

**NORWALK CONSERVATION COMMISSION MINUTES**

OCTOBER 12, 2004

ATTENDANCE: Karen Destefanis, Chair; Andrew Kydes; Marny Smith; Anne Cagnina; Beth Ackerman, Alternate; Jane Corcillo; Matthew Caputo (arrived at 6:15 p.m.); D. Seeley Hubbard (arrived at 6:20 p.m.)

STAFF: Alexis Cherichetti, Senior Environmental Officer.

OTHERS: Walter Mattera; Michael Stein; Don Strait, Landscape Architect, Grumman Engineering, Inc.

Chair Destefanis called the meeting to order at 6:10 p.m.

RECEIPT/DISCUSSION

59 Marlin Drive - #S04-200 – 59 Marlin Drive LLC: Construction of a New Single-Family Residence Adjacent to a Wetland and Watercourse

Ms. Cherichetti briefly explained the application, which if approved would allow the demolition of a deteriorated older house and construction of a new one. She said that the house is in excess of 42 feet from the wetland line; the foundation is approximately 50 feet from the wetland. Construction would not be within the limit of disturbance. She said the foundation of the new structure is shown on the application to be over the foundation of the existing structure and be approximately 1.5 feet larger. She said that the plantings proposed are acceptable. The parcel is flat. The existing fence would be kept.

Mr. Mattera, owner of the property and manager of the LLC, said that new pilings would be installed. He said that the foundation of the existing structure would be demolished, along with the house. There would be no foundation, only a crawl space foundation 40 inches down. There would be 48 feet from the pilings to the top of bedrock. Ms. Cherichetti said that the water table would be at approximately the same level. It would not shift due to the 24 inches of fill. Because of the depth at which Mr. Mattera would place the pilings, the house would be stable.

Ms. Cagnina asked if one row of plantings would be sufficient. Ms. Cherichetti said that they would need to be at least 2 feet high and could be any native shrub variety. Ms. Cagnina said that she did not feel one row was enough, and asked that the distance be deeper, i.e. 6 feet. Mr. Mattera said that the blacktop driveway there now would remain.

3 Indian Spring Road - #S04-201 – 3 Indian Spring LLC: Construction of a New Single-Family Residence Adjacent to a Wetland and Watercourse

Ms. Cherichetti said this application would be for construction on a lot that does not currently exist. The applicant is proposing a free split of land called a free cut. An

existing house straddles two lots, and in order for the new construction to take place, the house would need to be demolished and the two lots split. The grading plan would remain the same. Ms. Cherichetti said that there is a small brook on the property and a partial wetland. A silt fence extends to the wetland line. The existing driveway would be used but made wider.

Ms. Cagnina asked about the existing drain pipe coming off the garage. Mr. Stein said that this would have to be resolved; the pipe would probably be extended. He said that the pipe is hidden and he is not sure where it is since it was put there when the house was built. He said that it does not belong on this property. Ms. Cherichetti said that Zoning has signed off on the plan. She said the soil scientist said the soil does not qualify as wetland or watercourse or even an intermittent watercourse.

Mr. Stein asked what the timing on approval would be. Chair Destefanis said that the Commission had 65 days from tonight's meeting to make its decision.

#### DISCUSSION/DECISION

2 & 8 Wilson Avenue - #S04-191-6th Taxing District: Installation of a Parking Lot and Associated Drainage and Landscaping Adjacent to a Wetland and Watercourse

Ms. Cagnina recused herself from discussion of this item.

Chair Destefanis said that this item was discussed previously; Ms. Cherichetti said that the public hearing was closed and most public comments supported the proposal. She said that there was a resolution for approval.

**\*\* MR. CAPUTO MOVED TO GRANT APPROVAL FOR APPLICATION #S04-191 SUBJECT TO SPECIAL CONDITIONS NUMBERED 1-6 AS SET FORTH IN MEMORANDUM DATED OCTOBER 1, 2004 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER, TO THE NORWALK CONSERVATION COMMISSION.**

**\*\* MR. KYDES SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY, COMMISSIONER CAGNINA WAS RECUSED.**

2 Four Winds Lane - #S04-193 – Colangelo: Construction of a New Single Family Residence Adjacent to a Wetland and Watercourse

Ms. Cherichetti said that this application was heard by the Commission at its September 14th meeting, and questions and concerns were raised about the proximity of the house to the proposed buffer area, as well as the livability of the development. She said that the applicant submitted new plans ... the number of bedrooms was reduced from five to four and this changed the dimension of the house. The majority of the foundation (house and

retaining wall) would be built 25 feet from the proposed limit of disturbance line. She said that staff recommends approval with conditions.

