

NORWALK CONSERVATION COMMISSION MINUTES

September 26, 2006

Present: Marny Smith; Beth Ackerman; Susan Llorca; Ed Holowinko; Matt Caputo; Karen Destefanis (6:08); Chris Handrinos (6:08); D. Seeley Hubbard (6:12)

Staff: Alexis Cherichetti, Senior Environmental Officer; Sarah Rettger, Conservation Assistant

Others: Rich Tostani, Imagineers; Attorney Elizabeth Suchy; Joe Tarzia; John Milozzi; Attorney David Waters; Don Strait, Grumman Engineering; Aleksandra Moch; Jeff Kuffle; David Park; Al Raymond; D.R. Arnone; Diane Cece; Donna Rostocki; Ted Coppola; Jean Coppola; Jerry Curty; Maggie Peterson; Carmine Dielsi; Alex Serrano; Laurel Lindstrom; Lisa Ann Kyle

CALL TO ORDER

The meeting was called to order at 6:03 PM.

ROLL CALL

Ms. Cherichetti took the roll.

PRELIMINARY REVIEW

a) 97 Richards Avenue – Mallard’s Landing – Parking lot expansion proposal

Ms. Cherichetti said representatives of Mallard’s Landing had contacted her several weeks ago to discuss the feasibility of constructing an additional parking lot. She said that when the development was built in 1986, only the parking required by zoning regulations had been created. She reviewed a map of the property and the location of the proposed parking lot.

Mr. Tostani distributed site maps to the commissioners. He said the condo board had initially considered adding ten units, but decided that 28 units would better meet their needs. He said it would cover approximately 4,000 square feet. He thanked Ms. Cherichetti for bringing the plan to the Commission.

Ms. Smith asked if the proposed parking was on the lower level. Mr. Tostani said that it was four or five feet lower.

Ms. Ackerman asked if the parking area could be built with a pervious surface. Mr. Tostani said the condo board would prefer asphalt, but could install a pervious surface.

Ms. Smith asked what would go between the parking area and the river. Mr. Tostani discussed some possibilities. Ms. Smith said the Commission would probably prefer a vegetated buffer.

Ms. Cherichetti said that she thought zoning regulations required a setback from the property line, which limited the possible dimensions of the parking area. Mr. Tostani said that the condo board was flexible.

Ms. Smith asked about changing the angle or alignment of the parking area.

Ms. Cherichetti explained that she had suggested a preliminary review because of the proximity to the watercourse. She said that the property was within the floodway, but parking was an easy use for a floodway. She also said that the property owners would have to address zoning and drainage concerns if they made an application.

Mr. Tostani asked about different drainage routes. Ms. Cherichetti said that drainage was not allowed in the sanitary sewer, and any drainage into the river would have to be approved by the Commission.

Mr. Caputo said he thought the initial plan was a good first step, and suggested that the condo board retain professional assistance in putting together a specific plan.

Ms. Smith suggested they consider adding parking in several smaller spaces around the condo complex.

Mr. Caputo said the condo board might have legal problems, and suggested they consult with professionals.

PERMIT MODIFICATION

a) #S05-215A – 74 Cranbury Road – Tarzia – Modification of permit to provide flood water storage with an underground tank system instead of the approved swale

Ms. Cherichetti said the Commission had approved this permit in April 2005. She said the applicant had proposed a flood mitigation swale in response to concerns over lost mitigation area. She said the applicant was interested in providing flood storage in another capacity. Ms. Cherichetti reviewed the applicant's proposal.

Mr. Milozzi said the change was proposed in order to save trees near the property line. He said the underground storage tanks would hold the same amount of water as the swale.

Ms. Smith asked what would happen to the water after a storm event. Mr. Milozzi said the water would be pumped back to the surface and would drain into the brook.

Ms. Cherichetti asked what would trigger the pump. Mr. Milozzi said that a float would start the pump when the storage tanks were half-filled.

There was a discussion of the representation of trees on the submitted plans. Ms. Cherichetti explained that the existing trees were not included in the plans.

