

**NORWALK CONSERVATION COMMISSION MINUTES**

SEPTEMBER 24, 2002

ATTENDANCE: Gerard Sciabarrasi,  
Chairman; Matthew Caputo, Vice Chairman;

Larry Losio, Andrew Kydes, Marny Smith, Ed  
Holowinko

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

The Chairman called the meeting to order at 6:09  
p.m.

RECEIPT

Maidique - 62 West Norwalk Road - #S02-111 – Construction of a single-family house and garage and associated development adjacent to a wetland and watercourse

Ms. Cherichetti stated this receipt was for a single-family house; the application was looked at informally a couple of months back.

Mr. Maidique stated that he and his wife moved from Miami and they were looking to build a house; they found a lot for sale but it has wetlands considerations and given the constraints of the wetlands they tried to situate the house as best as possible. They would like to build a carriage house to live in and two years from now build a main house. He said there are two alternative plans; one would be compressed and setback from the wetland and the other would have the sewer line cutting across the wetlands. He said he did some research and was able to tell that the watercourse wasn't on the plan until 1957. He noted the catch basins in the culvert are across the street that flows to the river.

Mr. Losio asked if there were two or three proposals. Ms. Cherichetti said there's one primary proposal and two alternate proposals.

Ms. Smith asked how long the drainage ditch was there. Mr. Maidique said the records don't show anything up to 1957, so it must have been done after 1957, probably in conjunction with the roadway.

Mr. Kydes asked if it was serviced by a sewer. Mr. Maidique said it is, he checked the depth of the sewer line and determined there could be a gravity system along West Norwalk Road so it wouldn't affect the wetlands.

Mr. Losio asked about alternate plan-B and if the sewer line would be cutting across the wetlands. Mr. Maidique said this was correct and alternate plan-A would also cut across the wetland and watercourse line. However, plan-C would connect to the gravity system thus not crossing the wetlands.

Ms. Smith asked if there would be room for two separate buildings. Mr. Maidique said he believes so because they are close to each other; he said he noticed the colonial type house and the garage in shingle style and the detached colonial was in line with the 1700's style and considered this style to avoid bringing it in too close to the property.

Mr. Scibbarrasi asked if he spoke to zoning. Mr. Maidique said the carriage house is not an issue with zoning but the setback was because it was at 40 feet from the street but it is now 70 feet from the street. He pointed out the second unit would be considered a dwelling, he talked to zoning and he doesn't expect a problem based on the design.

Mr. Greene stated they would have to go before the Zoning Board of Appeals for approval of a demolition application due to the regulation of not being able to have any space above the garage.

Mr. Sciabarrasi stated that the other concern is the driveway that is within 40 feet from the wetlands. Mr. Maidique said it was 20 feet from the wetlands. He said they would put gravel down to allow runoff and he noted the topography is angled from the street to the river, the ditch is as it is and the rest of the property is flat so anything on the driveway flows toward the rear of the property.

Mr. Losio asked if there is enough room to put a buffer between the driveway and wetlands. Mr. Maidique said yes.

Mr. Losio asked how he would treat the rest of the property behind the house. Mr. Maidique said for the most part, he would leave it as is, he will not turn it into a lawn or otherwise.

Ms. Smith mentioned the 100-year flood; and she said that due to the drainage ditch and when the river rises, there is a concern of where the water would go noting that if this happens the whole driveway would be under water.

Mr. Sciabarrasi stated his concern about the portion of the house that would be within 10 feet of the wetlands. Mr. Maidique explained this portion of the house was not really a part of the structure; it would be just another area of the house like a stone terrace.

Ms. Cherichetti clarified the main house foundation would be approximately 20 feet from the wetlands.

Mr. Caputo asked if the maps would have to be changed to reflect this. Mr. Greene said they should be at some point because it would clarify what is being approved.

