

NORWALK CONSERVATION COMMISSION MINUTES

OCTOBER 11, 2005

ATTENDANCE: Anne Cagnina, Chairwoman; Susan Llorca; Ed Holowinko; Marny Smith; Matt Caputo (5:40 p.m.); K. Destefanis (5:45 p.m.); Andrew Kydes (5:55 p.m.)

STAFF: Alexis Cherichetti, Sr. Environmental Officer

OTHER: Donald Strait, Grumman Engineering LLC; Christie Coon, Wetland Resources LLC

CALL TO ORDER

Chairwoman Cagnina called the meeting to order at 5:35 p.m.

ROLL CALL

Ms. Cherichetti read the roll call.

RECEIPT/DISCUSSION

a) #S05-233 – 4 May Drive – Davidson – Corrective action clearing, filling, and construction of deck in and adjacent to a wetland and watercourse.

Ms. Cherichetti explained that the homeowner, Ms. Davidson, was present, along with her agent, Ms. Christie Coon, of Wetland Resources LLC. Ms. Cherichetti said that the applicant is proposing to restore the previously disturbed wetland area. The restoration includes a variety of wetland plants, with about 33 trees and 75 shrubs within the wetland area, and an additional 14 shrubs just outside the wetland area. The applicant is proposing to move a stone wall just outside of the wetland line, and parallel to the wetland line. Ms. Smith commented that it was a nice planting plan. The Commission will vote on this at the next meeting in October.

Mr. Caputo arrived at 5:40 p.m.

PERMIT MODIFICATION

a) #S03-160A – 310 Ely Avenue – 310 Ely Avenue LLC – Modification of permit to allow alteration of location of retaining wall (the limit of development) and a reduction of units in and adjacent to a wetland and watercourse.

Ms. Cherichetti said this application had been approved in late 2003, and the applicant is proposing a small modification due to their unsuccessful application for a variety of variances. They are now returning with two less units (8) from the original 10 units, and

therefore a reduction in parking. Mr. Don Strait, Grumman Engineering, LLC explained the retaining wall proposal.

Ms. DeStefanis arrived at 5:45 p.m.

He said the entire scope of the building had been scaled down. The approved plan showed the wall a distance of 17 feet from the wetland, and now it is 24 feet from the wetland. The rest of the plan is identical as to when it was originally submitted.

**** MR. CAPUTO MOVED TO APPROVE WITH CONDITIONS #S03-160A, 310 ELY AVENUE FOR MODIFICATION OF PERMIT TO ALLOW ALTERATION OF LOCATION OF RETAINING WALL (THE LIMIT OF DEVELOPMENT) AS WELL AS THE NUMBER OF UNITS AND LOCATION OF PARKING AND LAWN AREAS IN AND ADJACENT TO A WETLAND AND WATERCOURSE. ** MS. SMITH SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

**** MS. SMITH MOVED TO SUSPEND RULES TO MOVE TO THE DISCUSSION/DECISION ITEMS ON THE AGENDA, FOLLOWED BY THE PUBLIC HEARING AT 7:00 P.M.**

**** MR. HOLOWINKO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

DISCUSSION/DECISION

a) #S05-223 – MLK Drive – Cutrone Builder LLC – Construction of a non-residential structure and associated parking, stormwater drainage and wetland mitigation, in and adjacent to a wetland.

Ms. Cherichetti said that the hearing had closed at their last meeting of September 27, and there was no public comment. She created a preliminary draft resolution. The conditions are outlined in bold on the preliminary draft resolution. This is a created wetland and it should be held for four years in order to be viable. The performance bond is usually held for two full growing seasons, and she asked the Commission if it should be held for four years. Ms. Cherichetti explained that the homeowner usually writes a check for the cash bond, and it goes to a special account. There was some discussion of the planting of cherry trees, and if they are suitable for wetland planting. There was some concern about the location of the dumpster and its proximity to the wetland. The dumpster does have its own 6' stockade fence surrounding it.

Mr. Kydes arrived at 5:55 p.m.

