

**CITY OF NORWALK
CONSERVATION COMMISSION
October 14, 2008**

PRESENT: D. Seeley Hubbard, Chair; Matthew Caputo; Emily Wilson; Ed Holowinko; Karen Destefanis (6:25pm);

STAFF: Alexis Cherichetti, Yarifalia Bletsas

OTHERS: Robert C. Schechinger, JR. ASLA; Peter Krupa; Andrew Romeo; Joseph Tarzia

CALL TO ORDER

Mr. Hubbard called the meeting to order at 6:07pm.

ROLL CALL

Ms. Cherichetti called the roll.

RECEIPT & DISCUSSION

- a) **#S08-331- 16 Scotts Street- O'Brien – Corrective Action construction of retaining walls, shed and deposition of fill and removal of vegetation with in a wetland and watercourse.**

The applicant was not present. The discussion of the application was tabled.

- b) **#S08-332- 14 Canfield Avenue – Schechinger/ (Shorehaven Golf Club) - Construction of new maintenance building and other improvements adjacent to a wetland and watercourse.**

Robert Schechinger, Landscape Architect for Shorehaven Golf Club, began the discussion by presenting the proposed activities. He explained that the golf club has applied to expand existing structures to serve the new facility components. A maintenance building approximately 10,000 sq. ft., would be constructed to provide space for the maintenance facility employee's and administration. It would include a mechanic's garage, storage, and two apartments to house maintenance staff. A new wash water treatment building, a new storage material bay, and a lavatory/ shelter would also be constructed upon approval. He explained that there were various improvements to the site that would allow for less impervious surfaces and additionally there would be various habitat plantings and rehabilitation associated with the application.

Mr. Hubbard asked which area would receive the most disturbance from the proposed activities. Mr. Schechinger showed the northern most ponds and explained that the disturbance would come up to the wetland line but that the naturally vegetated area surrounding the pond would be retained.

Ms. Cherichetti asked what areas were considered in calculating the total cubic yards of fill described with in the narrative submitted. Mr. Schechinger replied that the amount of

cubic yards described with in the narrative takes into account all the fill with in the project site, not only with in the upland review areas.

c) #S08-333- 7 Rising Road – Krupa – Corrective Action construction, deposition of fill and removal of vegetation in and adjacent to a wetland and watercourse and construction of a pool.

Ms. Cherichetti began the discussion by describing the proposal. She explained that the application is the second Corrective Action application submitted resulting from a Notice of Violation. The previous application granted a portion of the application for the new septic but denied the mitigation portion of the violation for the Corrective Action. She added that the commission previously questioned the location of the flagged wetland line on the survey. She noted that in this application the applicant had the surveyor field locate the wetland flags and add them to the new survey.

Peter Krupa, the applicant, explained to the Commission that he had proposed a fence along the wetland line to keep his children out of the swampy areas.

Ms. Destefanis inquired if the applicant had any soil and erosion or construction details for the proposed pool construction. Mr. Krupa stated that the pool would be at grade level and there would be minimal grading.

Ms. Cherichetti asked whether the fence depicted on the plans would also act as the pool fence and continue to the property line. Mr. Krupa responded that, if necessary, he could extend the fence to the side property line behind the shed addition along the wetland line.

Ms. Destefanis asked whether the applicant had a planting plan because none was specified with in the application. Mr. Krupa said that it was the same plan as previously submitted. Ms. Cherichetti stated that he would have to re-submit the planting plan so it would be part of the new application.

Mr. Hubbard asked where the stones along the wetland line had come from. Mr. Krupa stated that the stones were under the previous wood pile that bordered the wetland.

Mr. Destefanis asked for details on the fence and its construction. Mr. Krupa said that the fence would most likely be chicken wire on posts.

Mr. Hubbard and Ms. Destefanis asked that the applicant submit a detailed plan for the construction of the pool including the location of equipment, the grading plan, and the soil and erosion controls associated.

d) #S08-334- 145 Dry Hill Road – Dinnan- Corrective Action deposition of ill and removal of vegetation in and adjacent to a wetland and watercourse.

Ms. Cherichetti began the discussion by describing the reasons for the issuance of a Notice of Violation. She explained that the Dept. of Public Works referred a fill violation to the Conservation office that they believed might have been with in a wetland area. A site inspection revealed approximately ninety (90) cubic yards of fill on site and fill with in the wetland. She added that the soils report showed that areas historically consisting of lawn were underlined by wetland soils.

