

NORWALK CONSERVATION COMMISSION MINUTES

SEPTEMBER 28, 2004

ATTENDANCE: Karen Destefanis, Chair; Ed Holowinko (Alt.); Jane Corcillo;

Susan Llorca (6:15 p.m.); Seeley Hubbard; Marny Smith; Matthew Caputo (6:10 p.m.)

STAFF: Alexis Cherichetti; Senior Environmental Officer

OTHER: Don Strait, Architect-Grumman Engineering; Attorney Robert

Genaurio; Attorney Elizabeth Suchy

Ms. Destefanis called the meeting to order at 6:09 p.m. Ms. Cherichetti called the roll.

DISCUSSION/DECISION

a) 10 Peaceful Lane - #S04-187 – Kovach – Corrective action restoration of wetland and watercourse

Ms. Cherichetti said that the public hearing regarding this application was closed at the last meeting. The general consensus of the Conservation Commission was that it would like to see a swale and the wetland and watercourse restored as opposed to the installation of the pipe. Ms. Cherichetti prepared a draft resolution. She said that there is a slight alteration to the proposed restoration plan. Included is the addition of two trees and the relocation of four native shrubs between the proposed swale and the storage shed.

**** MS. SMITH MADE A MOTION THAT APPLICATION #S04-187 – KOVACH – 10 PEACEFUL LANE TO PERFORM CORRECTIVE ACTION OF RESTORATION OF A WETLAND AND WATERCOURSE BE GRANTED TO**

ROBERT KOVACH WITH THE 8 CONDITIONS OUTLINED ON A MEMORANDUM TO THE NORWALK CONSERVATION COMMISSION DATED SEPTEMBER 20, 2004 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER.

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

**** MOTION PASSED 6 TO 0 WITH 1 ABSTENSION, (MR. CAPUTO).**

b) 130 Ponus Avenue- #SO4-194 – Bell – Construction of a new single-family residence adjacent to a wetland and watercourse

Ms. Cherichetti said it was noted at the last meeting that the applicant has not filed an application with the Planning Commission. She said that the applicant stopped by her office today and submitted an extension letter, which extends her deadline to December 14, 2004. Ms. Cherichetti said that she has calls into the Planning and Zoning Commission to see if a decision will be rendered in time for the deadline. If not, Ms. Cherichetti said that she would encourage the applicant to withdraw.

c) 85 Saugatuck Road - #SO4-195 – Fuscaldo – Construction of a new single-family residence with adjacent driveway to the wetlands.

Ms. Cherichetti stated that this application was received at the last meeting. It was noted that the wetland soils on the property do not represent in-situ soils but were likely soils that were deposited as fill in the past. Ms. Cherichetti noted the draft resolution submitted to the Conservation Commission.

**** MS. CORCILLO MADE A MOTION TO APPROVE FUSCALDO – APPLICATION #S04-195 – 85 OLD SAUGATUCK ROAD FOR A NEW SINGLE-**

FAMILY RESIDENCE AND ASSOCIATED DRIVEWAY ADJACENT TO A

WETLAND WITH THE DRAFT RESOLUTION IN A MEMORANDUM SUBMITTED BY ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER DATED SEPTEMBER 20, 2004 TO THE NORWALK CONSERVATION COMMISSION.

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

**** MOTION PASSED UNANIMOUSLY.**

d) 23 Adams Lane - #S04-197 – Couch – Dredging of a pond in and adjacent to a watercourse

Ms. Cherichetti stated that this application was received at the last meeting. She said it was

noted that the applicant is proposing the dredging of a small pond filled in by a small dam. She

said at the last meeting there was discussion as to whether this application warranted a plenary

permit application or whether it should stay a summary permit application. Staff indicated that

the geography of the site lends itself well to a relatively easy dredging operation but it is a dredging operation in a pond. Ms. Cherichetti said that the applicant was present tonight to answer any questions by the Commission.

Ms. Smith asked the applicant how the neighbors would be affected by deepening the pond. Mr. Couch said that the intention is not to deepen the pond but to remove the silt and sediment. Ms. Cherichetti said that there are no long-term impacts for the neighbors. She explained the flow process of the stream. Mr. Couch stated that it takes 5 to 6 hours to fill up the pond.

Ms. Corcillo and Ms. Smith agreed that this application would require a public hearing. Ms. Cherichetti said that a public hearing could be scheduled in a couple of weeks. Mr. Couch said that he did not intend on doing any work until the spring or summer. Ms. Cherichetti stated that any permit issued would be valid for 5 years.