Mr. Caputo said it was important to change the plans to make the application stronger in showing exactly what is proposed. He asked the applicant to work with Ms. Cherichetti to make the changes as needed.

Ms. Smith suggested the applicant just white-out the porch on the plan, which would clarify it better.

Mr. Losio said he would like to hear if it should be stipulated to have some permanent vegetative buffer at the back of the property. Ms. Smith questioned if it should be beyond what is already there. Mr. Maidique said he wouldn't have a problem with the stipulation. He asked if they were talking about the vegetation already there not be disturbed. Mr. Losio said yes, it should be left in perpetuity.

Mr. Caputo noted the applicant should clarify the limit of disturbance.

Ms. Cherichetti clarified the limit of disturbance is 1 foot from the wetland; she said the silt fence is recognized as the limit of disturbance. Mr. Maidique replied that he could clarify this.

Mr. Caputo read the report from the Sr. Environmental Office and asked if #4 condition is correct. Ms. Cherichetti said the actual disturbance would come up within 3 or 4 feet of the wetland line.

Mr. Maidique said he intends to come as far away as he can with gravel and any vegetation; he clarified the buffer is the only disturbance he was speaking of.

Ms. Cherichetti said she would work out the issue with the applicant before the next meeting depending on what is to be planted in terms of plantings and what vegetation is to be removed.

Mr. Maidique commented his intent is the former not the latter.

Ms. Cherichetti repeated she considers the silt fence the limit of disturbance and the area between the driveway and wetland needs to be clarified.

Mr. Caputo asked if the driveway would be 5 feet from the wetland. Mr. Maidique said correct but the house is 20 feet away.

Mr. Kydes asked if an alternative house plan was thought of. Mr. Maidique stated the house is 34 feet wide and any narrower would be difficult to do.

Mr. Losio agreed it's a long narrow lot. Ms. Smith commented that the lot might not lend itself to the house proposed because there are a lot of constraints. Mr. Kydes agreed and he questioned how he would maneuver the equipment during construction. Mr. Maidique said it could be done.

Mr. Greene noted that the applicant could show the limit of disturbance in the rear also.

\*\* MR. CAPUTO MOVED TO ACCEPT THE APPLICATION

\*\* MS. KYDES SECONDED

\*\* MOTION PASSED UNANIMOUSLY

Vigneault – 101 Perry Avenue - #S02-122 – Relocation of drainage pipe adjacent to a wetland and watercourse

Ms. Cherichetti said the applicant asked to present an alternative plan for the pool and soil erosion plan; otherwise everything else is okay.

Mr. Vigneault stated he bought an alternate plan to show tonight.

Mr. Vigneault explained the situation was that there is some crushed water pipe that floods out the yard and basement well over 12 yards, so he was looking for a place at a different location that would be downhill and not interfere with the driveway. He said the area for relocation makes contact with the wetlands at the beginning and end; the area is limited, but there is a potential area to put the pipe. He stated he also needs to replace the pool with an in-ground pool because the above ground pool has deteriorated, it will go in the same location. He said he wants to have the pool further from the wetlands that is now at 28 ft. to 30 ft. from the watercourse; the alternate plan would be 40 ft. from the watercourse. He stated the main concern is to keep water out of the basement and put in a new pipe and replace the pool.

Ms. Smith asked the applicant if he was confident the in-ground pool would function properly without causing any problems. Mr. Vigneault said there is a 12" pipe and what happens is the water is trapped under the home; three sump pumps run continuously but there is no evidence of wetlands where they want to put the pool, at least according to a survey that was done.

Mr. Losio asked if the work was done in 1997 and if the work reported was for the crosshatch. Mr. Vigneault said the addition was put in during 1997.

Mr. Sciabbarrasi asked about the pipe removed in 1997. Mr. Vigneault said they relocated it because it would have been under the addition.

Mr. Losio asked what would be done with the pipe. Ms. Cherichetti explained they would abandon the pipe and install it in the vicinity of the yellow line.