Mr. Hubbard said the removal of trees should not have been a surprise to the applicant. Ms. Cherichetti said the applicant was surprised, but the meeting minutes reflected the information.

Mr. Tarzia said he had thought the trees shown on the plans were the existing trees. He said he had never intended to take down the existing trees. He said he had hired Diane Lauricella to represent him, but she was unable to attend the meeting. Mr. Tarzia submitted a written statement from Ms. Lauricella.

There was a discussion of the residence time of the water in the tanks and the mechanism for emptying the tanks. Mr. Milozzi said it was possible to change the point at which the pump would start.

Ms. Destefanis asked where the tanks would discharge. Mr. Milozzi showed the location of the proposed pipe.

There was a discussion of the specific details of the tank system.

Mr. Caputo asked Ms. Cherichetti if she had seen a similar system built. She said she had not.

There was further discussion of the possibility of standing water in the tanks.

Mr. Tarzia reiterated his desire to save the trees.

There was further discussion of the design of the tank system and the questions raised in the staff report.

Ms. Cherichetti said that a swale and a tank system would respond differently to flood events.

Mr. Hubbard asked if the retention area could be reconfigured instead. Ms. Cherichetti explained that the 95-foot contour was the 100-year flood line, so there would be no additional mitigation below it.

Ms. Smith suggested that removing the trees would have an effect on the wetland because they remove a substantial amount of water. Ms. Cherichetti said they did not serve any purpose as a buffer or wildlife habitat.

Mr. Caputo asked if staff was concerned about the tank system performance. Ms. Cherichetti said it would perform differently from the approved swale. She explained that any flooding would instantaneously flow into the swale, whereas the proposed system would allow water to flow into a catchbasin, which would fill more slowly than a swale.

Ms. Llorca said the proposed system did not appear to have the same recharge capacity as the swale.

Ms. Destefanis said her concern was potential mechanical failures that would interfere with drainage. Mr. Tarzia offered to install a generator for the pump. Ms. Destefanis said she was more concerned about maintenance, especially with subsequent property owners.

Ms. Cherichetti said the original permit had included a requirement that the owner file an as-built survey showing all flood mitigation areas. She said that if the Commission approved the modification, she would recommend that they also change the condition to require the tank system on the survey. Mr. Caputo said he supported the idea of recording the tanks and trees on the land records.

Ms. Ackerman said that future property owners would probably have difficulty understanding the requirements, even if they were recorded.

Ms. Destefanis suggested that the Commission decide whether to continue the discussion after the public hearing. The commissioners suggested information they would like to see in a draft resolution.

RECEIPT/DISCUSSION

a) #S06-261 – 78 Crooked Trail – Jackson – Corrective action demolition of residence, construction of new residence, and associated landscaping activities adjacent to wetland and watercourse

Ms. Cherichetti said the applicant had come to the meeting, but had left at the start of the public hearing. She explained that a Notice of Violation and Cease & Desist Order had been issued when the property owner exceeded the scope of his minor permit, and this application had been submitted to comply with the directives in the Cease & Desist Order.

Ms. Smith said she would like to see a wider buffer and a planting plan. Ms. Destefanis agreed that a planting plan would be good.

Ms. Cherichetti said she would discuss it with the applicant.

PUBLIC HEARINGS

a) #S06-259 – 61, 63, and 73 Strawberry Hill Avenue – DT Development Company, LLC – Construction of twenty-nine (29) townhouse residential units adjacent to wetland and watercourse

There was a brief discussion of public hearing procedures.

Ms. Destefanis opened the public hearing at 7:12 PM. Ms. Cherichetti called the roll.

Attorney Waters introduced the applicant and reviewed the proposal.

Mr. Strait discussed the storm drainage system. He pointed out that impervious area would be reduced under the proposed site plan. He described the specifics of grading, erosion controls, and drainage.

Mr. Kuffle discussed the planting plan and its relation to drainage.