**** MS. SMITH MADE A MOTION THAT THE NORWALK CONSERVATION COMMISSION HOLD A PUBLIC HEARING REGARDING THIS APPLICATION AT THE NEXT REGULAR MEETING.**

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

**** MOTION PASSED UNANIMOUSLY.**

e) 15 Ferris Avenue - #S04-198 – Pat J. Cutrone Builder, LLC – Construction of a new 6-unit dwelling adjacent to a wetland and watercourse

Ms. Cherichetti said that this application was received and tabled at the last meeting. She said the Common Council was meeting to approve the City going out for bids for a contractor to the North Taylor project. She said the rear of this lot abuts the watercourse and wetland system. She said they would be impacted with the approval of a previous Conservation permit. Ms. Cherichetti said that the applicant has asked for a waiver of the application fee. She said that the current drainage plan does not meet the Storm Water Quality Standards for the removal of oil and grit as outlined in her memorandum of September 20, 2004 to the Conservation Commission. She said that in the applicant's details they do indicate Flow Guard grit separators for the catch basins, which would be a condition of approval of this application. She stated that the applicant is present to answer any questions. Ms. Cherichetti said that the fee waiver would include the application review, final inspection. The applicant paid a summary base fee and two activity fees and additional fee per unit for 3, 4, 5 and 6.

Mr. Cutrone stated that the contract was awarded to Randano Corporation for \$167,000.00. Ms. Cherichetti said that the applicant is asking the Commission to have waive a \$270.00 base fee for the summary permit application plus two activity fees (\$300.00 for a new single-family residence) and \$400.00 each for four additional units.

Richard Roina, attorney for the applicant said that their hope is that the Conservation Commission would keep the base fee and allowing a return of the other fees (\$700.00).

Don Strait, Landscape Architect with Grumman Engineering referring to the site plan said that the plan is to install silt fence around the wetland area. He said that there are 6 units with garages underneath. He said there is a catch basin and galleries which would overflow into the wetland area. He said the system is designed to handle the flow and that there are a few retaining walls along the edge of the site to fill in the grade.

Ms. Corcillo noted that the current plan does not meet the City's Storm Water Quality Standards.

Ms. Cherichetti said that this was amended in her introduction. The site plan does not state that the catch basin would be fitted with an insert but on the details inserts are indicated. Mr. Strait said that this was an oversight on the plan.

**** MR. CAPUTO MADE A MOTION TO APPROVE APPLICATION #S04-198 –**

15 FERRIS AVENUE – CUTRONE BUILDER, LLC, CONSTRUCTION OF A

6 UNIT RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE

WITH THE SPECIAL CONDITION TO READ AS FOLLOWS: THE PROPOSED DEVELOPMENT SHALL INCLUDE MEASURES NECESSARY TO MEET OR SURPASS THE CITY OF NORWALK'S STORM WATER QUALITY STANDARDS.

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

**** MOTION PASSED UNANIMOUSLY, 7 TO 0.**

**** MR. CAPUTO MADE A MOTION REGARDING APPLICATION #S0-198 –**

15 FERRIS AVENUE – CUTRONE BUILDER, LLC, CONSTRUCTION OF A

NEW 6 UNIT RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE THAT ANY FEES ABOVE AND BEYOND THE INITIAL BASE FEE OF \$270.00 NOT BE REQUIRED TO BE PAID BY THE APPLICANT AND IF SO PAID, TO BE REFUNDED SO THAT A TOTAL AMOUNT OF \$270.00 WILL BE PAID TO THE CITY OF NORWALK CONSERVATION COMMISSION. ANY AND ALL FEES ABOVE AND BEYOND THAT AMOUNT SHALL BE PAID AND IF THEY ARE PAID THEY SHALL BE REFUNDED DUE TO THE SPECIAL AND UNIQUE CIRCUMSTANCES SURROUNDING THIS APPLICATION CONCERNING THE RELATED WORK TO BE DONE BY THE CITY OF NORWALK CONCERNING THE NORTH TAYLOR AVENUE WORK THAT HAD BEEN VOTED UPON BY THIS COMMISSION LAST JUNE, 2003.

** MS. SMITH SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY, 7 TO 0.

** MR. HUBBARD MADE A MOTION THAT THE CONSERVATION COMMISSION MOVE ON TO RELEASE OF BOND.

** MS. CORCILLO SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

RELEASE OF BOND

a) Volpe – 31 Geneva Road - #S02-120

Ms. Cherichetti said that this was a corrective action permit. She said the applicants had to file in October 2002. She said they filled in and regraded the front yard and agreed to do a restoration planting of shrubs along one side of the watercourse and that this was completed in early 2003. She said that a recent inspection indicates that the shrubs are still alive and being maintained as a natural buffer.

