conservation Commission consider an expansion of his rear yard by another fifteen feet. Mr. Hubbard explained that he had concerns regarding the request of an additional 15 feet. Ms. Ackerman concurred with Mr. Hubbard, noting that the entire rear yard is wetlands and that there is no buffer at all – as it typically required.

Ms. Cherichetti reminded the Commission that the applicant had also requested that they consider a fee waiver or reduction. There was brief conversation that made clear the consensus that the circumstances do not warrant a reduction of the fee.

DISCUSSION/DECISION

a) #S07-279 – 15 Cranbury Woods Road – McCarthy/Sanchez – Filling, grading, landscaping and drainage improvements in and adjacent to a wetland

There was a quick discussion regarding the proposed activities and the positive impacts that the proposal would have to the down slope neighbor as well as the wetland functions.

**** MS. CAGNINA MOVED 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 PROPOSED ACTIVITIES WILL NOT LIKELY CAUSE ANY FURTHER NEGATIVE IMPACTS TO THE WETLAND;
NOW THEREFORE BE IT RESOLVED:
THAT CONSERVATION APPLICATION #S07-279, FILLING, GRADING,**

LANDSCAPING AND DRAINAGE IMPROVEMENTS IN AND ADJACENT TO A WETLAND, BE GRANTED TO KATHLEEN MCCARTHY AND MATTHEW SANCHEZ, FOR PROPERTY AT 15 CRANBURY WOODS ROAD, NORWALK, CT [5-32-7], 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. SITE GRADING SHALL BE LIMITED TO ONLY AROUND THE IMMEDIATE VICINITY OF AREAS NOTED ON SUBMITTED PLANS TO BE RE-GRADED. OTHER AREAS IN AND ADJACENT TO THE WETLAND SHALL NOT BE GRADED UNLESS SPECIFICALLY PERMITTED OR CONDITIONED BY THIS PERMIT.
4. A WETLAND BUFFER AREA SHALL BE ESTABLISHED TO THE WEST OF THE PROPOSED DRY STREAM CHANNEL. THE BUFFER AREA SHALL EXTEND ACROSS REAR AND NORTHERN SIDE YARDS, AS DEPICTED ON THE PLAN ENTITLED, "SITE PLAN, M. SANCHEZ & K. MCCARTHY, 15 CRANBURY WOODS ROAD, NORWALK, CONNECTICUT", DATED JUNE 11, 2007 BY ENVIRONMENTAL LAND SOLUTIONS, LLC. THE BUFFER AREA SHALL BE PLANTED WITH THE PLANTING PLAN DESCRIBED ON THE ABOVE-MENTIONED PLAN WITHIN SIX (6) MONTHS OF INITIATING GRADING AND DRAINAGE IMPROVEMENTS TO THE PROPERTY. THE AREA WITHIN THE PROPOSED WETLAND BUFFER AREA SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN.
5. THOUGH THIS PERMIT EXPIRES IN TWO (2) YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN EIGHT (8) MONTHS OF THE COMMENCEMENT OF ACTIVITY.
6. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, INCLUDING THE PLAN ENTITLED, "SITE PLAN, M. SANCHEZ & K. MCCARTHY, 15 CRANBURY WOODS ROAD, NORWALK, CONNECTICUT", DATED JUNE 11, 2007 BY ENVIRONMENTAL LAND SOLUTIONS, LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

**** MR. CAPUTO SECONDED THE MOTION.**

**** THE MOTION WAS APPROVED UNANIMOUSLY WITH TWO ABSTENTIONS (MS. DESTEFANIS AND MR. HUBBARD).**

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

Ms. Cherichetti provided a short summary of the proposal. Attorney Suchy expanded on the summary and presented the Commission with the three-dimensional model of the property and proposal.

Ms. Ackerman requested that Attorney Suchy point to the location of Wetland #7 on the model. Mr. Robert Jontos, Land Tech Consultants, replied by pointing to the model and explained the proposed work within Wetland #7.