Ms. Moch described the adjacent pond and the history of the property. She explained that a swamp was converted to a pond between 1966 and 1968. She said the pond depth was three feet or less, which was not sufficient to allow its development as a habitat. Ms. Moch discussed the pond's sources. She also discussed the vegetation surrounding the pond. She said she had not observed fish in the pond, although she had seen some aquatic invertebrates and had heard about other animals visiting the pond. Ms. Moch discussed the ecological value of the pond.

Attorney Waters addressed possible alternatives, including leaving the property in its current state. He said that the proposal would have a more positive impact on water quality than the current state. He also discussed the creation of an as-of-right subdivision and its drawbacks.

Ms. Moch said there would be short-term impacts related to the grading, and they would be mitigated through planting and sedimentation and erosion controls. She said the long-term impacts would be on water quality, and they would be positive impacts.

Mr. Park, of 66 Strawberry Hill Avenue, asked if Commission members had toured the site. He described flooding and erosion problems observed on Olmstead Place, and suggested the Commission hire an outside consultant.

Mr. Raymond, of 79 Truman Street, said it appeared there were more impervious surfaces in the proposed site plan than currently existed. He said he was concerned about runoff going into the pond or sewers.

Mr. Arnone, of 39 Olmstead Place, submitted photos taken after a minor storm. He said that his property currently had flooding problems, and that he expected the development to worsen flooding.

Ms. Cece, of 37 Olmstead Place, said she was speaking on behalf of several neighbors. She read a prepared statement describing flooding and stormwater concerns.

Ms. Rostocki, of 33 Olmstead Place, said there was no guarantee water from the proposed development would not go into the pond. She described the flood damage she had experienced.

Mr. Coppola, of 35 Olmstead Place, said he was a 40-year resident. He described the effects of the recent storm and said the storm drains on Strawberry Hill Avenue could not handle additional runoff.

Ms. Coppola, of 35 Olmstead Place, described the problems caused by recent flooding and expressed concerns about residents' safety.

Mr. Curty, of 37 Olmstead Place, said he was not opposed to development, but had several questions. He asked what drainage options the applicant had considered, where the sanitary sewers currently drained, and what the difference in impervious surface would be under the proposed development.

Jerry Curty – 37 Olmstead Place – doesn't oppose development – all houses adjacent are raised ranches with below-grade living space – questions – what drainage options considered? Pumping station? Retaining walls? Change elevation so it flows to SHA? Numbers for current and proposed impervious surface? Where does current sanitary sewer go? Disputes recent samples and analysis of ecological aspects – is proposal allowed in B Residence Zone? Concerns about sanitary sewer backup

Ms. Peterson, of 6 Gwendolyn Street, said that although her house was further down Strawberry Hill Avenue, she also experienced substantial flooding and sewer overflow. She asked for an explanation of the drainage system and whether the current playground and field would remain.

Mr. Whitney, of 32 Olmstead Place, said he had lived there for 14 years, and had experienced major flooding four or five times.

Ms. Dielsi, of 45 Olmstead Place, said she was concerned about the water quality in the pond. She asked if the area around the pond was a wetland.

Mr. Serrano, of 41 Olmstead Place, said he was concerned his property would experience flooding as a result of the development.

Ms. Arnone said she was concerned about flooding problems.

Mr. Dielsi, of 45 Olmstead Place, said he was opposed to the development.

Ms. Destefanis read into the record a letter that had been submitted to the Conservation Office.

Ms. Lindstrom, of 20 Raymond Terrace, asked if the Department of Public Works had signed off on the project. She said that flooding sometimes caused water to run across Raymond Terrace.

Ms. Kyle, of 39 Raymond Terrace, said her backyard and basement had been flooded in the recent storm.

Attorney Waters said that the Department of Public Works had signed off on the project.

Mr. Strait said that water from the site currently drains into the pond, and the sanitary sewer currently drains to Strawberry Hill Avenue. He said the existing impervious surface covered 80, 588 square feet, and the proposed impervious surface would cover 53, 732 square feet. He said that the proposed drainage system would result in a net decrease of 8923 cubic feet of runoff in a 25-year storm. He said the drainage system was designed to retain the first inch of rainwater.