Andrew Romeo, the applicant, described the proposed mitigation to the Commission. He described the areas that were filled and showed new areas of lawn. He explained the original grade of the property before the violation and that the intent of the fill was to smooth out the backyard to make it suitable for his young child to play on. He added that they would like to retain the lawn where it was historically located and to plant a buffer area along the property line with in the wetland.

Ms. Destefanis inquired why the applicant would plant a buffer with in the wetland instead of before the wetland line. Mr. Romeo stated that they would like to keep the same amount of lawn area as previously and therefore to mitigate the filling would plant shrubs. Ms. Cherichetti added that in the previous aerial photographs the rear yard is show to be lawn up to the property line.

DISCUSSION &/or DECISION

a) #S08-324 – 379 Chestnut Hill Road- Canevari/ Vey- Corrective Action clearing cutting and preparation of land adjacent to a wetland.

Ms. Cherichetti began by explaining the resolution she drafted following previous Commission discussion. As requested, she included conditions in the resolution that would require a horse grazing management plan and wetland quality testing. She added that the bacteria loads with in the wetland should be tested.

Mr. Hubbard inquired why a water quality test could not be performed for the area. Ms. Cherichetti explained that because there were no watercourses on the actually property of the applicant, samples would need to be taken down stream on public property and by that point accurate testing's could not be taken.

Ms. Wilson asked if the wetland would eventually drain into the watercourse on the neighboring property. Ms. Cherichetti replied that it would drain into the neighboring stream, because of the topography and that the wetland is located at the headwaters of the stream.

**** MR. CAPUTO MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION:**

Whereas, the Conservation Commission has carefully considered all the information submitted and the factors for consideration of decision, as detailed in section 60A-8 of Norwalk's Inland Wetland and Watercourses Regulations; and Whereas, the activities, as described in the submitted application materials, are not likely to result in a significant negative impact to the wetlands and adjacent watercourse; and

WHEREAS, THE APPLICANT HAS VERIFIED THAT THE CLEARED AREA WITHIN THE UPLAND REVIEW AREA OF THE WETLAND WOULD PROVIDE SUFFICIENT GRAZING AREA; AND NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION PERMIT APPLICATION #S08-324, FOR CLEAR-CUTTING AND PREPARATION OF LAND ADJACENT TO WETLANDS AND A WATERCOURSE, BE GRANTED TO FREDERICK CANEVARI AND WENCHE VEY, FOR PROPERTY AT 379 CHESTNUT HILL ROAD, NORWALK, CT [5-33-73], WITH THE FOLLOWING CONDITIONS:

1. IN CONSIDERATION OF TESTIMONY THAT THE SUBJECT CLEARED AREA WITHIN THE UPLAND REVIEW AREA IS SUFFICIENT FOR THE PROPERTY OWNER'S GRAZING NEEDS, THE APPLICANT SHALL PROVIDE A GRAZING PLAN THAT DELINEATES THE PROPOSED GRAZING AREA, LIMITS THE AMOUNT OF WETLAND AREA THAT HORSES ARE PERMITTED TO ENTER AND INDICATES THE 25-FOOT WIDE BUFFER AREA DESCRIBED BY THE APPLICANT.

2. RECOGNIZING THAT THIS WETLAND IS THE ONE THE HEADWATERS OF STONY BROOK, THAT WETLAND DEGRADATION AND DOWNSTREAM DIMINUTION OF WATER QUALITY REMAIN A CONCERN, THAT HORSE MANURE CONTRIBUTES ADDITIONAL COUNTS OF FECAL COLIFORM, TOTAL COLIFORM, AND SPECIFIC INDICATOR BACTERIA TO THE NATURAL ENVIRONMENT, AND THAT POORLY MANAGED HORSE AREAS ARE LIKELY TO SUPPLY EXCESS SEDIMENT AND POLLUTANTS WHICH ARE LIKELY TO RESULT IN ADVERSE IMPACTS ON THE WETLAND AND RECEIVING WATERCOURSE, THE APPLICANT SHALL SUBMIT A HORSE MANURE MANAGEMENT PLAN FOR THE SUBJECT AREA. THE PLAN SHALL INCLUDE DESCRIPTIONS OF THE NUMBER OF HORSES AND THE CALENDAR DURATION OF THE GRAZING USE. THE PLAN SHALL BE AMENDED AND SUBMITTED FOR REVIEW BY CONSERVATION STAFF IN THE EVENT THAT THERE IS AN INCREASE IN THE NUMBER OF HORSES OR THE DURATION OF THEIR RESIDENCE.