MR. KYDES MOVED TO GRANT APPROVAL FOR APPLICATION #S04-193 SUBJECT TO SPECIAL CONDITIONS NUMBERED 1-14 AS SET FORTH IN MEMORANDUM DATED OCTOBER 6, 2004 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER, TO THE NORWALK CONSERVATION COMMISSION.

MR. CAPUTO SECONDED THE MOTION.

Ms. Cagnina stressed the importance of No. 10 of the conditions. The area should not be maintained as a lawn.

MR. KYDES MOVED TO AMEND HIS PREVIOUS MOTION TO INCLUDE THAT CONDITION NO. 10 SHOULD STATE THAT THE AREA CANNOT BE MAINTAINED AS A LAWN.

MS. CAGNINA SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

23 Adams Lane - #S04-197 – Couch: Dredging of a Pool in and Adjacent to a Watercourse

Ms. Cherichetti said that at the Commission's last meeting they determined that a public hearing was not needed, but since then she has not heard from Mr. Couch but would continue to try to reach him since there is no hurry to meet a deadline. She said that she would include this item on next month's agenda.

MS. CORCILLO MOVED TO SUSPEND THE RULES TO ALLOW AGENDA ITEMS TO BE DISCUSSED OUT OF ORDER.

MS. SMITH SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

RELEASE OF BOND

#S01-63: 51 PURDY ROAD EAST – Sabato; Construction of a Garage Adjacent to a Wetland

Ms. Cherichetti said that this application for construction of a garage was granted in 2001 with the condition that five Dogwood trees be planted. She said that upon inspection they were found thriving and Staff recommended release of the bond.

MS. SMITH MOVED TO RELEASE THE BOND ON APPLICATION #S01-63.

MS. CORCILLO SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

#746-S00 – 14 INDIAN SPRING ROAD – Klein; Construction of an Addition and Associated Landscaping Adjacent to a Wetland and Watercourse

Ms. Cherichetti said that approval was granted to the applicant to construct a garage; the work was completed in 2001. She said that plantings have survived and the natural area that needed to be established was. She said that the applicant is doing additional construction on the garage but it does not require a permit because wetlands are not involved. She said that Staff recommended a release of the bond.

MS. CORCILLO MOVED TO RELEASE THE BOND ON APPLICATION #746-S00.

MS. ACKERMAN SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

MINUTES

July 27, 2004

The following corrections were made:

Page 1, and throughout the minutes as necessary, correct the spelling of Cherichetti. Also, include Chair Destefanis and Jane Corcillo in Attendance. In the second to last paragraph, Mr. Strait said that the “planting” plan not the “planning” plan should be modified.

Page 2, amend to state that the public hearing must be held on or before the September 14th meeting.

Page 4, correct the spelling of “Corcillo.”

Page 5, in the last line mentioning Mr. John Anderson, change the word “grated” to “graded.”

Page 7, amend to read “Department of Environmental Protection”; also in the third sentence, remove the words “when they dig the area.” In the last sentence, change the word “culver” to “culvert.” At the end, amend to “Hubbard.”

Page 8, near the bottom, change the word “loose” to “lose.”

MS. CORCILLO MOVED TO APPROVE THE MINUTES OF JULY 27, 2004 AS AMENDED.

MS. SMITH SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY WITH ONE ABSTENTION (MS. ACKERMAN).

September 14, 2004

Page 1, in Attendance, add Karen Destefanis, Jane Corcillo, Andrew Kydes as being present. Correct Susan Llorca's name; correct Attorney Genuario's name.

Page 1 under Receipt/Discussion, paragraph A at the bottom, add "officially exist yet"

Page 2 under paragraph C, change "just north" to "just south." In the third paragraph, amend to state that it was the Sixth Taxing District that acquired the property, not the applicant.

Page 3, first paragraph, third line, remove the word "and"; put a comma after the word "remain". At the bottom of the page, last sentence, sentence should read "service the storm drains on the property", not "service the water on the property."