Ms. Moch explained that the pond had been excavated from a previous swamp. She said there was a small associated wetland around the pond, but it was considered a watercourse.

Attorney Waters said that concerns over private maintenance of the pond were unfounded because the pond was and would remain on municipal property.

Mr. Strait described alternative methods of dealing with stormwater and explained why they would not work for the site. He said it was bad practice to pump stormwater because of the possibility of electrical failure. He said that the site did not have space for a detention pond or storage basin.

There was a discussion of relative lot coverage and drainage numbers. Ms. Moch pointed out that the planned vegetation was not included in the calculations, but would serve to remove water and increase its absorption into the soil. Mr. Kuffle described the specific plantings.

Mr. Strait said that the two galleries contained 1997 cubic feet of water storage. He calculated that this was approximately 14,000 gallons. There was further discussion of the drainage calculations.

Mr. Hubbard asked about the multiple sources of pond water. Ms. Moch said she thought the largest source was the pipes under I-95.

Mr. Caputo asked Attorney Waters to confirm that the proposed development would be professionally managed and maintained by the condo association. Attorney Waters said that would be the case.

**** MS. SMITH MOVED TO CLOSE THE PUBLIC HEARING.**

**** MR. HANDRINOS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

The public hearing was closed at 9:24 PM.

DISCUSSION/DECISION

a) #S06-252 – 25 Huckleberry Drive South – Tarala – Construction of a new single-family residence and drainage pipe extension in and adjacent to wetland and watercourse

Mr. Caputo recused himself from the discussion and left the meeting at 9:29 PM.

Ms. Cherichetti said her draft resolution reflected the fact that there had been no comments from the public and no concerns expressed by the commissioners at the previous meeting. There was a brief discussion of delineating the wetland buffer.

**** MS. SMITH MOVED TO APPROVE THE FOLLOWING RESOLUTION:**

RESOLVED:

THAT CONSERVATION APPLICATION #S06-252, TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE, WITH ASSOCIATED WATERCOURSE RELOCATION, LANDSCAPING AND STORMWATER DRAINAGE, IN AND ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO WILLIAM TARALA III FOR PROPERTY AT 25 HUCKLEBERRY ROAD, NORWALK, CT, [DISTRICT 5, BLOCK 55, TAX LOT 67] WITH THE FOLLOWING CONDITIONS:

1. A \$7,600.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING AND WATERCOURSE RELOCATION (\$5,900.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST THREE (3) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER 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.
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. SILT FENCE OR HAY BALES SHALL BE INSTALLED ALONG THE LIMIT OF DISTURBANCE, IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED

“PROPOSED RESIDENCE & STREAM RELOCATION ALTERNATE PLAN (REVISED)”, DATED 7-11-06 AND LAST REVISED 8-30-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC. THE SILT FENCING IS 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 SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.

5. PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, A COMPREHENSIVE CONSTRUCTION PLAN FOR THE WATERCOURSE RELOCATION MUST BE SUBMITTED TO, AND APPROVED BY, THE CONSERVATION STAFF. THIS CONSTRUCTION PLAN MUST INCLUDE A DETAILED CONSTRUCTION SEQUENCE AND TIMELINE FOR THE RELOCATION WORK, INCLUDING DETAILS ON THE PROPOSED PIPE SIZE AND LOCATION, PIPE OUTLET PROTECTION MEASURES, THE DETAILS INVOLVED WITH THE TRANSFER OF FLOW TO NEW CHANNEL, AND CHANNEL STABILIZATION.

6. PRIOR TO COMMENCEMENT OF ANY SITE WORK, A PERCOLATION TEST SHALL BE PERFORMED TO VERIFY THAT THE AREA PROPOSED FOR THE ‘RAIN GARDEN’ STORMWATER RETENTION AREA WILL PROPERLY PERFORM WITH THE PROPOSED DESIGN. THE RESULTS OF THE PERCOLATION TEST, AS WELL AS ANY REQUIRED ALTERATIONS TO THE DESIGN MUST BE SUBMITTED TO, AND APPROVED BY, THE CONSERVATION STAFF PRIOR TO COMMENCEMENT OF ANY SITE WORK.