Mr. Losio asked if the proposal drains the wetland area in its entirety. Ms. Cherichetti said she wasn't sure.

Mr. Losio stated he would have a problem approving this application without assessing the impact.

Mr. Vigneault said a pipe was there, so he is only looking to replace it. In response to this Ms. Cherichetti explained that the commission needs to make sure the change doesn't cause any drastic changes to the wetland; she questioned whether he could change the inlet pipe.

Mr. Vigneault said he was willing to keep the pipe at the level recommended but he repeated the main issues are when it rains and floods.



Mr. Greene interjected to say the plan was not an adequate enough plan to allow the commission to make an informed or intelligent interpretation of the impact; he noted the applicant has been asked to supply more information and the matter was only here tonight at the applicant's insistence but staff doesn't feel the plan is adequate.

There was open discussion and the commissioners further asked more questions regarding the drainage.

Mr. Vigneault continued to say that if the height of the basement were lower it would drain into another area possibly causing damage.

Mr. Kydes asked about the high point of the house. Mr. Vigneault said there is nowhere to pitch down because the grade is minimal, so consideration of putting a curtain drain may not work.

Mr. Caputo stated the applicant would be well advised to talk to staff again to devise a more complete plan because there are a lot of unanswered questions and the commission would like to avoid wasting time trying to figure out the plan; he further urged the applicant to submit a more complete application and follow the recommendations of staff noting that it is important to protect the wetlands. He suggested he come back and then the commission could review the application again for further discussion if needed.

Mr. Vigneault stated he was not looking to spend a "million dollars" to do what was done previously. Mr. Caputo replied they were not trying to tell him what to do but he explained that staff and the commission can't determine or decipher the plan as it is and to avoid hitting a wall, staff should be consulted again on what things they are looking for. He ended in saying the "commission can't fly blind".

Mr. Losio stated that the devised plan should indicate the following:

1. The plan should describe the location of the drain in the wetland.
2. The plan should assess the impact of the drain on the wetland area.

Mr. Sciabbarrasi stated the best bet would be to follow the Sr. Environmental Officer's guidelines to provide a comfort factor to allow an informed vote. He said they also require an engineering report. Mr. Caputo agreed and stated that this way the engineer could be made accountable.

\*\* MS. SMITH MOVED TO ACCEPT THE APPLICATION

\*\* MR. LOSIO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

Laszlo – 14 Purdy Road - #S02-123 - "Corrective Action" – installation of a curtain drain and pipe in an adjacent to a wetland and watercourse

Ms. Cherichetti stated the applicant didn't submit an explanation of alternatives.

Mr. Sciabbarrasi diverted from the application for a few moments to clarify motions for acceptance of an application. He said that acceptance generally is irrelevant when the application has already been accepted by the Sr. Environmental Officer. Mr. Greene said this was true, unless the application is denied because it is found not to be complete. He said it's okay to accept it but the record should reflect that it's not complete.

Mr. Caputo asked if the application was complete. Ms. Cherichetti replied that no alternate plans were made.

\*\* MR. CAPUTO MOVED TO ACCEPT THE APPLICATION

\*\* MR. LOSIO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

Mr. Embry the representative for the applicant stated they were here tonight just looking to find out if they could do what was proposed.

Ms. Smith said that if they wanted approval for the curtain drain in the current location it would involve wetland and they couldn't approve this.

Mr. Ambri said he understood the wetland issues now but he didn't previously.

Ms. Smith said the roof gutter drains could be piped to the west. Mr. Ambri said they could have done it this way but when the shed went up they didn't put it on wetland property; they needed more room for the garage so he put the other shed there not realizing it was wetlands unbeknownst to him.

Ms. Smith's response was that he knows now.

Mr. Sciabbarrasi said it was important to get an engineer's input for suggestions to present to the commission.