Page 4 at the bottom of the page, should read "construction contract or North Taylor Avenue, as presented by DPW."

Page 5, second to last paragraph, should state that a pipe had apparently been installed in 1953 and the pipe he brought in earlier this year had cost \$4,200.

Page 6, middle paragraph, should state that he is repairing ... serviced by City water and sewer services.

Page 8, third paragraph, change "draining the well" to "draining the wetlands"

Page 10, at the top under Release of Bond B., change "Ellis" to "Ells"

MS. SMITH MOVED TO APPROVE THE MINUTES OF SEPTEMBER 14, 2004 AS AMENDED.

MS. CORCILLO SECONDED THE MOTION.

MOTION PASSED WITH ONE ABSTENTION (MR. CAPUTO).

#### PUBLIC HEARINGS

Chair Destefanis called the Public Hearing to order at 7:00 p.m. and explained the procedures for the hearing. She asked that anyone interested in speaking either in favor of or against an application to sign the sign-up sheets. Ms. Cherichetti called the roll.

461 Newtown Avenue - #S04-189 – Pugliese: New Single Family Dwelling In and Adjacent to Wetland

Ms. Cherichetti said that a public hearing was held on this item on July 27th, and four people from the public spoke. She said that the commissioners asked questions which she put into a letter and sent to the applicant. She said that the applicant requested additional time and asked that the public hearing be tabled until now. It must close tonight unless the applicant requests another extension.

Mr. Strait, landscape architect, said that the applicant was not present, and explained changes made to the original site plan. Ms. Cherichetti said that none of the information requested in her letter to the applicant relating to points #1, #3 or #4 has been submitted.

Ms. Cagnina said that she wanted to know the results of the hydrology report. Chair Destefanis said that she received a brief report, which indicated that there should not be a negative impact on the wetlands because more water is coming in than going out. Mr. Strait said that he had nothing further to report than what had already been presented. Chair Destefanis said that there were four members from the public wishing to speak.

Celia Maddox said that construction would destroy the local habitat. She asked the commissioners to consider the number of trees slated for removal. She wondered if homes located downhill from the proposed site would be affected. She presented a copy of her letter to be included for the record.

Gail Wall, 119 Patrick Avenue said that she agreed with Ms. Maddox. She said that the lot where the construction is proposed is small. Removal of the 23 large trees would cause an imbalance to the wetland functions. She urged the commissioners to look into this carefully.

Diane Lauricella, a neighbor in the area on Chestnut Hill Road, gave two letters from neighbors to the commissioners for inclusion in the minutes. She felt strongly that since the applicant failed to submit the information that was requested by the Commission that the application should be denied. She said that construction would affect everyone in the surrounding area that has private wells. There was not enough mediation to offset the impact of building. She felt that the hydrologist who prepared the report should have been present to answer questions. She said that there has been no opportunity for the public to review the grading plan.

Joanne Jackson said that she lives downhill from the site. She expressed concern that the development would destroy the wetlands.

Martha Coleman said that she was concerned about destruction of the wetlands and the impact on local water quality and future flooding. She said that the site is filled with water most of the time and a great deal of fill would be needed before the lot became appropriate to build on. She wondered if the landfill would be tested for toxins. Was the applicant willing to commit to create another wetland on another piece of property as mitigation? Would there be a financial penalty if the applicant was not successful in doing this? Would the water running through the stream raise the level on existing banks?

Jill Montesanto, 20 Stonybrook Road read her letter into the record indicating that she was disturbed by the action of the Commission. She said that wetlands are important and wondered how the Commission could consider approving the application. The property is comprised of 51% wetland. She said that once the trees are removed the land would erode since there would be no root structure to hold it in place. She felt there was no reason to force development on this property. It would cause a further dwindling of open space and would not be positive toward protecting natural resources.

Mr. Strait said that the grading plan works fine and the proposed mitigation planting is already quite dense.

There being no one further wishing to speak,

MS. SMITH MOVED TO CLOSE THE PUBLIC HEARING AT 7:35 P.M.

MS. CORCILLO SECONDED THE MOTION.

MOTION PASSED WITH ONE ABSTENTION (MR. HUBBARD).