7. PRIOR TO THE COMMENCEMENT OF ANY SITE WORK, THE EXACT LOCATION OF THE NEW WATERCOURSE CHANNEL SHALL BE STAKED IN THE FIELD AND APPROVED BY CONSERVATION STAFF.

8. ALL SHRUBS THAT ARE PART OF THE WETLAND MITIGATION PLANTING PLAN SHALL BE A MINIMUM OF 36 INCHES IN HEIGHT. ALL TREES THAT ARE PART OF PART OF THE WETLAND MITIGATION PLANTING PLAN SHALL HAVE A MINIMUM 2 ½ -INCH CALIPER AT THE TIME OF PLANTING. THE SEED MIX SHALL BE APPLIED AT A RATE OF ONE AND A HALF (1½) TIMES THE MANUFACTURER’S SUGGESTED RATE. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED ADJACENT TO THE RELOCATED WATERCOURSE IN THE AREAS INDICATED ON THE APPROVED SITE PLAN. THE AREAS WITHIN THE DESIGNATED WETLAND BUFFER 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.

9. THE WETLAND MITIGATION PLANTING PLAN AS SHOWN ON THE PLAN ENTITLED "PROPOSED RESIDENCE & STREAM RELOCATION ALTERNATE PLAN (REVISED)", DATED 7-11-06 AND LAST REVISED 8-30-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC AND AS AMENDED BY #8 ABOVE, SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

10. THE APPLICANT SHALL CAUSE TO HIRE AN ENVIRONMENTAL MONITOR TO INSPECT THE SITE AND SUBMIT WRITTEN PROGRESS REPORTS TO THE CONSERVATION OFFICE THE REPORTS MUST DESCRIBE THE STATE OF SITE, THE CURRENT EFFECTIVENESS OF THE SEDIMENTATION AND EROSION CONTROLS, ANY REQUIRED WORK TO KEEP THE ACTIVITIES IN COMPLIANCE WITH THIS PERMIT, AND ANY OBSERVED IMPACTS TO THE WETLAND OR WATERCOURSE. THE ABOVE INSPECTION AND REPORTING SHALL OCCUR WEEKLY UPON THE COMMENCEMENT OF SITE WORK AND CONTINUE UNTIL THE COMPLETION OF THE WATERCOURSE RELOCATION AND STABILIZATION. INSPECTION AND REPORTING SHALL THEN CONTINUE QUARTERLY FOR THE THREE (3) YEARS FOLLOWING IMPLEMENTATION OF THE WETLAND MITIGATION PLANNING.

11. THE APPLICANT SHALL CAUSE TO BE PREPARED AN 'AS-BUILT' FOUNDATION SURVEY OF THE PROPERTY. THE 'AS-BUILT' SURVEY SHALL ALSO INCLUDE ALL WETLANDS AND WATERCOURSES, THE AREA PREVIOUSLY DESCRIBED IN SPECIAL CONDITION #8 ABOVE NOTED AS THE 'DESIGNATED WETLAND & WATERCOURSE BUFFER AREA', THE LIMIT OF DESIGNATED WETLAND BUFFER AREA NOTED AS THE 'LIMIT OF LAWN', AND A NOTE REFERRING THE READER TO THE CONSERVATION OFFICE FOR FURTHER INFORMATION ASSOCIATED WITH CONSERVATION PERMIT #S06-252. 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 NEW OWNER, EITHER A REDUCED COPY OF THIS MAP SHALL BE ATTACHED TO THE WARRANTY DEED OR THE WARRANTY DEED SHALL REFER TO THE MAP NUMBER ASSIGNED BY THE TOWN CLERK TO THE ABOVE-DESCRIBED FILED SURVEY MAP.

