

**NORWALK CONSERVATION COMMISSION MINUTES**

**OCTOBER 22, 2002**

**ATTENDANCE:** Matthew Caputo, Vice Chairman; Ed Holowinko, Marny Smith, Andrew D. Kydes, Larry Losio (6:26PM).

**STAFF:** Alexis Cherichetti, Sr. Environmental Officer; Cheryl Vallerie.

The meeting was called to order at 6:10PM by Mr. Caputo.

**RECEIPT**

**SPAGNULO - 103 KEELER AVENUE - #S02-124 - CONSTRUCTION OF A SINGLE FAMILY RESIDENCE ADJACENT TO A WATERCOURSE AND WETLAND**

Mr. Kimmel, Mr. Spagnulo's Attorney, spoke on behalf of Mr. Spagnulo. He stated that the Spagnulos currently owned 2 lots on Keeler Ave and were seeking permission to build a primary residence on what is currently referred to as Lot 2. He said that the wetlands touched the back edge of the property and that the last time any water was seen in that area was over 20 years ago. He also stated that the distance from the proposed residence to the wetlands was 55 feet and that the Spagnulos intended to put up a buffer approximately 25 feet between the edge of the back yard and the wetlands. The buffer zone would be lined along the edges with a variety of approved vegetation. He said that they would also like to build a pool and deck, both of which would still be a considerable distance away from the wetlands. The distance exactly between the pool and the wetland would be 42 feet and would not disturb the wetlands. He also said that there was a proposed basement and that the fill from the basement would be removed from the premises.

Ms. Smith asked what did the Spagnulos have planned for the rest of the property. Mr. Spagnulo said that he intended to put up a 25 feet buffer zone on the back of the property and lawn wherever the buffer was not. He also said that all the existing trees would remain as is.

Mr. Caputo asked if any of the committee members had any questions for the applicant. He stated that by law, a vote could not occur until the next meeting on November 12, 2002. Mr. Kydes said that his only concern was that the house was smaller. Ms. Smith stated that the proposed 25 feet buffer would be more attractive than what was currently there. Ms. Cherichetti said, prior to the next meeting it would be helpful if the owners could put together a planting plan for the proposed buffer, which listed the sizes and number of plants on a 8x10 sheet of paper.

## DECISIONS

### **MAIDIQUE - 62 WEST NORWALK ROAD - #S02-111 - CONSTRUCTION OF A SINGLE-FAMILY HOUSE AND GARAGE AND ASSOCIATED DEVELOPMENT ADJACENT TO A WETLAND AND WATERCOURSE**

Mr. Caputo stated that he had a problem with the proposed dwelling being so close to the wetlands. He said that the applicant should be aware that in order for anything to pass, 4 votes were needed in favor of the application. He pointed out that with the few Commission members that were present, he strongly doubted that would happen. Also, he said the applicant had a right to have a decision made on the application and if a vote was made with only the 4 members present, one vote of 'no' would cause the application to be denied. Ms. Smith suggested that one alternative would be to build the house first and the garage second and have the driveway come directly into the garage.

Mr. Losio arrived at 6:26PM.

Mr. Maidique said that he was unable to do what Ms. Smith had suggested for financial reasons. Mr. Kydes said that the building permit was good for 1 year and asked Mr. Maidique if he would be able to build the primary dwelling within that time. Mr. Maidique said no. Ms. Cherichetti said that a conservation permit was good for 5 years, but once construction began, typically a permit expired one year from that start date.

Mr. Caputo gave a brief recap of the discussion up to that point for the benefit of Mr. Losio, and stated once again, his concern about the proximity of the proposed construction to the wetlands. Mr. Losio asked if his concern was with the driveway or with the construction of the house in proximity to the wetlands boundary. Ms. Smith pointed out that the greatest negative impact to the wetlands would occur when construction began on the main house, as the driveway would be used to get to the construction site behind the carriage house. She then asked if the positioning could be reversed and the carriage house be built behind the house. Mr. Maidique said no because that reversal would be worse as far as disturbance to the wetlands. Ms. Cherichetti expressed some concern about decreasing the limit of disturbance from the wetlands. She made reference to Ms. Smith's suggestion to build a smaller house. Mr. Maidique said that the new design plan showed an increase in distance from the wetlands as well as a narrower driveway. Ms. Cherichetti said she was also concerned about the long-term use of the driveway as an access and suggested making the driveway go straight into the carriage house/garage. Mr. Losio expressed his concern with the construction process on a whole. Ms. Maidique asked if the Commission would be more receptive to the plans if they could get permission from their neighbors to access the property from the other side. The general consensus was yes. Ms. Smith suggested bringing the driveway alongside the neighbor's lawn. Mr. Maidique said he was open to the idea. Mr. Caputo said his concern with that suggestion would be encroachment issues and disputes with the neighbors. Ms. Cherichetti asked if the applicant would be willing to explore the idea of using an accessway, on a portion of the neighbors land, for construction of the main house. Mr. Caputo asked Mr. Maidique if he thought his neighbors would allow him to do that. Mr.