Mr. Losio asked where the water would be if the drains go in the west direction. Ms. Cherichetti indicated the area on the map where the wetland is aside the blue line. She said there are two issues: 1) the area is wetland and 2) the wetland is wet. She said she wasn't sure how much would be done in the area shown. She also stated there is a surface drainage issue; they could implement drainage so it would discharge in the wooded area beyond the driveway.

Mr. Embry said he found the pipe but it's between the house and the shed; so whatever was supposed to be done years ago he wasn't sure of.

Ms. Cherichetti said they could take the roof leaders and fill back in with native material in the dug trench and put in a curtain drain just outside of the wetland area.

Ms. Smith asked where the nearest sewer line is. Mr. Embry said there is no sewer near them at all.

Mr. Sciabbarrasi encouraged the applicant to take the advice of the Sr. Environmental Officer. Mr. Embri stated they would like to do something before winter sets in and he stated that if it was advised he would just close it up because he doesn't want to waste time if the application was not going to be approved. He said he would investigate the problem later but at this time finances were limited so they would wait until spring and in the meantime close it up for the winter and in the spring go through the correct channels.

Ms. Cherichett said she would contact the applicant to work something out.

Mr. Embry asked if the situation would be different if he put a solid pipe in to stop the discharge into the wetlands. Ms. Cherichetti said the concern is that the back fill would be affected.

Mr. Embry suggested start solid all around and not use crushed gravel at all. Mr. Sciabbarrasi reiterated he should work with the Sr. Environmental Officer.

#### DECISIONS

Cornerstone Development – 42 Old Rock Lane - #S02-116- Construction of a single-family residence and associated landscaping adjacent to a wetland and watercourse

Ms. Cherichetti distributed the proposed plan.

\*\* MR. CAPUTO MOVED TO APPROVE CORNERSTONE DEVELOPMENT – 42 OLD ROCK LANE - #S02-116 SUBJECT TO THE FOLLOWING CONDITIONS AS OUTLINED IN THE MEMO DATED SEPTEMBER 17, 2002:

1. A \$4,000.00 Performance Bond is to be posted prior to commencement of any on-site permit related activity. The bond shall become eligible for release following at least one full year after the season of initial planting. All Special 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 limit of disturbance shall be extended to be a minimum of 50 feet from the eastern limits of the wetland and 25 feet from the southern limits of the wetland.
3. 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.

4. Prior to commencement of any on-site permit related activity, a construction sequence with a timeline shall be submitted to the Conservation Office.
5. The siltation fencing is to be installed, securely anchored, and checked by the Conservation Staff in the filed before commencement of any work on site.
6. The planning plan shall be implemented within six months of receiving a Certificate of Occupancy, either temporary or permanent.
7. The applicant shall cause to be prepared an 'as-built' foundation plan for the property. The 'as-built' plan shall include all wetlands, watercourses, their associated designated buffer areas, and a not referring the reader to the Conservation Office for further information associated with Conservation Permit #S02-118. The 'as-built' plan shall be filed on the Norwalk Land Records by the applicant, with two copies of the filed map submitted to the Conservation Office.

When the property is transferred from the developer to the resident, a reduced copy of this map shall be attached to the deed.

A copy of the filed document shall be provided to the Conservation Office prior to the release of any bond monies.

8. Though this permit expires in 5 years, all portions of the proposed plan must be completed within two years of commencement.
9. Any change, other than as noted in Condition #6 above, to the overall plan, "Proposed Residence Site Plan", dated 8/8/02 and last revised 8/21/02, prepared by Grumman Engineering LLC, as approved, will require a return to the Conservation Commission for review.