3. TO HELP ASCERTAIN WHETHER THE PROPOSED ACTIVITIES RESULT IN DEGRADATION AND ALTERATION OF THE INLAND WETLAND, THE APPLICANT SHALL CAUSE TO HAVE AN INLAND WETLAND QUALITY EVALUATION OF THE WETLAND PERFORMED BY A MUTUALLY AGREED UPON WETLAND SCIENTIST, ECOLOGIST OR OTHER QUALIFIED PROFESSIONAL. THIS INITIAL EVALUATION SHALL BE PERFORMED & SUBMITTED TO THE CONSERVATION OFFICE WITHIN SEVEN (7) MONTHS OF THE ISSUANCE OF THIS PERMIT. THE APPLICANT SHALL CAUSE TO HAVE AN INLAND WETLAND QUALITY EVALUATION PERFORMED, AND SUBMITTED TO THE CONSERVATION OFFICE, ANNUALLY TO CONFIRM THAT THE ACTIVITIES DO NOT RESULT IN A DIMINUTION OF WETLAND QUALITY.

4. SPECIAL CONDITIONS #1 & 2 SHALL BE COMPLETED PRIOR TO REMOVAL OF THE CUT TIMBERS AND PLANTING OF GRAZING GRASSES AND FORBS.

**** MS. WILSON SECONDED.**

Mr. Holowinko had a concern with the lengthy timeline for the wetland quality testing.

**** MR. CAPUTO WITHDREW HIS MOTION.**

A brief discussion followed.

**** MR. CAPUTO MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION WITH AMENDMENTS TO SPECIAL CONDITION #4:**

Whereas, the Conservation Commission has carefully considered all the information submitted and the factors for consideration of decision, as detailed in section 60A-8 of Norwalk's Inland Wetland and Watercourses Regulations; and

Whereas, the activities, as described in the submitted application materials, are not likely to result in a significant negative impact to the wetlands and adjacent watercourse; and

WHEREAS, THE APPLICANT HAS VERIFIED THAT THE CLEARED AREA WITHIN THE UPLAND REVIEW AREA OF THE WETLAND WOULD PROVIDE SUFFICIENT GRAZING AREA; AND

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION PERMIT APPLICATION #S08-324, FOR CLEAR-CUTTING AND PREPARATION OF LAND ADJACENT TO WETLANDS AND A WATERCOURSE, BE GRANTED TO FREDERICK CANEVARI AND WENCHE VEY, FOR PROPERTY AT 379 CHESTNUT HILL ROAD, NORWALK, CT [5-33-73], WITH THE FOLLOWING CONDITIONS:

- 1. IN CONSIDERATION OF TESTIMONY THAT THE SUBJECT CLEARED AREA WITHIN THE UPLAND REVIEW AREA IS SUFFICIENT FOR THE PROPERTY OWNER'S GRAZING NEEDS, THE APPLICANT SHALL PROVIDE A GRAZING PLAN THAT DELINEATES THE PROPOSED GRAZING AREA, LIMITS THE AMOUNT OF WETLAND AREA THAT HORSES ARE PERMITTED TO ENTER AND INDICATES THE 25-FOOT WIDE BUFFER AREA DESCRIBED BY THE APPLICANT.**
- 2. RECOGNIZING THAT THIS WETLAND IS THE ONE THE HEADWATERS OF STONY BROOK, THAT WETLAND DEGRADATION AND DOWNSTREAM DIMINUTION OF WATER QUALITY REMAIN A CONCERN, THAT HORSE MANURE CONTRIBUTES ADDITIONAL COUNTS OF FECAL COLIFORM, TOTAL COLIFORM, AND SPECIFIC INDICATOR BACTERIA TO THE NATURAL ENVIRONMENT, AND THAT POORLY MANAGED HORSE AREAS ARE LIKELY TO SUPPLY EXCESS SEDIMENT AND POLLUTANTS WHICH ARE LIKELY TO RESULT IN ADVERSE IMPACTS ON THE WETLAND AND RECEIVING WATERCOURSE, THE APPLICANT SHALL SUBMIT A HORSE MANURE MANAGEMENT PLAN FOR THE SUBJECT AREA. THE PLAN SHALL INCLUDE DESCRIPTIONS OF THE NUMBER OF HORSES AND THE CALENDAR DURATION OF THE GRAZING USE. THE PLAN SHALL BE AMENDED AND SUBMITTED FOR REVIEW BY CONSERVATION STAFF IN THE EVENT THAT THERE IS AN INCREASE IN THE NUMBER OF HORSES OR THE DURATION OF THEIR RESIDENCE.**
- 3. TO HELP ASCERTAIN WHETHER THE PROPOSED ACTIVITIES RESULT IN DEGRADATION AND ALTERATION OF THE INLAND WETLAND, THE APPLICANT SHALL CAUSE TO HAVE AN INLAND WETLAND QUALITY EVALUATION OF THE WETLAND PERFORMED BY A MUTUALLY AGREED UPON WETLAND SCIENTIST, ECOLOGIST OR OTHER QUALIFIED PROFESSIONAL. THIS INITIAL EVALUATION SHALL BE PERFORMED & SUBMITTED TO THE CONSERVATION OFFICE WITHIN SEVEN (7) MONTHS OF THE ISSUANCE OF THIS PERMIT. THE APPLICANT SHALL CAUSE TO HAVE AN INLAND WETLAND QUALITY EVALUATION PERFORMED, AND SUBMITTED TO THE CONSERVATION OFFICE, ANNUALLY TO CONFIRM THAT THE ACTIVITIES DO NOT RESULT IN A DIMINUTION OF WETLAND QUALITY.**
- 4. SPECIAL CONDITIONS #1 & 2 SHALL BE COMPLETED PRIOR TO REMOVAL OF THE CUT TIMBERS AND PLANTING OF GRAZING GRASSES AND FORBS.**

