

NORWALK CONSERVATION COMMISSION MINUTES

October 10, 2006

Attendance: Anne Cagnina, Chair; Ed Holowinko; Andy Kydes; Marny Smith; Susan Llorca; D. Seeley Hubbard; Beth Ackerman; Chris Handrinos

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

Others: Denise Halstead, Stearns & Wheler; Richard Jackson

CALL TO ORDER

The meeting was called to order at 6:05 PM.

ROLL CALL

Ms. Cherichetti took the roll.

PERMIT MODIFICATION

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

Ms. Cherichetti said the applicant had contacted her earlier and asked that the item be tabled because he was not able to attend.

No action was taken on this item.

RECEIPT/DISCUSSION

#S06-262 – 32 Morehouse Lane – Stoner Manor, Inc. – Deposition of material along riverbank for slope stabilization in and adjacent to wetlands and watercourse

Ms. Halstead explained that this property had come before the Commission in 1997 for stabilization and in 1987 for dam repair. She explained that the applicant proposed the installation of a geogrid in two areas along the Five Mile River and coir mats in another area. She explained that the geogrids would create lifts in the riverbank without cutting back the slope. She said that 116 cubic yards of fill would be used.

Ms. Cagnina asked how far the geogrids would extend into the river. Ms. Halstead said they would be approximately four feet beyond the bank.

Ms. Smith asked if willows and dogwoods would be able to thrive in the geogrid areas. Ms. Halstead said that substitutions could be made if the area was too shady.

Ms. Halstead explained that the coir mats were expected to last about ten years, and that they would decompose over time.

Ms. Cherichetti asked if there would be any excavation. Ms. Halstead said it would be minimal, up to 1.5 cubic feet.

**** MS. ACKERMAN MOVED TO DESIGNATE THE APPLICATION AS A SIGNIFICANT REGULATED ACTIVITY AND SCHEDULE A PUBLIC HEARING FOR OCTOBER 24, 2006.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

DISCUSSION/DECISION

a) #S06-258 – 60 Crooked Trail – Sequenzia – Corrective action landscaping and construction in and adjacent to wetland

Ms. Cherichetti said the last plan submitted by the applicant had all the information requested by the Commission.

Ms. Cagnina asked if there was enough information to ensure compliance. Ms. Cherichetti said there was.

**** MS. SMITH MOVED THAT WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED; AND WHEREAS, THE PROPOSED ACTIVITIES WILL NOT INVOLVE REGULATED ACTIVITY INVOLVING ANY SIGNIFICANT IMPACT TO A WETLAND OR WATERCOURSE; AND WHEREAS, THE PROPOSED ACTIVITIES, INCLUDING THE PROPOSED RESTORATION OF THE PREVIOUSLY DISTURBED UPLAND REVIEW AREA, ARE NOT LIKELY TO CAUSE NEGATIVE IMPACT TO THE WETLAND OR ADJACENT WATERCOURSE, NOW THEREFORE BE IT RESOLVED: THAT CONSERVATION APPLICATION #S06-258, TO PERFORM CORRECTIVE ACTION RESTORATION ADJACENT TO A WETLAND AND WATERCOURSE AND TO CONSTRUCT A REAR DECK AND ADDITIONS ADJACENT TO A WETLAND AND WATERCOURSE BE GRANTED TO JOE SEQUENZIA AND KELLY COVENY FOR PROPERTY AT 60 CROOKED TRAIL, NORWALK, CT, [DISTRICT 6, BLOCK 13, TAX LOT 50] WITH THE FOLLOWING CONDITIONS:**

1. A \$ 2,500.00 PERFORMANCE BOND IS TO BE POSTED IMMEDIATELY, PRIOR TO COMMENCEMENT OF ANY NEW ON-SITE 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. 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.

3. THE WETLAND RESTORATION PLANTING, SITE STABILIZATION AND GRADING AS DETAILED IN THE PLAN ENTITLED, "WETLAND MITIGATION PLAN", DATED SEPTEMBER 1, 2006 BY WESLEY STOUT ASSOCIATES, SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF ISSUANCE OF THIS PERMIT.

4. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL CONSTRUCTION PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN ONE (1) YEAR OF COMMENCEMENT OF CONSTRUCTION WORK.

5. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, INCLUDING THE PLAN ENTITLED "WETLAND MITIGATION PLAN", DATED SEPTEMBER 1, 2006 BY WESLEY STOUT ASSOCIATES WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MS. ACKERMAN SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

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

Ms. Cagnina said she would not be voting on this application.

Ms. Cherichetti reviewed the comments made at the public hearing. Ms. Ackerman asked about the possibility of including primary stormwater treatment in the project. Ms. Cherichetti said the site was probably too small for effective primary treatment.

There was a brief discussion of the drainage issues raised at the public hearing. It was agreed that the problems fell outside the Commission's regulatory purview, but were something they should be aware of.