Maidique said he thought his neighbor would not have a problem with that. Ms. Smith pointed out that the driveway was still an issue. Mr. Losio asked for clarification on the placement of the driveway. Ms. Cherichetti stated that her recommendation was to have the carriage house turned 90 degrees, which would allow for a more direct entrance into the carriage house rather than the proposed side entrance attached to the house. Mr. Losio asked if that change would reduce the limit of disturbance to the wetlands. Ms. Cherichetti said yes. Mr. Maidique said for aesthetic reasons, he was not open to having the driveway go straight into the house. Ms. Smith suggested a courtyard entrance, but Mr. Maidique said he did not like that idea either for the same reason.

More discussion on the direction of the driveway occurred after which Mr. Caputo suggested putting off making a decision until the meeting of November 12, 2002. He also suggested that the applicant make some more changes to his plan and prepare it for the next meeting. Mr. Losio said that it would be helpful to the applicant if the Commission were more specific about the areas of the plan that needed improvement. Mr. Caputo said he was concerned with approving construction of anything that close to the wetlands. Mr. Kydes voiced his concern with the construction equipment going in and out of the property and as well as with how and where the material would be stock piled during the construction process. Mr. Maidique then formally requested that a decision be held off until next month. Mr. Caputo said that technically, a vote needs to be made up or down on the application by next month because there were no more extensions on Mr. Maidique's application

**GRANATA - 31 GENEVA ROAD - #S02-120 - "CORRECTIVE ACTION"  
APPLICATION TO FILL AND RE-GRADE PORTIONS OF FRONT YARD  
ADJACENT TO A WETLAND AND WATERCOURSE**

Ms. Cherichetti gave a brief recap of the issue from the last meeting. The applicant provided, as requested, a map showing exactly where there 12 proposed native plants would be placed between the fill and the wetland line. Ms. Smith asked if the applicant had decided what plants she intended to use. Ms. Granata-Volpe said she had not yet decided, but she intended to stay within the limit of the native shrubs. Ms. Smith asked what Ms. Granata-Volpe intended to do with the other side. Ms. Granata-Volpe said she was not sure yet and that her primary concern was finding the native dirt.

Ms. Cherichetti pointed out that the applicants intended to plant native wetland plants in the pond area at a later date. Ms. Granata-Volpe added that the pond had never been filled, though it appeared that the previous owners had dredged the stream in order to make it a pond. She continued by stating that the water flow was never significant and only a tiny bit of water ran through the middle. Ms. Smith asked if placing rocks around the plants required a permit. Ms. Cherichetti said that it was a grey area.

Mr. Losio referred to Ms. Cherichetti's memo of October 16, 2002 that suggested certain areas of the pond be maintained in its natural state. Ms. Cherichetti read the staff report, paragraph 3: " This is another property where a designated wetland area has been maintained as lawn for a very long time. As a step forward, the Commission may want to

consider requiring that a five or ten foot buffer be maintained (by mowing no more than once per year) on either side of the brook's banks." Ms. Cherichetti stated that it was the Commission's intent to limit the amount of lawn in the wetlands. Ms. Granata-Volpe said she did not intend to plant grass in the pond area, but native plants as well. Ms. Cherichetti said that the Commission would like to see a 5 ft buffer on either side of the watercourse. Ms. Smith said that a 5 ft buffer on either side of native plants would be more preferable to having the entire area of uncut grass. Ms. Cherichetti said that adding native wetland plants was not a regulated activity and did not require a permit. She further stated that financially, it would be more feasible to leave the area uncut for now and make the requirement that there be a 5 ft buffer on either side not to be maintained(mowed). Mr. Losio suggested that a condition of approval should be to have either two 5 ft buffers on either side of the brook or one 10 ft buffer on one side, to be maintained as a buffer comprising of un-mowed grass or plantings. Ms. Granata-Volpe stated that she was concerned with the view as that was the first thing one sees upon driving in. Mr. Losio said that though he was sympathetic to the aesthetic issue, there was an increasing trend to requiring a natural vegetated buffer as a condition of approval. Ms. Granata-Volpe asked if a rock garden would be acceptable. Ms. Smith asked if a buffer could have stones around it. Ms. Cherichetti said yes. Ms. Granata-Volpe asked if it would be permissible to pull up the grass if she didn't like it. Ms. Cherichetti said there should be some kind of ground cover, such as native plants. Ms. Granata-Volpe asked if there was a time limit. Ms. Cherichetti said there was a time limit on planting the 12 shrubs in the fill area and a buffer was also needed.