** MS. SMITH MADE A MOTION THAT THE CONSERVATION COMMISSION RELEASE THE BOND FOR APPLICATION #S02-120 – VOLPE –31 GENEVA ROAD.

** MR. CAPUTO SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY, 7 TO 0.

b) Sweeney 29 Burchard Lane #736.S00

Ms. Cherichetti said that she put Mr. Sweeney on the agenda and that he has one more item to complete. She said that she does not recommend release of the bond at this time. It was the consensus of the Commission to table this item.

c) Sautkulis – 20 Prince’s Pine Road - #S02-91

Ms. Cherichetti said that this permit is for the construction of an addition and changing the location of her septic tank adjacent to a wetland and watercourse. She said that this site is on a slope and that the applicant had to do a planting plan between the disturbed area where the new septic tank would be and the wetland line. She said that plants have been in since July of 2002 and the majority looked healthy at her recent inspection. Ms. Cherichetti recommended release of bond.

** MR. CAPUTO MADE A MOTION TO RELEASE THE BOND FOR SAUTKULIS
- 20 PRINCE PINE ROAD - #S02-91.

** MS. CORCILLO SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY, 7 TO 0.

d) Sautkulis – 20 Prince’s Pine Road - #S02-105

Ms. Cherichetti said that the applicants returned in July 2002 to do some additional landscaping adjacent to a wetland. Particularly, they wanted to do some regrading and move two small 1-foot high retaining walls. She said the applicants agreed to plant additional buffer adjacent to the wetland. She said those 12 shrubs are all alive and well.

** MS. CORCILLO MADE A MOTION TO RELEASE THE BOND FOR
SAUTKULIS – 20 PRINCE’S PINE ROAD - #S02-105.

** MR. CAPUTO SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY, 7 TO 0.

e) Larraca – 15 Renzulli Road - #S03-155

Ms. Cherichetti said that Mr. Larraca has not submitted a plan and As-Built survey. She said that

she does not recommend release of the bond yet. It was the consensus of the Commission to

table this bond.

** MS. SMITH MADE A MOTION THAT THE COMMISSION MOVE ON TO
APPROVAL OF THE MINUTES.

** MR. CAPUTO SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

APPROVAL OF MINUTES:

a) July 13, 2004

The following corrections were made:

Page 1, Paragraph 1, Change 15 inches to 15 feet; the date should be August 24th not August 22nd.

Under Attendance, Correct spelling of Ms. Corcillo's name; Correct spelling of Ms. Llorca's name. Correct spelling of Mr. Hubbard's name; Correct spelling of Mr. Canevari's name.

Under Item 1 – Newtown Avenue, Line 5 ...site will require filling...delete the "d".

Under Item 1, Line 6, delete the word "the" before wetlands.

Page 2, Last full line, Paragraph 1, date should be August 24th.

Under Comments of Staff (b), Sentence 1, delete "to deal with emergency situations."; The word "charges" should be "changes".

** MR. CAPUTO MADE A MOTION TO ACCEPT THE MINUTES AS AMENDED.

** MR. HUBBARD SECONDED THE MOTION.

** MOTION PASSED WITH 1 ABSTENSION (MS. SMITH)

PUBLIC HEARING

Ms. Destefanis called the Public Hearing to order at 7:00 p.m.. Ms. Cherichetti called the roll.

Ms. Destefanis explained procedures for the hearing and asked that anyone that would like to speak either in favor of or in opposition to an application sign the sign up sheets for a chance to speak.

a) 2 & 8 Wilson Avenue – 6th Taxing District - #S04-191 – Installation of a 46-space parking lot and associated drainage and landscaping adjacent to a wetland and water-course

Attorney Suchy with the law firm of Tierney, Zullo, Flaherty & Murphy was asked to present a brief overview of the application. Attorney Suchy stated that she is representing the 6th Taxing District. She submitted the green return receipt cards to Ms. Cherichetti sent to the neighbors indicating notification of the hearing.

Attorney Suchy said that the 6th Taxing District is a municipal corporation. She said the 6th Taxing District has long recognized the need for additional parking in Rowayton. She referred to a site plan indicating Lots 18 and 19 in "B" Residence Zone. She said that the District was able to acquire lots 18 and 19 through the Ambler Estate. They are the

subject of this application,. She said that an application is pending before the Zoning Commission to move the zone line to the east so that the Rowayton Village District could encompass a portion of Lot 19. She said that “B” Residence Zones do not allow off-street parking as of right. A public hearing on this matter is scheduled for October 20, 2004. Attorney Suchy discussed alternate plan proposals. She said that by making some adjustments they were able to increase the distance of disturbance from the wetland line from 25 feet to 35 feet.