\*\* MS. SMITH SECONDED

\*\* MOTION PASSED WITH FIVE VOTES IN FAVOR AND ONE ABSTENTION (MR. LOSIO)

Cornerstone Development LLC – 40 Old Rock Lane – #S02-118 – Construction of a single-family residence and associated landscaping adjacent to a wetland and watercourse

\*\* MR. CAPUTO MOVED TO APPROVE CORNERSTONE DEVELOPMENT – 40 OLD ROCK LANE – #S02-118 SUBJECT TO THE FOLLOWING CONDITIONS AS OUTLINED IN THE MEMO DATED SEPTEMBER 16, 2002:

1. A \$5,500.00 Performance Bond is to be posted prior to commencement of any on-site permit related activity. The bond shall become eligible for release following at least one full year after the season of initial planting. All Special 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. 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.

3. Prior to commencement of any on-site permit related activity, a construction sequence with a timeline shall be submitted to the Conservation Office.

4. The siltation fencing and hay bales are to be installed, securely anchored, and checked by the Conservation Staff in the filed before commencement of any work on site.
5. Twenty-five native shrubs, as depicted on the plan entitled "Proposed Residence; Alternate Site Plan", dated 8/8/02 by Grumman Engineering, shall be planted. The planting plan shall be implemented within six months of receiving a Certificate of Occupancy, either temporary or permanent.
6. Areas beyond the limit of disturbance shall not be maintained as lawn, though these areas may be mowed not more than once per calendar year.
7. The applicant shall cause to be prepared an 'as-built' foundation plan for the property. The 'as-built' plan shall include all wetlands, watercourses, their associated designated buffer areas, and a not referring the reader to the Conservation Office for further information associated with Conservation Permit #S02-118. The 'as-built' plan shall be filed on the Norwalk Land Records by the applicant, with two copies of the filed map submitted to the Conservation Office.

When the property is transferred from the developer to the resident, a reduced copy of this map shall be attached to the deed.

A copy of the filed document shall be provided to the Conservation Office prior to the release of any bond monies.

8. Though this permit expires in 5 years, all portions of the proposed plan must be completed within two years of commencement.
9. Any change, other than as noted in Condition #5 above, to the overall plan, "Proposed Residence Site Plan", dated 7/19/02 and last revised 8/21/02, prepared by Grumman Engineering LLC, as approved, will require a return to the Conservation Commission for review.

\*\* MS. LOSIO SECONDED

\*\* MOTION PASSED WITH FIVE VOTES IN FAVOR AND ONE ABSTENTION (MR. LOSIO)

William English Properties LLC – 20 Ells Street - #S02-119 - Construction of a single-family residence and associated landscaping adjacent to a watercourse

\*\* MR. KYDES MOVED TO APPROVE WILLIAM ENGLISH PROPERTIES LLC – 20 ELLS STREET - #S02-119 SUBJECT TO THE FOLLOWING CONDITIONS AS OUTLINED IN THE MEMO DATED SEPTEMBER 13, 2002:

1. A \$5,500.00 Performance Bond is to be posted prior to commencement of any on-site permit related activity. The bond shall become eligible for release following at least one full year after the season of initial planting. All Special 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. 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.

1. The siltation fencing and hay bales are to be installed, securely anchored, and checked by the Conservation Staff in the filed before commencement of any work on site.

4. The planting plan shall be implemented within six months of receiving a Certificate of Occupancy, either temporary or permanent.

5. Though this permit expires in 5 years, all portions of the proposed plan must be completed within two years of commencement.

6. Any change to the overall plan, "Lot 'A' Site Plan", dated 7/23/02, prepared by Grumman Engineering LLC, as approved, will require a return to the Conservation Commission for review.

\*\* MR. CAPUTO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

Bocchetta – 15 Stonybrook Road – #S02-121 - Rear addition and re-grading adjacent to a wetland and watercourse

Ms. Cherichetti stated the information was contained in the packets and she noted there was a brief discussion at the last meeting on how to vegetate the slope.

Ms. Smith asked the applicant not to mow and she requested he put nice vegetation down due to runoff from the lawn and to keep the bottom part intact with growth. Mr. Sciabbarrasi asked Ms. Smith if she was recommending this as part of the motion. Ms. Smith said no, but she was recommending it to the applicant on a personal note.