**** MR. CAPUTO MOVED THAT APPLICATION #S07-283 PROPOSED SIGNIFICANT REGULATED ACTIVITIES AND THAT A PUBLIC HEARING BE SCHEDULED TO OCCUR DURING THE NEXT REGULAR MEETING.**

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

**** THE MOTION WAS PASSED UNANIMOUSLY WITH ONE ABSTENTION (MR. KYDES).**

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

**** MR. CAPUTO MOVED 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 CLEARING OF VEGETATION WITHIN THE UPLAND REVIEW AREA WAS LIKELY TO RESULT IN NEGATIVE PHYSICAL IMPACTS TO THE WETLAND; AND

WHEREAS, THE IMPACTS OF THE PROPOSED MITIGATION ACTIVITIES, AS CONDITIONED BELOW, SUFFICIENTLY MITIGATE ANY NEGATIVE IMPACT ON THE WETLAND;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-284, CORRECTIVE ACTION RESTORATION AND LANDSCAPING ADJACENT TO A WETLAND, BE GRANTED TO NICK AND HARIKLIA OUZOUNIDIS, FOR PROPERTY AT 79

COMSTOCK HILL ROAD, NORWALK, CT [5-46-301], 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. SILT FENCE SHALL BE INSTALLED IN THE LOCATION DEPICTED ON THE PLAN ENTITLED, "OUZOUNIDIS PROPERTY, 79 COMSTOCK HILL ROAD, NORWALK, CONNECTICUT", DATED JULY 19, 2007 AND LAST REVISED AUGUST 15, 2007 BY GRUMMAN ENGINEERING, 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 NEW 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. A WETLAND BUFFER RESTORATION AREA SHALL BE ESTABLISHED ADJACENT TO THE WETLAND. THE BUFFER RESTORATION AREA SHALL EXTEND ACROSS THE CROSS-HATCHED AREA DEPICTED ON THE PLAN ENTITLED, "OUZOUNIDIS PROPERTY, 79 COMSTOCK HILL ROAD, NORWALK, CONNECTICUT", DATED JULY 19, 2007 AND LAST REVISED AUGUST 15, 2007 BY GRUMMAN ENGINEERING, LLC. THE BUFFER RESTORATION AREA SHALL BE RESTORED WITH THE PLANTING PLAN DESCRIBED ON THE ABOVE-MENTIONED PLAN. THE AREA WITHIN THE WETLAND BUFFER RESTORATION AREA SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN.
5. THE ABOVE-DESCRIBED BUFFER RESTORATION PLAN SHALL BE FULLY IMPLEMENTED WITHIN SIX (6) MONTHS OF THE ISSUANCE OF THIS PERMIT.
6. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, INCLUDING THE PLAN ENTITLED, "OUZOUNIDIS PROPERTY, 79 COMSTOCK HILL ROAD, NORWALK, CONNECTICUT", DATED JULY 19, 2007 AND LAST REVISED AUGUST 15, 2007 BY GRUMMAN

ENGINEERING, LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW AND APPROVAL.

** MS. CAGNINA SECONDED THE MOTION.

** THE MOTION WAS APPROVED UNANIMOUSLY WITH TWO ABSTENTIONS (MR. KYDES AND MR. HUBBARD)

c) #S07-285 – 33 Witch Lane (Lot 1) – Kerschner Development – Construction of a new single family residence adjacent to at wetland and watercourse

d) #S07-286 – 33 Witch Lane(Lot 2) – Kerschner Development – Construction of a new single family residence adjacent to at wetland and watercourse

The Commission quickly reviewed the submitted material. Ms. Cherichetti confirmed with the applicant that they had no additional information that they wished to submit.

** MS. CAGNINA MOVED THAT APPLICATION #S07-285 AND #S07-286 PROPOSED SIGNIFICANT REGULATED ACTIVITIES AND THAT A PUBLIC HEARING BE SCHEDULED TO OCCUR DURING THE NEXT REGULAR MEETING.

** MR. CAPUTO SECONDED THE MOTION.

** THE MOTION WAS PASSED UNANIMOUSLY WITH ONE ABSTENTION (MR. KYDES).

e) #S07-287 – 295 Highland Avenue (Lot A-1-1) – Kerschner Development – Construction of a new single family residence adjacent to at wetland and watercourse.

f) #S07-288 – 295 Highland Avenue (Lot A-1-2) – Kerschner Development – Construction of a new single family residence adjacent to a wetland and watercourse.