** MS. SMITH MOVED THAT

WHEREAS, THE CONSERVATION COMMISSION CONDUCTED A DULY NOTICED PUBLIC HEARING ON SEPTEMBER 26, 2006; AND WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE COMMENTS RECEIVED AT THE PUBLIC HEARING; AND WHEREAS, THE PROPOSED ACTIVITIES ARE GREATER THAN ONE HUNDRED (100) FEET FROM THE ADJACENT POND; AND WHEREAS, THE ACTIVITIES AS PROPOSED WILL RESULT IN A NET REDUCTION OF STORMWATER COMING OFF THE SITE, AND WHEREAS, THE CONSERVATION COMMISSION FINDS THAT THE IMPACTS OF THE PROPOSED DEVELOPMENT, AS CONDITIONED BELOW, WILL NOT CAUSE SIGNIFICANT ENVIRONMENTAL IMPACTS ON THE ADJACENT INLAND WETLANDS AND WATERCOURSE; NOW THEREFORE BE IT RESOLVED: THAT CONSERVATION APPLICATION #S06-259, TO CONSTRUCT A 29 TOWNHOUSE RESIDENTIAL UNITS WITH ASSOCIATED GRADING AND STORMWATER DRAINAGE SYSTEM ADJACENT TO A WATERCOURSE BE GRANTED TO DT DEVELOPMENT COMPANY, LLC FOR PROPERTY AT STRAWBERRY HILL AVENUE, NORWALK, CT, [DISTRICT 3, BLOCK 1, TAX LOT AND BLOCK 13, TAX LOTS 107 & 110] WITH THE FOLLOWING CONDITIONS:

1. A \$ 8,000.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. 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 THE COMMENCEMENT OF ANY SITE WORK, A DETAILED CONSTRUCTION SEQUENCE AND TIMELINE SHALL BE SUBMITTED TO, AND APPROVED BY, THE CONSERVATION STAFF.
3. SILT FENCE SHALL BE INSTALLED IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED "PROPOSED CONDOMINIUM; GRADING & DRAINAGE PLAN; EROSION & SEDIMENT CONTROL PLAN; SHEETS 1-4", DATED JULY 5, 2006 AND LAST REVISE JULY 24, 2006 BY DEAN MARTIN, GRUMMAN ENGINEERING LLC. SILT FENCING ADJACENT TO THE SOUTHWESTERN PROPERTY CORNER SHALL BE FORTIFIED WITH STAKED HAY BALES. THE SILT FENCING AND HAY BALES ARE 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. ALL NEW AND EXISTING CATCH BASINS ON THE SITE, MUST BE FITTED WITH A PROPERLY SIZED INSERT FILTER DEVICE. THE INSERTS MUST HAVE AN INSERT MEDIUM IS ABLE TO PROVIDE DOCUMENTED REMOVAL OF ORGANICS (INCLUDING HYDROCARBONS) AND METALS FROM STORMWATER.

6. PRIOR TO THE COMMENCEMENT OF ON-SITE ACTIVITY, THE APPLICANT SHALL DEVELOP AND SUBMIT A STORMWATER MAINTENANCE PLAN TO THE CONSERVATION OFFICE FOR REVIEW AND APPROVAL. THE PLAN MUST INCLUDE A DETAILED ACTION PLAN AND SCHEDULE FOR THE INSPECTION, CLEANING, REPLACEMENT AND GENERAL MAINTENANCE OF THE CATCH BASINS, CATCH BASIN INSERTS, UNDERGROUND GALLERIES AND LEVEL SPREADERS ON THE PROPERTY. THE ABOVE DETAILED PLAN AND SCHEDULE MUST MEET OR EXCEED THE RECOMMENDED SCHEDULE OF MAINTENANCE RECOMMENDED BY MANUFACTURER OF EACH DEVICE. THE OWNER OF THE COMMON ELEMENTS, OR ASSOCIATION, SHALL CAUSE TO HAVE PROMPT SERVICE AND MAINTENANCE PERFORMED TO THE STORMWATER TREATMENT DEVICES ON THE PROPERTY IN THE MANNER AND FREQUENCY DETAILED IN THE APPROVED STORMWATER MAINTENANCE PLAN AND PROVIDE DOCUMENTATION, UPON REQUEST OF THE CONSERVATION OFFICE, OF THE COMPLIANCE WITH, AND COMPLETION OF, THE PROTOCOLS DETAILED IN THE STORMWATER MAINTENANCE PLAN FOR EACH CALENDAR YEAR.

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

8. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED "PROPOSED CONDOMINIUM; GRADING & DRAINAGE PLAN; EROSION & SEDIMENT CONTROL PLAN; SHEETS 1-4", DATED JULY 5, 2006 AND LAST REVISE JULY 24, 2006 BY DEAN MARTIN, GRUMMAN ENGINEERING LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MR. HANDRINOS SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

c) #S06-260 – 252 Fallow Street – Sacco – Construction of driveway and stream crossing in and adjacent to wetland and watercourse

Ms. Cherichetti said the applicant had withdrawn this application.

No action was taken on this item.

d) #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 that the applicant had provided a wider, more defined wetland buffer as requested by the Commission.