**** MS. WILSON SECONDED.**

Ms Destefanis suggested that the wetland quality testing should be done prior to the release of horses onto the property. She believed that a control test would be needed before the grazing begins.

**** MR. CAPUTO WITHDREW HIS MOTION**

**** MR. CAPUTO MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION:**

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND

WHEREAS, THE ACTIVITIES, AS DESCRIBED IN THE SUBMITTED APPLICATION MATERIALS, ARE NOT LIKELY TO RESULT IN A SIGNIFICANT NEGATIVE IMPACT TO THE WETLANDS AND ADJACENT WATERCOURSE; AND

WHEREAS, THE APPLICANT HAS VERIFIED THAT THE CLEARED AREA WITHIN THE UPLAND REVIEW AREA OF THE WETLAND WOULD PROVIDE SUFFICIENT GRAZING AREA;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION PERMIT APPLICATION #S08-324, FOR REMOVAL OF VEGETATION AND PREPARATION OF LAND ADJACENT TO WETLANDS AND A WATERCOURSE, BE **GRANTED** TO FREDERICK CANEVARI AND WENCHE VEY, FOR PROPERTY AT 379 CHESTNUT HILL ROAD, NORWALK, CT [5-33-73], WITH THE FOLLOWING CONDITIONS:

1. IN CONSIDERATION OF TESTIMONY THAT THE SUBJECT CLEARED AREA WITHIN THE UPLAND REVIEW AREA IS SUFFICIENT FOR THE PROPERTY OWNER'S GRAZING NEEDS, THE APPLICANT SHALL PROVIDE A GRAZING PLAN THAT DELINEATES THE PROPOSED GRAZING AREA, INDICATES THE 25-FOOT WIDE BUFFER AREA DESCRIBED BY THE APPLICANT AND LIMITS THE AMOUNT OF WETLAND AREA AND BUFFER AREA THAT HORSES ARE PERMITTED TO ENTER.
2. RECOGNIZING THAT THIS WETLAND IS THE ONE THE HEADWATERS OF STONY BROOK, THAT WETLAND DEGRADATION AND DOWNSTREAM DIMINUTION OF WATER QUALITY REMAIN A CONCERN, THAT HORSE MANURE CONTRIBUTES ADDITIONAL COUNTS OF FECAL COLIFORM, TOTAL COLIFORM, AND SPECIFIC INDICATOR BACTERIA TO THE NATURAL ENVIRONMENT, AND THAT POORLY MANAGED HORSE AREAS ARE LIKELY TO SUPPLY EXCESS SEDIMENT AND POLLUTANTS WHICH ARE LIKELY TO RESULT IN ADVERSE IMPACTS ON THE WETLAND AND RECEIVING WATERCOURSE, THE APPLICANT SHALL SUBMIT A HORSE MANURE MANAGEMENT PLAN FOR THE SUBJECT AREA. THE PLAN SHALL INCLUDE DESCRIPTIONS OF THE NUMBER OF HORSES AND THE CALENDAR DURATION OF THE GRAZING USE. THE PLAN SHALL BE AMENDED AND SUBMITTED FOR REVIEW BY CONSERVATION STAFF IN THE EVENT THAT THERE IS AN INCREASE IN THE NUMBER OF HORSES OR THE DURATION OF THEIR RESIDENCE.
3. TO HELP ASCERTAIN WHETHER THE PROPOSED ACTIVITIES RESULT IN DEGRADATION AND ALTERATION OF THE INLAND WETLAND, THE APPLICANT SHALL CAUSE TO HAVE AN INLAND WETLAND QUALITY EVALUATION OF THE WETLAND PERFORMED BY A MUTUALLY AGREED UPON WETLAND SCIENTIST, ECOLOGIST OR OTHER QUALIFIED PROFESSIONAL. THIS INITIAL EVALUATION SHALL BE PERFORMED & SUBMITTED TO THE CONSERVATION OFFICE IN THE SPRING OF 2009 PRIOR TO THE