**** MS. CAGNINA MOVED TO APPROVE #SO5-223, MLK DRIVE, CUTRONE BUILDER LLC, WITH THE 12 CONDITIONS STATED IN THE MEMORANDUM DATED SEPTEMBER 29, 2005 TO THE NORWALK CONSERVATION COMMISSION FROM MS. CHERICHETTI WITH CONDITION 1 READING "THE**

PORTION OF THE BOND HELD FOR PLANTINGS SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING FOUR FULL GROWING SEASONS AFTER THE PLAN HAS BEEN FULLY IMPLEMENTED.”

** MR. CAPUTO SECONDED.

** MOTION PASSED WITH SIX (6) VOTES IN FAVOR (CAGNINA, CAPUTO, DESTEFANIS, KYDES, LLORCA, SMITH) AND ONE (1) OPPOSED (HOLOWINKO).

b) #S05-229 – Strathmore Lane – Strathmore Lane Condominium Association – Installation of drainage system, with associated grading and discharge, adjacent to a wetland and watercourse.

Ms. DeStefanis said that she thought the Public Hearing scheduled for tonight was regarding Silvermine, not the Strathmore Lane Condominiums. The Commissioners can't vote on this until after the Public Hearing is held. Ms. Cherichetti explained that the applicant had sent out the letter of notice as required, but the legal notice in the newspaper didn't get published. Without that notice, the Public Hearing could not be held. The applicant has submitted a letter of extension, which grants an additional 30 days. The Public Hearing is scheduled for the next meeting, October 25, 2005.

c) #S05-230 - 40 Kettle Road – Rojo – Construction of a rear addition adjacent to a wetland and watercourse.

Ms. Cherichetti said that the soil scientist had discussed this application at the last meeting. The applicant does have a significant amount of wetlands. She had visited the property, and she recommended that the applicant hire a soil scientist.

** MS. SMITH MOVED TO APPROVE #S05-230, 40 KETTLE ROAD, ROJO, TO CONSTRUCT A REAR ADDITION AND DECK TO EXISTING SINGLE FAMILY RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE, WITH THE 7 SPECIAL CONDITIONS STATED IN THE MEMORANDUM DATED OCTOBER 3, 2005 TO THE NORWALK CONSERVATION COMMISSION FROM MS. CHERICHETTI.

** MS. CAGNINA SECONDED

** MOTION PASSED WITH SIX (6) VOTES IN FAVOR (CAGNINA, CAPUTO, DESTEFANIS, HOLOWINKO, LLORCA, SMITH) AND ONE (1) ABSTENTION (KYDES).

d) #S05-231 – 34B Bayne Street – Lovell – Construction of a side garage addition, side addition and decks adjacent to a wetland and watercourse.

Ms. DeStefanis asked if anyone saw the need for a soil scientist to go to the property. The Commissioners didn't feel that there were significant wetlands adjacent to the property. It was hard to determine because the wood chips were placed in such a way that they sloped down the hill. It was agreed that there was no need for a soil scientist to go to the property. The homeowner is proposing a dog run area near the slope. The Commissioners

said they need to have the applicant provide the dimensions of the dog run, and they need to have the homeowner put in a fence to keep the wood chips in place. They don't want runoff to occur from the dog run. Ms. Cherichetti suggested that they add a buffer in the area. Ms. Cagnina felt that they need more detail. The bump out additions didn't pose a concern. Ms. Cherichetti said she will contact the homeowner to get the dimensions of the dog run, a fence for the dog run, wood chips, and a buffer between the dog run and the watercourse.

e) #S05-232 – 129-131 East Rocks & 10 Brookhill Road – Stone Ridge Builders, LLC – Three (3) lot subdivision of land in and adjacent to a wetland and watercourse.

Ms. Cherichetti explained the history regarding this application, and she said that the developer is proposing another plan. Ms. Smith said that the property is extremely cliff-like and it is a major concern.

Ms. Smith left the meeting at 6:40 p.m.

Mr. Kydes said that Mr. St. John had passed away on Saturday. He had been a Commissioner and Chairman of the Conservation Commission.