IN THE EVENT THAT THE PROPERTY IS SOLD PRIOR TO THE 'AS-BUILT' SURVEY BEING AVAILABLE, A REDUCED COPY OF THE APPROVED SITE PLAN, ENTITLED "PROPOSED RESIDENCE & STREAM RELOCATION ALTERNATE PLAN (REVISED)", DATED 7-11-06 AND LAST REVISED 8-30-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC SHALL BE ATTACHED, AS A REDUCED COPY, TO THE WARRANTY DEED.

NO PORTION OF THE PERFORMANCE BOND SHALL BE RELEASED UNTIL THIS CONDITION IS SATISFIED.

12. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN TWO (2) YEARS OF COMMENCEMENT.

13. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED ““PROPOSED RESIDENCE & STREAM RELOCATION ALTERNATE PLAN (REVISED), SHEETS 1-2”, DATED 7-11-06 AND LAST REVISED 8-30-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MR. HOLOWINKO SECONDED THE MOTION.

** THE MOTION PASSED WITH FIVE IN FAVOR AND TWO ABSTENTIONS (MR. HANDRINOS AND MS. LLORCA).

b) #S06-255 – 181 West Norwalk Road – Patchen – Construction of a new single-family residence in and adjacent to wetland and watercourse

Mr. Caputo returned to the meeting at 9:37 PM.

** MR. CAPUTO MOVED TO APPROVE THE FOLLOWING RESOLUTION:

RESOLVED:

THAT CONSERVATION APPLICATION #S06-255, TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE, WITH ASSOCIATED WETLAND AND WATERCOURSE RELOCATION AND CREATION, IN AND ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO DANIEL PATCHEN FOR PROPERTY AT 181 WEST NORWALK ROAD, NORWALK, CT, [DISTRICT 5, BLOCK 62B, TAX LOT 216] WITH THE FOLLOWING CONDITIONS:

1. A \$7,500.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING AND WATERCOURSE RELOCATION (\$6,100.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST THREE (3) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER 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.

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. SILT FENCE OR HAY BALES SHALL BE INSTALLED JUST WEST OF THE PROPOSED REAR RETAINING WALL AND JUST SOUTH OF THE SIDE YARD RETAINING WALL IN THE LOCATIONS INDICATED ON THE SITE PLAN ENTITLED "PROPOSED RESIDENCE SITE PLAN - ALTERNATE #2 (REVISED)", DATED 6-12-06 AND LAST REVISED 8-31-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC. SILT FENCE SHALL BE PLACED AT THE LIMIT OF CONSTRUCTION-RELATED GRADING, JUST UPHILL OF THE WETLAND ENHANCEMENT AND MITIGATION AREAS. THE SILT FENCING IS 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 SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.

5. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED AROUND THE REAR WETLAND AND ADJACENT TO THE RELOCATED WATERCOURSE IN THE AREAS INDICATED ON THE APPROVED SITE PLAN. THE AREAS WITHIN THE DESIGNATED WETLAND BUFFER 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.

6. PRIOR TO COMMENCEMENT OF ANY SITE WORK, A COMPREHENSIVE INVASIVE PLANT MANAGEMENT PLAN, FOR MANAGEMENT OF INVASIVE PLANTS WITHIN THE EXISTING WETLAND AND DESIGNATED WETLAND AND WATERCOURSE BUFFER, SHALL BE SUBMITTED TO, AND APPROVED BY, THE CONSERVATION STAFF.

7. ALL SHRUBS THAT ARE PART OF THE WETLAND MITIGATION PLANTING PLAN SHALL BE A MINIMUM OF 36 INCHES IN HEIGHT. THE SEED MIX SHALL BE APPLIED AT A RATE OF ONE AND A HALF (1½) TIMES THE MANUFACTURER'S SUGGESTED RATE. ALL DISTURBED AREAS WITHIN THE EXISTING AND CREATED WETLANDS AND THE DESIGNATED BUFFER SHALL BE SEEDED WITH A NATIVE SEED MIX IMMEDIATELY FOLLOWING FINAL GRADING OF THESE AREAS.