\*\* MS. SMITH MOVED TO APPROVE BOCCHETTA – 15 STONYBROOK ROAD – #S02-121

SUBJECT TO THE FOLLOWING CONDITIONS OUTLINED IN THE MEMO DATED SEPTEMBER 13, 2002:

1. A \$800.00 Performance Bond is to be posted prior to commencement of any on-site permit related activity. The bond shall become eligible for release following at least one full year after the season of initial planting. All Special 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. Nine blueberry shrubs, a minimum of 2.5 feet in height, shall be planted along the disturbed slope. Areas on the disturbed slope, which are not planted with shrubs, shall not be maintained as lawn.
3. Fill may not be brought onto the site for use in the re-grading work.
4. Though this permit expires in 5 years, all portions of the proposed plan must be implemented within one year of commencement.
5. Any change to the overall plan, as approved, will require a return to the Conservation Commission for review.

\*\* MR. CAPUTO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

Mr. Losio commented on the conditions pertaining to after, when construction is done. He said that although all the conditions won't be monitored, it isn't a reason not to make certain stipulations part of the motion. He said that personally, he would like to have certain conditions mandated.

And with that:

\*\* MS. SMITH AMENDED THE MOTION TO INCLUDE A CONDITION #6 AS FOLLOWS:

6. The wetland area shall remain in its natural state except with the prior approval of the Conservation Office of the addition of suitable wetland plants.

Mr. Bocchetta, the applicant, questioned if he would lose footage in his yard due to this condition. Ms. Smith replied he shouldn't lose much.

Mr. Bocchetta further questioned the added condition and Ms. Cherichetti explained to him that the commission sees the additional fill as a benefit to him and in return there should be positive gains to the wetland area. She further explained for the commission and applicant's sake where the yard is level in relation to the steep area that slopes to the wetland area where the bushes are going.

Ms. Smith said it was important to treat the area as wetland from now on. Mr. Bocchetta replied that they already do this; he said they currently take pictures of the area but he doesn't see it overgrown with weeds. Ms. Cherichetti commented that tall or short grass would not have any impact.

Mr. Bocchetta wondered how his kids would roll a ball now with the plantings and weeds; he said he was concerned about leaving the useable level area open. Ms. Smith noted that it's a gradual slope.

\*\* MR. CAPUTO SECONDED

\*\* MOTION PASSED UNANIMOUSLY

MODIFICATION OF PERMIT

Sweeney – 29 Burchard Lane - #736b.S00 – Re-location of house closer to wetland and watercourse and filling and grading within designated buffer area

Ms. Cherichetti said the applicant was seeking a second modification to alter his house and perform work within the designated buffer.

Ms. Smith stated she couldn't find the spot grades. Ms. Cherichetti pointed out they were within the boxes that refer to the elevation at that point.

Mr. Sciabbarasi said he was supposed to be approved at 46+ feet but it was built at 40 feet. Ms. Cherichetti said this was correct. She explained when the applicant came before the commission previously the building was not constructed but there is now a foundation.

Mr. Sciabbarasi said that although there is a lot of planting they lost an additional 6.5 feet, so he urged a motion to consider ten to fifteen additional plantings to recoup the loss.

Mr. Losio asked if there was any mitigation to the placement of the boulders. Ms. Cherichetti said yes, she indicated on the plan from Grumman Engineering dated 8/30/02 that what is proposed is a line where there would be 20 feet from the wetland line; she noted its not clear on the plan but they are proposing to remove the fill and bring the grade to the



elevations shown and construct a rip wrap wall with a one to one slope that would be less than 10 feet wide.

Mr. Holowinko asked if consideration was given to removing the large boulder located in the wetlands. Ms. Cherichetti replied no, she thinks the boulder was already there. Mr. Greene said they would look at it but its hard to tell if its new or not but he would visit and if it is new it would have to be removed but if its old it will stay.