**\*\* MS. SMITH MOVED TO GRANT THE PERMIT FOR THE CORRECTIVE ACTION WITH THE CONDITIONS STIPULATED IN THE OCTOBER 16, 2002 MEMORANDUM AND AN ADDITIONAL SPECIAL CONDITION REQUIRING THE APPLICANT TO ESTABLISH A 5' NATURAL VEGETATED BUFFER ON EITHER SIDE OF THE WATERCOURSE.**

**\*\* MR. LOSIO SECONDED THE MOTION**

**\*\* THE MOTION PASSED UNANIMOUSLY**

Mr. Losio stepped out of the meeting at 7:18PM

## **BOND RELEASE**

**POTTER/SASSO - 28 APPLETREE - #S00-43 - POND DREDGING AND ASSOCIATED LANDSCAPING**

Ms. Cherichetti stated that the permit was granted on July 2001 for a dredging of a small pond with a condition. She said the condition was to install a planting plan around the pond and that occurred a little over a year ago.

**\*\* MS. SMITH MADE THE MOTION TO RELEASE THE BOND**

**\*\* MR. HOLOWINKO SECONDED THE MOTION**

**\*\* MOTION PASSED UNANIMOUS**

Mr. Losio returned to the meeting at 7:22PM

### **REFERRALS**

#### **KERSCHNER DEVELOPMENT - 15 ELLS STREET - #SDV - 3538 - SEVEN(7) LOT SUBDIVISION**

Ms. Cherichetti said Mr. McFadden of the Planning & Zoning office often referred applications that may have wetlands, to the Conservation Commission. Mr. Caputo asked if there was proof of wetlands on this development. Ms. Cherichetti said Mr. McFadden referred the applications before he gets a chance to check if there really is a wetlands issue. Ms. Smith said she recently went to visit the development site and was concerned that there were no provision made in the plans to save the trees. Mr. Caputo suggested asking them to preserve as many trees as possible. Ms. Smith said she was more concerned with the specimen trees. In particular, she expressed concern for a very large Maple tree in the path of the driveway. Ms. Smith suggested the Planning Commission should take a walk over to the site and decide which trees should be saved. Mr. Losio asked if that was done. Mr. Caputo said he did not know. Ms. Cherichetti said that was not done in Norwalk. Mr. Caputo asked if the Commission should be involved in a more formal manner. Ms. Cherichetti said for the time being, a referral basis was sufficient. She further stated that the referral was an opportunity for the Conservation Commission to comment on a subdivision proposal to preserve any significant natural feature the Commission thought was necessary. Mr. Caputo stated that it was his understanding, since there was no permit required, the Commission's role was to make recommendations only.

Ms. Cherichetti suggested writing a memo stating that while the Planning Commission is considering the sub-divisions plan, a plan should be proposed to save the larger trees on the property. Mr. Losio said that he did not recall if this was a responsibility for the Commission. Ms. Cherichetti said it was part of general land use. Ms. Smith suggested that the Tree Alliance be consulted since they were expert in the area.

Mr. Kydes said he felt that referrals were made if there was any abutting to the wetlands. Ms. Cherichetti said the referrals are more than just wetlands related.

Ms. Smith said that slightly different placement of the houses might be required in order to save some of the trees. In addition, she stated that it would be important to make recommendations now, since nothing had been staked out as yet on the site. Mr. Caputo asked if any one was uncomfortable with any of the statements made by Ms. Cherichetti. Mr. Holowinko expressed his concern about the seven (7) houses that were going to be built on such a small parcel of land. Mr. Losio said he would like to see Planning & Zoning require a specific size of public space be left in its natural state. He stated that open space needs to be addressed and defined more clearly. He suggested that one way to achieve that outcome would be to have open space thought of in the context of putting a certain amount of land aside in certain kinds of developments.

## ACCEPTANCE OF MINUTES

### CORRECTIONS:

Attendance; Lossio should be changed to Losio

Page 3, paragraph 5; on two proposals should be changed to **on which of the two proposals**

Page 4, paragraph 5; Mr. Greene suggested a mass of ferns should be changed to **Mr. Greene and Ms. Smith suggested a mass of ferns.**

Page 7, paragraph 2; Mr. Losio asked how many members have been complaining should be deleted from the minutes.