8. THE WETLAND MITIGATION PLANTING PLAN AS SHOWN ON THE PLAN ENTITLED "PROPOSED RESIDENCE SITE PLAN - ALTERNATE #2 (REVISED)",

DATED 6-12-06 AND LAST REVISED 8-31-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC AND AS AMENDED BY #8 ABOVE, SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

9. THE APPLICANT SHALL CAUSE TO BE PREPARED AN 'AS-BUILT' FOUNDATION SURVEY OF THE PROPERTY. THE 'AS-BUILT' SURVEY SHALL ALSO INCLUDE ALL WETLANDS AND WATERCOURSES, THE AREA PREVIOUSLY DESCRIBED IN SPECIAL CONDITION #5 ABOVE NOTED AS THE 'DESIGNATED WETLAND & WATERCOURSE BUFFER AREA', THE LIMIT OF DESIGNATED WETLAND BUFFER AREA NOTED AS THE 'LIMIT OF LAWN', AND A NOTE REFERRING THE READER TO THE CONSERVATION OFFICE FOR FURTHER INFORMATION ASSOCIATED WITH CONSERVATION PERMIT #S06-255. 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 NEW OWNER, EITHER A REDUCED COPY OF THIS MAP SHALL BE ATTACHED TO THE WARRANTY DEED OR THE WARRANTY DEED SHALL REFER TO THE MAP NUMBER ASSIGNED BY THE TOWN CLERK TO THE ABOVE-DESCRIBED FILED SURVEY MAP.

IN THE EVENT THAT THE PROPERTY IS SOLD PRIOR TO THE 'AS-BUILT' SURVEY BEING AVAILABLE, A REDUCED COPY OF THE APPROVED SITE PLAN, ENTITLED "PROPOSED RESIDENCE SITE PLAN - ALTERNATE #2 (REVISED)", DATED 6-12-06 AND LAST REVISED 8-31-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC SHALL BE ATTACHED, AS A REDUCED COPY, TO THE WARRANTY DEED.

NO PORTION OF THE PERFORMANCE BOND SHALL BE RELEASED UNTIL THIS CONDITION IS SATISFIED.

10. THE APPLICANT SHALL CAUSE TO HIRE AN ENVIRONMENTAL MONITOR TO INSPECT THE SITE AND SUBMIT WRITTEN PROGRESS REPORTS TO THE CONSERVATION OFFICE THE REPORTS MUST DESCRIBE THE STATE OF SITE, THE CURRENT EFFECTIVENESS OF THE SEDIMENTATION AND EROSION CONTROLS AND INVASIVE PLANT MANAGEMENT, ANY REQUIRED WORK TO KEEP THE ACTIVITIES IN COMPLIANCE WITH THIS PERMIT, AND ANY OBSERVED IMPACTS TO THE WETLAND OR WATERCOURSE. THE ABOVE INSPECTION AND REPORTING SHALL OCCUR WEEKLY UPON THE COMMENCEMENT OF SITE WORK AND CONTINUE UNTIL THE COMPLETION OF THE WATERCOURSE RELOCATION AND STABILIZATION. INSPECTION AND REPORTING SHALL THEN CONTINUE QUARTERLY FOR THE THREE (3) YEARS FOLLOWING IMPLEMENTATION OF THE WETLAND MITIGATION PLANNING.

11. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN TWO (2) YEARS OF COMMENCEMENT.

12. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED “PROPOSED RESIDENCE SITE PLAN - ALTERNATE #2 (REVISED), SHEETS 1-2”, DATED 6-12-06 AND LAST REVISED 8-31-06 BY DONALD STRAIT, GRUMMAN ENGINEERING LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MS. SMITH SECONDED THE MOTION.