Mr. Strait, Landscape Architect with Grumman Engineering in Norwalk reviewed the alternative plans to the present plan which included a review of the parking plan on the 6th Taxing District property with an allowed legal access. There is a 90-degree parking arrangement with 15 spaces on the Conroy property. Mr. Strait pointed out that the driveway has been narrowed to 13.8 feet. He said that the current plan has a heavy planting buffer along Wilson Avenue. Mr. Strait discussed the proposed low-level light, curb around the parking lot and catch basins with

Flow Guard inserts. He said that the inserts would have to be maintained and that they would put an equal amount of water back into the wetland.

Mr. Popp, Professional Wetlands Scientist with Environmental Land Solutions said that their firm prepared an environmental assessment for the property. He said that there is ponding in the south half of the wetland and that the eastern side is undisturbed woodland. Mr. Popp referred the Commissioners to photographs of the stonewall. He said that debris would be removed and plantings added in order to ensure that water quality remains unchanged. Mr. Popp said that in his opinion, the project would have no impact on the wetlands.

Ms. Smith asked where the stockpiling material would be. Mr. Strait pointed out a specific area with a silt fence. There was discussion with regard to the amount of parking spaces and the kind of shrubs that would be planted.

Mr. Hubbard asked if the run off from the catch basins would go into the Five-Mile River. Mr. Strait said they did and that all of the catch basins have Flow Guard. He said that the 6th Taxing District would be responsible for maintaining the inserts.

Mr. Holowinko said that he was concerned that people would be creating their own parking space along the barrier. Mr. Strait said that there would be plantings for that wetland buffer area, a curb and low-level lighting.

Ms. Destefanis asked those in favor of this application to come forward to speak.

Ms. Lichtenstein said that this is an important application for the Town of Rowayton.

Mr. Kweskin, Chair of the 6th Taxing District Commission said that there has been a lot of community input. He said that the property was purchased 5 years ago. He said that there have been some 250 people at each meeting on this item with most people voting in

favor. He stated that most of the community members are sensitive to environmental considerations and the need for parking downtown.

Ms. Calina said that this is a well thought out project, it is sensitive to the wetlands and something that Rowayton needs desperately.

Mr. Hatchl stated that he is in favor.

Mr. Meese said that he purchased Robert Eyht's property some years ago. He said that this project has been carefully done but that he is concerned about the final implementation of the plan, in particular, egress from Wilson Avenue and, topographically, the area of plantings being higher or lower than the property is now.

Mr. Conroy, owner of commercial property in the area said that there has been a problem with parking in the area for many years. He said that an ad hoc committee met to determine the need for parking and voted overwhelmingly in favor of this project. He said that this is a great opportunity for commercial businesses and shops.

Mr. Stephens said that he has lived in Rowayton for over 25 years and that this project is long overdue.

Mr. Barbis, President of Rowayton Civic Association, stated that he sponsors activities in the town and wanted to voice his support for the project. He said that he is ready to have it approved.

One resident voiced his concern over the one-way entrance on Wilson Avenue and asked whether it would be policed as well as the wild life that might be affected. Another resident voiced his concern about overburdening the thoroughfare and its relation to the elementary school. Other concerns are the egress on to Route 136 and the effect on the wetlands.

There was further discussion with regard to wild life and the right of way on the Conway property. Attorney Suchy said that a traffic study would be addressed at a Zoning Commission meeting next month. She said that the flow guard system is in place as well as plans to remove debris and precautions have been taken with regard to coastal issues. She said that the project has been a long time in coming and that this has been a community effort to bring it to fruition.

**** MS. CORCILLO MADE A MOTION TO CLOSE THE PUBLIC HEARING.**

**** MR. HUBBARD SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

The public hearing was closed at 8:00 p.m.

Karen Destefanis called the second Public Hearing to order at 8:02. Ms. Cherichetti called the roll.

b) 140 Rowayton Avenue - #S04-196 – 140 Rowayton Avenue, Associates, LLC – Construction of a new multi-family residence and garage, and expansion of parking lot adjacent to a wetland and watercourse

There was discussion regarding the drainage report and site plan.