GRAZING OF ANY HORSES IN THE SPRING OF 2009. THE APPLICANT SHALL CAUSE TO HAVE AN INLAND WETLAND QUALITY EVALUATION PERFORMED, AND SUBMITTED TO THE CONSERVATION OFFICE, ANNUALLY TO CONFIRM THAT THE ACTIVITIES DO NOT RESULT IN A DIMINUTION OF WETLAND QUALITY.

4. SPECIAL CONDITIONS #1& 2 SHALL BE COMPLETED WITHIN THREE (3) MONTHS OF THE ISSUANCE OF THIS PERMIT.

**** MS. WILSON SECONDED.
** MOTION PASSED UNANIMOUSLY.**

b) #S08-330 – 2 Rowayton Avenue – Hall-Tipping & Morgan – Construction of a new single family residence adjacent to a wetland.

Ms. Cherichetti stated that after the previous discussion she would draft resolution for the next scheduled meeting.

BOND RELEASE /REDUCTION

a) #597.P96 – 395 Connecticut Avenue – Stop & Shop Supermarket Co. – Release of bond held for construction and associated activities.

This release was tabled till the next meeting.

b) #S04-196 - 140 Rowayton Avenue – 140 Rowayton Avenue., LLC – Release of bond held for construction of a new multi-family residence & parking adjacent to a wetland and watercourse.

Ms. Cherichetti explained that the bond was not previously released because the applicant failed to install the catch basin filtered depicted on the approved plans. She added that they have recently installed the catch basin inserts and have completed the conditions of the permit.

**** MR. CAPUTO MADE A MOTION TO RELEASE BOND FOR #S04-196
** MS. DESTEFANIS SECONDED
** MOTION PASSED UNANIMOUSLY**

c) #S06-246 – 123 Murray Street – Janal, LLC – Release of bond held for construction and associated activities.

This release was tabled till the next meeting.

MINUTES

a) September 23, 2008 minutes

Minutes would be available for approval at the next meeting.

COMMENTS OF STAFF

a) Minor Permits and Enforcement Actions

Ms. Cherichetti began by stating that Joseph Tarzia was in attendance and would like to address the Commission in reference to the Cease and Desist Order he was issued to complete associated work with Conservation Permit # S08-315. He asked the Commission to extend the time allotted to complete his wetland planting plan because he would be unable to plant prior to the October 15th, 2008 deadline required by the Order. He stated that due to financial the residence would need to be sold for the mitigation area to be planted.

Mr. Caputo indicated that the Commission should extend special condition # 7 of permit #s08-315 to May 1st, 2009. Ms. Wilson concurred.

Ms. Cherichetti described other minor permits and enforcement actions at 11 Bumble Bee Lane & 147 ½ East Rocks Road.

b) Draft IWW map and possible IWW Regulation amendments (fee schedule)

Ms Cherichetti spoke about the adoption of the IWW map and the proposed fee schedule. Ms. Bletsas reviewed the break down of the new fee schedule.

COMMENTS OF COMMISSIONERS

a) POCD implementation priorities

Ms. Cherichetti asked Commissioners to determine their priorities from the Plan of Conservation and Development that would like to see implemented.

b) Report of Commission Chair

There were none.

ADJOURNMENT

***** MR. CAPUTO MOVED TO ADJOURN.**

MEETING ADJOURNED AT 8:25PM.