\*\* MR. LOSIO MOVED TO APPROVE PERMIT MODIFICATION SWEENEY – 29 BURCHARD LANE - #736B.S00 SUBJECT TO THE CONDITIONS OUTLINED IN THE MEMO DATED SEPTEMBER 17, 2002 and ADD THE CONDITION THAT ADDITIONAL PLANTINGS OF (15) NATIVE SHRUBS TO BE DETERMINED BY THE SR. ENVIRONMENTAL OFFICER:

1. Prior to any further work on the property, install silt fence at a minimum distance of 20 feet from the northern and western limits of the wetland. The location and installation of the silt fence must be approved by the Senior Environmental Officer prior to any further site work.
2. The stormwater drainage pipe must be properly installed as indicated on the map entitled "Patrick Sweeney; 29 Burchard Lane; Grading Plan; dated 8/30/02, and prepared by Grumman Engineering, LLC. This work must be completed and the area stabilized prior to issuance of a Certificate of Occupancy, either permanent or temporary.
3. The site shall be stabilized and all required wetland buffer landscaping, as shown on the sketch plan prepared by Patrick Sweeney, dated June 2002 and the plan entitled "Wetland Buffer Planting Plan", dated August 3, 2001, prepared by Environmental Land Solutions, LLC, shall be fully implemented prior to the issuance of a Certificate of Occupancy, either permanent or temporary.
4. Any change to the overall plan, "Patrick Sweeney; 29 Burchard Lane; Grading Plan", dated 8/30/02 and last revised 9/10/02 prepared by Grumman Engineering, LLC, as approved, will require a return to the Conservation Commission for review.
5. The applicant shall cause to be prepared an 'as-built' foundation plan for the property. The 'as-built' plan shall include all wetlands, watercourses, their associated designated buffer areas, and a note referring the reader to the Conservation Office for further information associated with Conservation Permit #736.S00. The 'as-built' plan shall be filed on the Norwalk Land Records by the applicant, with two copies of the filed map submitted to the Conservation Office.

When the property is transferred from the developer to the resident, a reduced copy of this map shall be attached to the deed.

A copy of the filed document shall be provided to the Conservation Office prior to the release of any bond monies.

\*\* MS. SMITH SECONDED

\*\* MOTION PASSED UNANIMOUSLY

ACCEPTANCE OF MINUTES

September 10, 2002

Corrections

Page 1; under OTHERS: Strate should be spelled Strait, Lenartz should be spelled Linnartz

Page 6; 1<sup>st</sup> paragraph under COMMENTS OF COMMISSIONERS the last sentence should read She said that many of the neighbors may not be aware of the need to keep septic system s functioning properly around the ponds.

Page 9; 2<sup>nd</sup> paragraph, 2<sup>nd</sup> line where it reads Highland Ave. and go up Crooked Trail to connect to the Rowayton Woods pump station should read Highland Ave. and go up Crooked Trail to connect to the Rowayton Woods pump station.

Page 9; 3<sup>rd</sup> paragraph, 2<sup>nd</sup> sentence should read The sewer line will run through wetland commencing at Crooked Trail.

Page 9; 7<sup>th</sup> paragraph, 2<sup>nd</sup> sentence should read The station needs major work due to age and it would cost less to put in a new line and connect to the sewer line further toward Highland Ave.

\*\* MR. CAPUTO MOVED TO ACCEPT THE MINUTES AS CORRECTED

\*\* MR. KYDES SECONDED

\*\* MOTION PASSED WITH FIVE VOTES IN FAVOR AND ONE ABSTENTION (MR. LOSIO)

COMMENTS OF STAFF

a) Current Violations – reference attachment

Ms. Cherichetti said there was one additional violation at 192 Grumman Avenue; the Moore's moved to the property and did some filling up the wetland in the yard due to the pool. She said Erin Leonard has been contacted and they need to discuss how to delineate the wetland and plan on what they've done and will do. She noted they also hired a soil scientist.