MS. CAGNINA MOVED TO DENY APPROVAL FOR APPLICATION #S04-189 FOR REASONS SET FORTH IN MEMORANDUM DATED OCTOBER 4, 2004 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER TO THE NORWALK CONSERVATION COMMISSION.

MS. SMITH SECONDED THE MOTION.

MOTION PASSED WITH ONE VOTE IN OPPOSITION (MR. KYDES) AND TWO ABSTENTIONS (MR. HUBBARD, MS. ACKERMAN).

Chair Destefanis opened the public hearing to discuss application #S04-196 at 7:35 p.m. Ms. Cagnina recused herself from discussion of this item and left the meeting at 7:35 p.m.

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

Ms. Cherichetti said that this item was tabled at the September 28th meeting. Plans from the engineer and landscape architect have been submitted. She said that the new information conforms to conservation regulations and Staff recommends approval.

There being no one further wishing to speak,

MR. KYDES MOVED TO CLOSE THE PUBLIC HEARING AT 7:40 P.M.

MR. CAPUTO SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

MR. KYDES MOVED TO GRANT APPROVAL FOR APPLICATION #S04-196 SUBJECT TO SPECIAL CONDITIONS NUMBERED 1-7 AS SET FORTH IN MEMORANDUM DATED OCTOBER 1, 2004 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER, TO THE NORWALK CONSERVATION COMMISSION.

MR. CAPUTO SECONDED THE MOTION.

MOTION PASSED WITH ONE ABSTENTION (MS. ACKERMAN).

#### COMMENTS OF STAFF

##### Declaratory Permits and Enforcement Actions

Ms. Cherichetti said that she did not make a list of the declaratory permits issued, and no enforcement actions were taken in the last two weeks.

##### Project Report by Senior Environmental Officer

Ms. Cherichetti said that she needs an inventory of open space in Norwalk, and that volunteers to assist would be welcomed; maps were available.

##### Aquifer Protection Regulation Discussion

Ms. Cherichetti said that at a previous meeting, members of the public submitted letters encouraging the Commission to get involved in this topic. The Ordinance Committee of the Common Council would take responsibility for designating which party should take responsibility for becoming the protective body. She said that the towns of New Canaan, Westport and Stamford have already made their designations and this was something that Norwalk needed to do soon. She said that the Ordinance Committee originally wanted the Zoning Commission and its staff to do the work. The State recommended that this be handled by an existing land use agency. She recapped what the State was requiring. There are no regulations placed on individual homeowner wells or water usage, or water budget on how much water can be used. The State is only concerned with land uses that contaminate aquifers throughout the State. Water companies have to hire environmental firms to do the work to designate the areas that are involved. The DEP would review the areas submitted by the water companies before the law is enacted. She said that all of the aquifers have been mapped to Level A. Ms. Cherichetti explained the process in greater detail. Site visitation is required at the beginning, followed by registration of the areas. Eventually the registered areas would be inspected and enforcement action taken, if necessary.

Ms. Cherichetti mentioned that it was previously noted that three adjacent towns have their environmental agency implementing these regulations. However, in speaking to the



agency heads, it was clear that the businesses needing regulation in those towns were minimal, on the order of 0-5, compared to the 184 businesses in Norwalk.

Ms. Smith asked if the task could be handled by one person on a part-time basis. Ms. Cherichetti said that because of the enormity of the task, she did not believe it could be handled this way. Mr. Hubbard asked if the task would require scientific expertise. Ms. Cherichetti said she believed it would not. Ms. Smith thanked Ms. Cherichetti for the information provided. She agreed that the Department of Health rather than the Zoning Commission could more appropriately handle the task. Ms. Cherichetti said that the Health department would welcome input from the Conservation Commission, and that she would attend the committee meeting set for next week. Mr. Caputo said that this appeared to represent a great deal of work, and time. Mr. Kydes said that due to the tremendous amount of development going on in Norwalk that the Conservation Commission would not be able to handle the additional workload.

MS. SMITH MOVED TO TABLE FURTHER DISCUSSION OF THIS ITEM TO THE COMMISSION'S NEXT MEETING.

MS. CORCILLO SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

COMMENTS OF COMMISSIONERS

The commissioners had no specific comments to report.

ADJOURNMENT

MS. CAPUTO MOVED TO ADJOURN.

MS. SMITH SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Carol A. Wiggins for

Telesco Secretarial Services