** THE MOTION PASSED WITH FIVE IN FAVOR AND TWO ABSTENTIONS (MS. LLORCA AND MR. HANDRINOS).

c) #S06-257 – 200 Rowayton Avenue – 200 Rowayton Avenue LLC – Construction of a new single-family residence adjacent to wetland and watercourse

** MR. CAPUTO MOVED TO APPROVE THE FOLLOWING RESOLUTION:

RESOLVED:

THAT CONSERVATION APPLICATION #S06-257, TO CONSTRUCT A NEW SINGLE-FAMILY RESIDENCE ADJACENT TO A WATERCOURSE BE GRANTED TO 200 ROWAYTON AVENUE LLC FOR PROPERTY AT 200 ROWAYTON AVENUE, NORWALK, CT, [DISTRICT 6, BLOCK 23A, TAX LOT 45] WITH THE FOLLOWING CONDITIONS:

1. A \$3,300.00 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 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 THE BOND.

2. SILT FENCE OR HAY BALES SHALL BE INSTALLED IN THE LOCATIONS INDICATED ON THE PLAN ENTITLED “ENVIRONMENTAL PLANTING PLAN”, DATED AUGUST 15, 2006 AND LAST REVISED SEPTEMBER 12, 2006 BY MATTHEW POPP, ENVIRONMENTAL LAND SOLUTIONS, LLC. THE SILT FENCING IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.

3. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, OR GRADING MAY OCCUR BEYOND THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF

DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.

4. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED ADJACENT TO THE WATERCOURSE IN THE AREAS INDICATED ON THE PLAN ENTITLED “ENVIRONMENTAL PLANTING PLAN”, DATED AUGUST 15, 206 AND LAST REVISED SEPTEMBER 12, 2006 BY MATTHEW POPP, ENVIRONMENTAL LAND SOLUTIONS, LLC. THE AREAS WITHIN THE DESIGNATED WETLAND BUFFER 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 WETLAND MITIGATION PLANTING PLAN AS SHOWN ON THE PLAN ENTITLED “ENVIRONMENTAL PLANTING PLAN”, DATED AUGUST 15, 206 AND LAST REVISED SEPTEMBER 12, 2006 BY MATTHEW POPP, ENVIRONMENTAL LAND SOLUTIONS, LLC, SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

6. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN TWO (2) YEARS OF COMMENCEMENT.

7. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED “ENVIRONMENTAL PLANTING PLAN”, DATED AUGUST 15, 206 AND LAST REVISED SEPTEMBER 12, 2006 BY MATTHEW POPP, ENVIRONMENTAL LAND SOLUTIONS, LLC AND THE OTHER SUBMITTED SUPPORTING APPLICATION MATERIALS, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MS. DESTEFANIS SECONDED THE MOTION.

** THE MOTION PASSED WITH FIVE IN FAVOR AND TWO ABSTENTIONS (MR. HANDRINOS AND MS. LLORCA).

d) #S06-259 – 61, 63, and 73 Strawberry Hill Avenue – DT Development Company, LLC – Construction of twenty-nine (29) townhouse residential units adjacent to wetland and watercourse

The commissioners agreed that they were not prepared to vote on a resolution at this meeting. Ms. Destefanis said she wanted to review the engineering report and drainage calculations.

The commissioners said they were surprised at the problems described by the neighboring property owners.

No action was taken on this item.

Ms. Cherichetti asked the commissioners to amend the agenda to include #S06-258.

** MR. CAPUTO MOVED TO ADD #S06-258 TO THE AGENDA.

** MS. LLORCA SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

Ms. Cherichetti explained that the applicant had hired a professional to assist with the information that had been missing when the application was submitted.

Mr. Kuffle discussed the proposed boulder wall, plantings, and mulch for the site.

No action was taken on this item.

MINUTES

a) May 16, 2006 (regulatory meeting)

No action was taken on this item.

b) September 12, 2006

No action was taken on this item.

COMMENTS OF STAFF

a) Minor Permits and Enforcement Actions

There were none.

b) Report of Senior Environmental Officer

Ms. Cherichetti asked commissioners interested in attending the CACIWC conference to give her their registration forms.

COMMENTS OF COMMISSIONERS

There were none.

ADJOURNMENT

** MR. CAPUTO MOVED TO ADJOURN THE MEETING.

** MR. HANDRINOS SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 10:12 PM.