ENFORCEMENT ACTIONS

a) 10 Birchside Drive – Larusso – Performing regulated activities, including clearing, deposition and filling in and adjacent to a wetland and watercourse.

Ms. Cherichetti said that they were issued directives from the last meeting, and she had not heard from them as of this meeting. The staff would recommend cease and desist orders to the homeowner.

The Commission is required to have a show cause hearing within the next 10 days, which can be scheduled for the meeting on 10/18 or 10/25.

b) 390 Flax Hill Road – Carlo – Performing regulated activities, including clearing, deposition and grading in and adjacent to a wetland and watercourse.

Ms. Cherichetti said that they were issued directives from the last meeting, and she had not heard from them as of this meeting. The staff would recommend cease and desist orders to the homeowner.

RELEASE OF BOND

a) #S02-126 – Cottonwood Chase/Newtown Avenue – Kerschner Development Co. – Release of bond for construction of Conservation Development and associated landscaping, stormwater drainage, and sedimentation & erosion controls in and adjacent to a wetland and watercourse.

Ms. Cherichetti suggested that this be tabled.

MINUTES

a) August 23, 2005

The corrections to the minutes of August 23, 2005 are as follows:

On page 3, in the motion, it should read plenary.

On page 5, under Public Hearing, it should read Attorney Sauchens.

On page 13, it should read Heron Road.

**** MR. CAPUTO MOVED TO APPROVE MINUTES OF AUGUST 23, 2005 AS AMENDED.**

**** MS. DESTEFANIS SECONDED.**

**** MOTION PASSED WITH FOUR (4) VOTES IN FAVOR (CAPUTO, DESTEFANIS, HOLOWINKO, LLORCA) AND TWO (2) ABSTENTIONS (KYDES, CAGNINA).**

b) September 30, 2005

The corrections to the minutes of September 30, 2005 are as follows:

On page 2, under Public Hearing, 4th paragraph, it should read Mr. Fred J. Canevari.

**** MR. CAPUTO MOVED TO APPROVE THE MINUTES OF SEPTEMBER 30, 2005 AS AMENDED.**

**** MS. CAGNINA SECONDED.**

**** MOTION PASSED WITH FIVE (5) VOTES IN FAVOR (CAGNINA, CAPUTO, DESTEFANIS, HOLOWINKO, LLORCA) AND ONE (1) ABSTENTION (KYDES).**

PUBLIC HEARING

b) #S05-229 – Strathmore Lane – Strathmore Lane Condominium Association – Installation of drainage system, with associated grading and discharge, adjacent to a wetland and watercourse.

There was some miscommunication regarding the public hearing, so this is rescheduled for October 25, 2005.

COMMENTS OF STAFF

a) Declaratory Permits and other Enforcement Actions.

Ms. Cherichetti said that she issued one declaratory permit.

b) Report of Senior Environmental Officer

The Silvermine Restoration project was recently completed, and a ribbon cutting ceremony was held. Several speakers were present, and an article appeared in the Connecticut section of the New York Times this past Sunday.

Ms. Cherichetti asked the Commissioners about next year's schedule, especially in November. Mr. Caputo remembered that if two meetings are scheduled for the same month, one is usually cancelled. Ms. Cherichetti said that July and August had some cancellations. Ms. DeStefanis suggested that they don't drop any of the meetings. It was suggested that they have a meeting in November and in December. Some discussion centered around the middle meeting. It is not in the budget, and they have been sparsely attended. Mr. Caputo felt that it was better off to cancel them completely, and hold them if necessary.

COMMENTS OF COMMISSIONERS

a) Open Space Inventory review and discussion

Ms. Cherichetti said she would like to finish the Open Space inventory project within the next four months.

Upcoming meetings: October 18, 2005 (non-regulatory) and October 25, 2005 (permit review).

ADJOURNMENT

** MR. CAPUTO MOVED TO ADJOURN.

** MS. CAGNINA SECONDED.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 7:25 p.m.

Respectfully submitted,

Carolyn Marr
Telesco Secretarial Services