Mr. Caputo suggested and it was the consensus of the Commission that the public hearing be kept open until the new information and material is submitted with regard to the site plan from Mr. Strait and Mr. Barker so that the record is complete.

c) 12 Allen Road - #S04-199 – Frederick Canevari – Two-lot subdivision of land in and adjacent to adjacent to a wetland and watercourse

Ms. Cherichetti said that there was a public hearing scheduled for this evening but that it has been tabled. She said that it came to her attention that the applicant had not properly noticed the abutting landowners. Ms. Cherichetti stated that statutes require that abutting owners be notified no later than 10 days prior to the hearing. There was discussion with regard to the next hearing date.

Discussion ensued with regard to soil studies that were done on the property. Ms. Smith stated that according to her notes from the last meeting, the Steven's report indicates 97% plus of the lot was wetland soils. Another report stated that 37% were wetland soils. Mr. Canevari said that Mr. Stevens never had a surveyor go out and locate the flags so his estimate is incorrect.

Ms. Cherichetti stated that the estimate is based on the soil sketch submitted in previous applications. She stated that originally this was an application for a subdivision and the applicant asked it to be combined to include site development. Ms. Cherichetti said that she erroneously said that it could be. Following further consideration, the site development portion is hereby withdrawn. She said that the application is now just to subdivide the residence. She said the applicant has submitted various site development plans so that the Commission can assess how a subdivision could occur if a subdivision was granted.

**** MR. CAPUTO MADE A MOTION TO TABLE CONSIDERATION OF THE MINUTES OF JULY 27, 2004 AND SEPTEMBER 14, 2004.**

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

**** MOTION PASSED UNANIMOUSLY.**

COMMENTS OF STAFF

a) Declaratory Permits and Enforcement Actions

Ms. Cherichetti said that three declaratory permits were issued. One for 83 Comstock Hill, the construction of a shed 50 feet from a wetland; another at 7 Overbrook Road for the construction of a shed 15 feet from a watercourse and 5 feet from an approximate wetland boundary on the adjacent property. She said this property is all lawn and the watercourse is a drainage ditch maintained by the Public Works Department. At 190 Scribner Avenue there is a proposed side addition to an existing single-family residence. There is an existing wetland on the abutting property and a stone retaining wall dividing these properties. The addition is approximately 40 feet from the wetland which is also maintained as lawn.

Ms. Cherichetti said that there was one violation issued for 108 Partrick Avenue for the deposition of a small amount of fill in a wetland and watercourse. She said that it is in the midst of being resolved. The applicant has been given until the end of the year to remove the debris from the wetland.

On another note, Ms. Cherichetti said that following a telephone call from Ms. Cagnina, she has requested that the Commission request of the Public Works Committee of the Common Council to consider postponing making a decision on the three road abandonment proposals they are reviewing which will be on October 5th. Ms. Cherichetti gave the Commissioners a brief overview. She said that it is important to consider these as far as the use of City land in relation to the Commission's open space plan. She said that at the next meeting she would have more information so that the Commissioners would be able to go out and look at the locations in order to make comments and a decision.

**** MR. CAPUTO MADE A MOTION THAT THE STAFF BE INSTRUCTED TO SEND A LETTER TO THE DEPARTMENT OF PUBLIC WORKS COMMITTEE OF THE NORWALK COMMON COUNCIL ASKING THEM TO DELAY CONSIDERATION OF THREE ABANDONMENTS, NAMELY, SCRIBNER AVENUE, GRANDVIEW, WINTER STREET BY THE CITY TO BE POSTPONED UNTIL SUCH TIME AS THE NORWALK CONSERVATION COMMISSION HAS HAD SUFFICIENT OPPORTUNITY TO REVIEW SUCH ABANDONMENT PLANS AND TO COMMENT THEREON.**

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

**** MOTION PASSED UNANIMOUSLY.**

Ms. Cherichetti said that at the last meeting of the Commission the majority of the Commission was in favor of going to the Ordinance Committee requesting that they

delay action in the designation of an agency for the Aquifer Protection Agency. She said that she would like to add to the agenda of October 12, 2004, a report from herself regarding the Aquifer Protection regulations. She stated that she has called the Town of New Canaan, the City of Stamford and the Town of Westport. Ms. Cherichetti said that the Ordinance Committee has requested that she or another representative come to the Ordinance Committee meeting the following Tuesday, October 19, 2004 at 7:30 p.m. to find out what the Commission has found from the other towns.

Ms. Cherichetti said that she would have maps available for the Commissioners regarding open space at a later time.

COMMENTS OF COMISSIONERS

None.

ADJOURNMENT

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

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 10:00 p.m.

Respectfully submitted,

Linda L. Custis

Telesco Secretarial Services