Ms. Cherichetti presented a brief summary of the application.

** MR. CAPUTO MOVED 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 DISTANCE BETWEEN THE REGULATED ACTIVITY AND THE WETLAND AND WATERCOURSE IS IN EXCESS OF 150 FEET; AND WHEREAS, THE PROPOSED ACTIVITIES ARE NOT LIKELY TO CAUSE NEGATIVE IMPACTS TO THE OFF-SITE WETLAND OR WATERCOURSE;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-288 FOR CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE, BE GRANTED TO KERSCHNER DEVELOPMENT COMPANY, LLC, FOR PROPERTY AT LOT A-1-2, 295 HIGHLAND AVENUE, NORWALK, CT [5-80-29], 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 \$955.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO THE RECOMMENCEMENT OF ANY ON-SITE ACTIVITY. PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.
3. SILT FENCE SHALL BE INSTALLED IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED "PROPOSED 2-LOT SUBDIVISION", DATED APRIL 5, 2007 AND LAST REVISED DATED JUNE 8, 2007 BY GRUMMAN ENGINEERING LLC. THE PRIMARY SILT FENCING, UPHILL OF THE PROPOSED SEWER CONNECTION, SHALL BE FORTIFIED WITH STAKED HAY BALES. THE SILT FENCING AND HAY BALES ARE TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.
4. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE PRIMARY SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.
5. SILT FENCE OR HAY BALES SHALL BE INSTALLED DOWNHILL OF THE PROPOSED SEWER CONNECTION, IN THE LOCATION INDICATED ON THE PLANS ENTITLED, "PROPOSED 2-LOT SUBDIVISION", DATED APRIL 5, 2007 AND LAST REVISED DATED JUNE 8, 2007 BY GRUMMAN ENGINEERING LLC, PRIOR TO ANY CLEARING OR EXCAVATION REQUIRED FOR THE INSTALLATION OF THE SEWER CONNECTION.
6. THOUGH THIS PERMIT EXPIRES IN FIVE (5) YEARS, ALL ACTIVITY MUST BE COMPLETED WITHIN TWELVE (12) MONTHS OF THE COMMENCEMENT OF ACTIVITY.
7. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, INCLUDING THE PLAN ENTITLED, "PROPOSED 2-

LOT SUBDIVISION”, DATED APRIL 5, 2007 AND LAST REVISED DATED JUNE 8, 2007 BY GRUMMAN ENGINEERING LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW AND APPROVAL.

** MS. CAGNINA SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY WITH ONE ABSTENTION (MR. HUBBARD).

d) #S07-289 – 8 Keeler Avenue – Ceja – Corrective Action landscaping and construction of an accessory building adjacent to a wetland and watercourse

After noting that she had been unsuccessful in contacting the applicant, Ms. Cherichetti recommended that this item be tabled to the next meeting.

** MR. CAPUTO MOTIONED TO AMEND THE AGENDA TO INCLUDE CONSIDERATION OF A BOND RELEASE.

** MS. ACKERMAN SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

BOND RELEASE

** MR. CAPUTO MOTIONED TO RELEASE BOND #S01-57.

** MS. ACKERMAN SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

** MR. CAPUTO MOTIONED TO AMEND THE AGENDA TO INCLUDE CONSIDERATION OF A PERMIT MODIFICATION REQUEST.

** MR. HUBBARD SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

a) #S07-270A – 121 Keeler Avenue – Royce – Corrective action driveway expansion adjacent to wetland – Extension of time to complete corrective action

** MR. CAPUTO MADE OF MOTION TO MODIFY PERMIT #S07-270A AND ALLOW AN EXTENSION OF TIME TO COMPLETE THE CORRECTIVE ACTION WORK.

** MS. ACKERMAN SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

MINUTES

Discussion of the minutes was tabled to the next regular meeting.

COMMENTS OF STAFF

Ms. Cherichetti reviewed the proposals that she has issued Minor Regulated Activities.

COMMENTS OF COMMISSIONERS

There were no comments.

ADJOURNMENT

** MR. CAPUTO MOVED TO ADJOURN THE MEETING.

** MS. CAGNINA SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:07 p.m.