

**CITY OF NORWALK
CONSERVATION COMMISSION
SEPTMEBER 23, 2008**

PRESENT: Anne Cagnina, Acting Chair; Ed Holowinko; Emily Wilson; Gwen Briggs; Matthew Caputo; Karen Destefanis

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Joseph Matto; Robert O'Brien

CALL TO ORDER

Ms. Cagnina called the meeting to order at 6:07 pm.

ROLL CALL

Ms. Cherichetti took the roll call.

RECEIPT & DISCUSSION

- a) **#S08-330—2 Rowayton Avenue—Hall-Tipping & Morgan—
Construction of a new single family residence adjacent to a wetland**

Ms. Briggs recused herself.

Ms. Cagnina stated that she had concerns about flooding at the site.

Mr. Matto, an architect, described the existing and proposed houses, explaining that the home would be built on pilings, and that very little excavation would be done there. He said that the groundwater was very high and that there are currently catch basins, but that the applicant plan was to distribute the water around the area.

Ms. Cagnina asked how the water would be directed from the roof of the house around the rest of the property. Mr. Matto described the details of the system, including gutters, leaders, a spreader and a perforated pipe, all of which would help to distribute the water on 3 of the 4 sides of the house. He added that the applicant wanted to avoid directing water off the rear (north) side of the house, due to the proximity of a neighbor.

Ms. Cagnina asked Mr. Matto if he had been to the site after a rainfall. Mr. Matto said that he had, adding that the area was very soggy, especially after a spring thaw.

Ms. Cherichetti said that the wetlands had been re-flagged, after staff had seen that they were not lined up consistently.

Ms. Cagnina asked why some of the water at the site was rust-colored. Ms. Cherichetti explained that iron in the water was the reason, adding that the water, although ugly, was not harmful.

Ms. Cagnina stated that she was concerned that flooding near Rowayton Avenue could be made worse by the proposal.

Ms. Cherichetti asked about details of the site plan area. Mr. Matto described the mulched planting area, a manicured front area, and a less manicured rear area. There was a discussion of the area as a meadow, rather than a woodland.

Mr. Matto also discussed the applicant's choice of a relatively low-impact location for the driveway and stated that zoning required 2 parking spaces behind the front setback.

Ms. Cagnina reiterated that she was uncomfortable with any proposal that included building something in the flood plain.

Mr. Caputo asked what material the pilings would be made out of and how deep they would need to go. Mr. Matto said that they would be made out of treated wood. He added that the pilings would need to go down between 20 and 25 feet.

Ms. Briggs returned to the meeting.

I. DISCUSSION &/OR DECISION

a) #S08-324—379 Chestnut Hill Road—Canaveri/Vey—Corrective Action clear cutting and preparation of land adjacent to a wetland

Ms. Cherichetti stated that a resolution was still being drafted, adding that the deadline for a decision was Oct. 14, 2008.

b) #S08-328—104 Dry Hill Road—Torrano—Corrective Action construction of low retaining wall, filling and grading in and adjacent to a wetland and watercourse

There was a discussion of whether the cement blocks would remain at the site. The Commission adjusted the conditions of the resolution.

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

Whereas, the Conservation Commission, upon public hearing duly noticed and held, has carefully reviewed the record and considered the factors for consideration of decision, as detailed in section 60A-8 of Norwalk's Inland Wetland and Watercourses Regulations; and

Whereas, the record indicates that the activities have been limited in scope and did not alter the existing character of the wetland and watercourse; 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 #S07-328, for Corrective Action construction of a retaining wall, filling and grading, with associated landscaping, adjacent to a wetland and watercourse, be GRANTED to Peter and Lori Torrano, for property at 104 Dry Hill Road, Norwalk, CT [5-16-32A], 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 \$1,345.00 Bond is to be posted prior to recommencement of any on-site permit related activity. The portion of the bond held for plantings (\$815.00) 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. All Special Conditions of the permit must be satisfied prior to release of any portion of the bond.**
- 3. In addition to the ten (10) native wetland shrubs proposed by the applicant, a wetland buffer, with a minimum width of five (5) feet, shall be established uphill of the top of the retaining wall. This buffer shall be enhanced with the planting of a minimum of ten (10) shrubs. The shrubs shall be native to Connecticut and be at least thirty inches (30") in height at the time of planting. Additionally, the buffer area and the immediately adjacent wetland area shall be seeded with a native wetland seed mix, such as New England Wetland Plants, Inc.'s "New England Conservation/Wildlife Mix". The area within the buffer area and wetland area shall be maintained in such a manner that allows these areas to establish a natural vegetated state; these areas shall not be maintained as lawn or manicured gardens.**
- 4. All rebar adjacent to the retaining wall shall be removed.**
- 5. The mitigation plan, as described in section numbers 3 and 4 above, shall be fully implemented within one (1) month of the issuance of this permit.**
- 6. Any change to the overall plan will require a return to the Conservation Commission for review.**

**** MS. BRIGGS SECONDED.**

**** MS. DESTEFANIS ABSTAINED.**

**** MOTION CARRIED, 5-1 (CAGNINA, CAPUTO, WILSON, BRIGGS, HOLOWINKO).**

- c) **#S08-329—8 Mary Austin Drive—City of Norwalk Department of Public Works—Replacement of storm water drainage pipe in and adjacent to a wetland and watercourse (Silvermine River)**

Ms. Cherichetti presented photographs of the site and discussed drainage at the property, noting that an undersized drainage pipe was causing flooding at Silvermine Avenue. She said that a 36" pipe was being proposed.