**** MS. ACKERMAN MOVED THAT
WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY
CONSIDERED ALL THE INFORMATION SUBMITTED; AND
WHEREAS, THE PROPOSED ACTIVITIES WILL NOT INVOLVE REGULATED
ACTIVITY INVOLVING ANY SIGNIFICANT IMPACT TO A WETLAND OR
WATERCOURSE; AND
WHEREAS, THE PROPOSED ACTIVITIES, INCLUDING THE PROPOSED
MITIGATION PLANTING PLAN, WILL RESULT IN A NET POSITIVE IMPACT
ON THE WATERCOURSE,
NOW THEREFORE BE IT RESOLVED:
THAT CONSERVATION APPLICATION #S06-261, TO DEMOLISH THE EXISTING
RESIDENCE AND CONSTRUCT A NEW RESIDENCE ADJACENT TO A
WETLAND AND WATERCOURSE BE GRANTED TO RICHARD JACKSON FOR
PROPERTY AT 78 CROOKED TRAIL, NORWALK, CT, [DISTRICT 6, BLOCK 32B,
TAX LOT 51] WITH THE FOLLOWING CONDITIONS:**

9. A \$ 2,700.00 PERFORMANCE BOND IS TO BE POSTED IMMEDIATELY, PRIOR TO COMMENCEMENT OF ANY NEW ON-SITE 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.

10. 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.

11. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED ADJACENT TO THE POND ALONG THE SOUTHERN END OF THE POND. THE DESIGNATED BUFFER SHALL EXTEND TWENTY (20) FEET FROM THE EDGE OF THE POND. THE DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ENHANCED WITH THE PLANTING PLAN DESCRIBED ON THE SKETCH AND PLAN FROM DUNCAN'S GARDENING & LANDSCAPING, INC., DATE RECEIVED OCTOBER 3, 2006. THE AREA 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.

12. THE WETLAND MITIGATION PLANTING PLAN, AS DESCRIBED ABOVE, SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

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

14. ANY CHANGE TO THE OVERALL PLAN WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MS. SMITH SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

BOND RELEASE

a) #702.P99 – 560 Main Avenue – Hilton Garden Inn – Construction of a hotel, with associated stormwater system, in and adjacent to wetland and watercourse

Ms. Cherichetti said this application had involved the relocation of a watercourse and construction of a detention pond. She said the required plantings appeared successful. Ms. Cherichetti also explained that the permit had required ongoing environmental monitoring, which had not been completed, but said that the applicant had complied with the intent of the requirement. She recommended releasing the bond.

** MS. CAGNINA MOVED TO RELEASE THE BOND.

** MS. SMITH SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

b) #S02-111 – 62 West Norwalk Road – Maidique – Construction of a new single-family residence adjacent to wetland and watercourse

Ms. Cherichetti said 65% of the required shrubs had survived. She said the site was still under construction, but was stabilized.

** MS. SMITH MOVED TO RELEASE A PORTION OF THE BOND AND MAKE THE REMAINDER ELIGIBLE FOR RELEASE AFTER ADDITIONAL SHRUBS WERE PLANTED.

** MS. CAGNINA SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

c) #S04-205 – 22 Granite Drive – Blair – Construction of an addition adjacent to wetland and watercourse

Ms. Cherichetti asked the Commission to table this item.

No action was taken on this item.

d) #S03-161 – 48 Carter Street – 46 Carter Street, LLC – Construction of a new single-family residence adjacent to wetland

Ms. Cherichetti explained that the applicant had received a permit for construction of a single-family residence, and had later received a Notice of Violation that required additional plantings. She said that approximately 80% of the original plants and 90% of the violation plants had survived.

** MS. CAGNINA MOVED TO RELEASE THE BOND.

** MS. SMITH SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

e) #S03-161v – 48 Carter Street – 46 Carter Street, LLC – Corrective action landscaping in and adjacent to wetland

** MS. ACKERMAN MOVED TO RELEASE THE BOND.

** MS. SMITH SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

MINUTES

a) May 16, 2006 (regulatory meeting)

No action was taken on this item.

b) September 12, 2006

** MS. SMITH MOVED TO APPROVE THE CORRECTED MINUTES.

** MS. CAGNINA SECONDED THE MOTION.

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

c) September 26, 2006

** MS. SMITH MOVED TO APPROVE THE CORRECTED MINUTES.

** MS. ACKERMAN SECONDED THE MOTION.

** THE MOTION PASSED WITH SIX IN FAVOR AND TWO ABSTENTIONS (MR. KYDES AND MS. CAGNINA).

COMMENTS OF STAFF

Ms. Cherichetti asked the commissioners if they were interested in writing a letter to thank Erin Leonard for serving as the Acting Senior Environmental Officer. Ms. Cagnina agreed to draft the letter.

There was a brief discussion of the upcoming non-regulatory meeting.

COMMENTS OF COMMISSIONERS

ADJOURNMENT

** MR. KYDES MADE A MOTION TO ADJOURN.

** MS. CAGNINA SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 7:25 PM.