Ms. Cherichetti spoke about the application for 27 Geneva Road and said they proceeded to cut down all the trees and shrubs but they are replanting them.

b) 41 ½ Soundview Ave. – field change to approved plan to construct a dry-laid patio

Ms. Cherichetti said they put in a foundation and constructed the stone wall that was required; it was constructed at 6 to 8 feet closer to the house and in the area indicated between the stone wall they want to construct a dry laid patio. She asked the commission if this were approved, would it be considered a field change or does the applicant need to return for modification approval. The commissioners agreed it was a field change.

c) Educational letter to homeowners of on-site septic systems

Ms. Cherichetti said she spoke to Marny but she had concerns on how writing should be referenced distinguishing between septic systems and ponds. She said there are no issues with persons with septic systems and she assumes there is a link between the two but she wondered if they need additional discussion on exactly what to send out. She said there is no clean list indicating who has a septic or otherwise, so compiling this information will take some time.

Ms. Smith said she would help with Ms. Cherichetti's guidance.

Ms. Cherichetti said the health department doesn't have the information of whether a house is hooked up to the city sewer.

Mr. Losio suggested following the steps of the Tax Assessor's office in that they may have a spread sheet indicating persons with septic vs. city sewer.

Mr. Captuo suggested drafting something on paper that could be addressed to get the ball rolling so at least Ms. Cherichetti would have some guidance.

Ms. Smith said it was her thought that there were basic things to denote on what make a healthy pond vs. an unhealthy pond.

Mr. Holowinko stated the Norwalk Watershed Association has a lot of information and he encouraged the commission to contact them.

Ms. Smith commented that when someone has a septic system and live on a pond they need to be careful as to how it is maintained.

Mr. Greene pointed out that they need to be wary of who gets the letter; wording should be key without directly linking it to a pond.

Ms. Smith asked if a letter referencing septic system tanks only would be better. Ms. Cherichetti said she thinks so; she would like to circulate information on one or the other to avoid any confusion. She noted that now that it's clear that septic systems are the focus she could get information from DWA.

Mr. Losio said information is also circulated from Kaiser Wetherstone so it's important not to replicate this information.

Ms. Smith stated that she would like to see an ordinance mandated eventually.

Mr. Losio said the message should be differentiated.

Ms. Cherichetti said she would try to compile any existing information.

#### COMMENTS OF COMMISSIONERS

Ms. Smith noted that a letter from the district commissioner in Rowayton was submitted to the Sr. Environmental Officer to support the recommendation to explore an alternative line for the sewer connection.

Mr. Losio referred back to a comment he made earlier in not losing sight of potentially deciding when applicant's need to come in. He said he would like to see more regulated stipulated natural vegetative buffers. He recalled his dissatisfaction with a property that was allowed to be developed the way it was, stating that these improper developments could cause negative impacts.

Mr. Greene noted this is a relative point to staff in assisting enforcement when the commission expresses it.

Mr. Holowinko asked if the topic of forming a subcommittee for the North Taylor Project in terms of educating could be on the next agenda. The request was duly noted by staff.

Ms. Smith noted she needs some background information regarding this project.

Ms. Cherichetti said DPW hired an engineering firm and they are looking at different alternatives for the pipe inlet and they are also in the process of hiring a biologist to assess the wetland.

Ms. Smith noted that a workshop would be held on storm water management. Ms. Cherichetti distributed a flyer with information regarding this.

#### ADJOURNMENT

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

\*\* MR. LOSIO SECONDED



\*\* MOTION PASSED UNANIMOUSLY

The meeting was adjourned at 8:00 p.m.

Respectfully submitted by,

Diane Graham

Telesco Secretarial Services

