

NORWALK CONSERVATION COMMISSION MINUTES

OCTOBER 8, 2003 SPECIAL MEETING

MINUTES

ATTENDANCE:

Matt Caputo, Marny Smith, Jane Corcillo, Andy Kydes, Ed Holowinko, Beth Ackerman, Ann Cagnina, Larry Losio, Erin Leonard-Acting Sr. Environmental Officer, Attorney David Waters, Joe Breault

Meeting was called to order at 3:05pm.

I. Show Cause Hearing-24 Southwind Drive-#V03-728

It was determined by the Chairman that Beth Ackerman would abstain from voting on this application.

Attorney David Waters represents the property owner, Joe Breault. Mr. Waters informed the Commission his applicant has ceased all activity on the site. Currently there are pilings installed about 55-60ft. deep on site. He questioned the Commission's jurisdiction over this property if the designated wetland's map did not show any wetlands on the property.

Ms. Leonard distributed a letter signed by Mr. Breault from June 20, 2003 stating that soil and wetland scientists found the lot to be about 80% wetlands. Mr. Waters stated his client did not have a soil report and rather had an environmentalist out on site. He stated Mr. Breault made an error in identifying the proper professional who was hired to go on site.

Mr. Waters submitted copies of the zoning approval, building permit, and approved site and house plans to the Commission. He stated that his client has gone through the proper procedure for obtaining a building permit and that this Cease & Desist Order should not have been issued. Mr. Waters also submitted a copy of a Site Evaluation done on October 7, 2003 by Burton R. Laux of Garrison, NY. Mr. Waters stated this included a soil report and that the property does not contain any wetlands.

Ms. Leonard asked whether Mr. Laux had done any soil borings to determine soil type. She noted the report only stated information provided on the Fairfield County Soil Survey. Mr. Waters asked his client whether any tests had been performed. Mr. Breault thought that Mr. Laux had done borings.

At this time, the Commission requested Mr. Waters to ask Mr. Laux, if he is a licensed soil scientist, to properly take test samples of the site and provide the Commission with a soil report and map. Jane Corcillo requested that a soil sample be included from the rear

corner of the lot where there is no site disturbance. Mr. Waters agreed. If Mr. Laux is not a soil scientist, then Mr. Waters would hire someone who is.

Ms. Leonard informed the Commission that they had 10 days to take action on this Cease & Desist Order. The Commission decided to place the item on the agenda for the regular meeting of October 14, 2003. This will allow the property owner to have the soil report and map completed for the Commission.

Andy Kydes motioned to adjourn.

Larry Losio seconded the motion.

All in favor, meeting adjourned at 3:50pm.