**** MS DETEPHANIS 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 proposed activities are not likely to result in negative impacts to any wetland or watercourse;

Now therefore be it Resolved:

that Conservation Application #S08-329, for the replacement of a storm water drainage pipe, be GRANTED to the City of Norwalk Department of Public Works, for work in the vicinity of 8 Mary Austin Place, Norwalk, CT [5-43-143], with the following conditions:

7. **Activities within the watercourse, including construction of the headwall shall be limited to occur during the generally low flow conditions, between July 1 through September 30 of any given calendar year.**
2. **Any other regulated activities within the upland review area shall require Conservation Commission review prior to commencement.**

**** MR. CAPUTO SECONDED.
** MOTION PASSED UNANIMOUSLY.**

ENFORCEMENT ACTIONS

**** MS. DESTEFANIS MADE A MOTION TO CHANGE TO AGENDA TO HEAR ITEM V.b) BEFORE ITEM V.a).**

**** MS. WILSON SECONDED.
** MOTION PASSED UNANIMOUSLY.**

- a) **SHOW-CAUSE HEARING—Cease & Restore Order #V08-818—74 Cranbury Road—Tarzia—Permit violation; failure to complete required implementation of planting and flood area mitigation plans associated with Permit #S08-315**

Ms. Cherichetti described the background of the item, explaining that flood area mitigation was required on the property. She said that a violation of permit had

been issued in March 2008 and that the applicant had obtained a new permit in May 2008. She added that the deadline for installing plants was in August and that the residence was now up for sale.

Ms. Cherichetti showed photos taken at the site by a staff member.

**** MR. CAPUTO MADE A MOTION TO CLOSE THE HEARING.
** MS. WILSON SECONDED.
** MOTION PASSED UNANIMOUSLY.**

**** MR. CAPUTO MADE A MOTION TO UPHOLD THE CEASE &
RESTORE ORDER.
** MS. CAGNINA SECONDED.**

There was a discussion of adjusting the planting deadline and the plan for the flood storage mitigation area.

**** MR. CAPUTO WITHDREW THE MOTION.
** MR. CAPUTO MADE A NEW MOTION TO UPHOLD THE CEASE &
RESTORE ORDER WITH THE FOLLOWING MODIFICATION:
1) The proposed planting plan and proposed flood storage
mitigation area shall be completely implemented on or before
October 15, 2008.**

**** MS. DESTEFANIS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

- b) SHOW-CAUSE HEARING—Cease & Restore Order #V08-819—16
Scott Street—O'Brien—Filling, grading, removal of vegetation and
construction of a shed and retaining walls in and adjacent to a
wetland and watercourse**

Ms. Cherichetti explained the nature of Show-Cause Hearings.

Ms. Cherichetti showed an aerial photo indicating that other work had been performed at the property. She said that a notice of violation had been issued in May and that the property owner had submitted a preliminary application on July 1. She stated that a Cease & Desist order had been issued and that the applicant had missed 3 deadlines.

Ms. Cherichetti addressed the issues of disturbed wetland and disturbed upland soils.

Ms. Cagnina pointed out that it was difficult to determine where the wetland actually was. Ms. Cherichetti agreed, presenting a 1983 site plan that did not delineate any wetlands.

Mr. O'Brien explained that part of the application was basically to build stone retaining walls. He added that he had assumed that he could do so, when he bought the property. He discussed some of the differences between current requirements and 1983 requirements.

Mr. O'Brien stated that the watercourse in the front of the property was once a pond, but has been turned into a drainage ditch. He added that he cleared debris out of the drainage ditch when necessary. Mr. O'Brien also said that he would like to build a retaining wall around the ditch, because the head-walls were deteriorating.

Mr. Caputo said that the Cease & Restore order would remain in effect.

**** MS. CAGNINA MOVED TO CLOSE THE HEARING.
** MS. DESTEFANIS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

**** MR. CAPUTO MADE A MOTION TO KEEP THE CEASE & RESTORE
ORDER IN EFFECT.
** MS. DESTEFANIS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

II. BOND RELEASE/REDUCTION

- a) #597.P96—395 Connecticut Avenue—Stop & Shop Supermarket Co.—Release of bond held for construction and associated activities**

The Commission agreed to table the item until the next meeting.

- b) #S04-182—223 Richards Avenue—Bridgeport R.C. Diocesan Corp.—Release of bond held for development of new active cemetery area adjacent to a watercourse**

**** MR. CAPUTO MADE A MOTION TO RELEASE THE BOND.
** MS. CAGNINA SECONDED.
** MOTION PASSED UNANIMOUSLY.**

III. MINUTES

- a) September 9, 2008**

Ms. Cherichetti said that the minutes had not been completed yet.

IV. COMMENTS OF STAFF

a) Minor Permits and Enforcement Actions

Ms. Cherichetti said that a violation had been issued to 145 Dry Hill Road, for regarding the yard.

She said that she continued to monitor 110 Dry Hill Road, for mowing of a wetland area.

She said that a violation would be issued to a resident of Rising Road, for failing to file a permit to move wood to the other side of a wetland.

Ms. Cherichetti discussed a Cease & Desist Order for 147 ½ East Rocks Road, for failure to obtain a permit from Conservation. She added that Corporation Counsel was pursuing this item and that the resident may now be at a different address.

She also discussed a property at 291 Rowayton Avenue, upon which a retaining wall had been washed away.

V. COMMENTS OF COMMISSIONERS

a) Report of Commission Chair

The Chair, Mr. D. Seeley Hubbard, was not present tonight.

Ms. Cherichetti discussed the upcoming CACIWIC conference.

VI. ADJOURNMENT

**** MR. CAPUTO MADE A MOTION TO ADJOURN.**

**** MS. CAGNINA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 7:53 pm.

Respectfully submitted by Charlene Smith