Page 7, paragraph 2; is Ms. Jordan is the spokesperson should read **Ms. Jordan is the spokesperson**

**\*\* MR. LOSIO MOVED TO ACCEPT THE MINUTES OF OCTOBER 8, 2002 AS CORRECTED.**

**\*\* MR. HOLOWINKO SECONDED THE MOTION**

**\*\* MOTION PASSED WITH ONE ABSTENTION (MR. KYDES)**

## COMMENTS OF STAFF

### CURRENT VIOLATIONS - SEE ATTACHMENT

Ms. Cherichetti said she removed a few violations because they had been remedied. She said that a new violation was issued on October 15, 2002 to 15 Creeping Hemlock Drive

because the owners removed vegetation during the summer months and were given with the directives to plant native plants and maintain a vegetated buffer.

## **DECLARATORY PERMITS**

Ms. Cherichetti said she had forgotten to bring the list of declaratory permits.

## **PROPOSED OPERATING BUDGET FY2003-04**

Ms. Cherichetti said that one of the largest increases would be to ask for a part-time employee. Mr. Losio added that he believed that assistance for Ms. Cherichetti will be necessary as activity of the Commission expands. Mr. Losio asked what qualifications would be necessary to fill this position. Ms. Cherichetti said that the position would require a Bachelors Degree in one of the physical sciences such as Geology or Ecology with 1 to 5 years experience. Mr. Caputo asked how many additional hours would be needed. Ms. Cherichetti said part-time hours would be 19 hours per week. Mr. Caputo asked when final comments were due on this issue. Ms. Cherichetti said final comments were due next week. Mr. Losio asked if she was looking for technical assistance or administrative assistance and how many hours would be needed. Ms. Cherichetti responded that she would like one full-time technical help and one part-time administrative.

Mr. Losio pointed out that the budget does not request anything additional for 2003 even though the Commission will be expanding its scope of activity. He stated as the budget stands, there were no provisions to bring additional help on board.

Mr. Losio asked about the status of having an updated natural resource list. Ms. Cherichetti said that first she intended to work on getting an updated inland wetland map and that her 2nd priority was the natural resource inventory of the city. Mr. Losio asked for clarification on the difference between the two. Ms. Cherichetti stated that the inland wetland map would be used in the regulatory process and the natural inventory map would be used in land use planning. Mr. Losio asked where were those activities supported by the proposed budget. Ms. Cherichetti said it was not. She also stated that in order to get a current map she would need someone to enter a lot of information into the GIS system and at this time she did not have the resources for the help. Mr. Caputo suggested that Ms. Cherichetti make a wish list budget of what would be the optimum staff and budget and try to reach that goal for the next budget.

## **SEPTIC SYSTEM MAINTENANCE INFORMATION**

Ms. Cherichetti gave pamphlets to the Commission. Ms. Smith suggested that comments be held until the next meeting.

## **COMMENTS OF COMMISSIONERS**

## **DEVELOPMENT OF MEETING STRUCTURE AND ADDRESS ADDED 'CONSERVATION' RESPONSIBILITIES**

Mr. Losio handed out a sheet listing organizational options for addressing areas in need of focus: 1. Establish a separate committee/s of the current Conservation Commission 2. Meet as a full Commission on off weeks and some regular interval and 3. Establish separate Conservation and Inland Wetlands and Waterways Commissions.

Mr. Losio suggested that his preference would be to establish a sub-committee of the current Commission to address the additional activities at the end of the scheduled meetings. He said that it might be effective to take one issue and create a sub-committee to discuss accordingly just that issue until all the areas are addressed. Ms. Smith said that she felt it would be best to have one sub-committee that met on alternate weeks instead of at the end of the long meetings. Mr. Caputo said he felt that it would be best to meet as a full committee leaving it open for any member to attend. Mr. Holowinko said he was open to having additional meetings on off weeks as well as having a sub-committee when needed for special projects. Mr. Caputo stated that only the Chairman had the right to appoint committees. Mr. Losio asked by a show of hands, who would be interested in the meetings and everyone expressed an interest. Mr. Caputo pointed out that a 3 person sub-committee would be too dependent on attendance due to the quorum issue. He stated that a meeting could take place with 2 or 3 persons but no action could be taken. Mr. Losio stated that the meetings would be for recommending a course of action not to vote. Mr. Losio suggested that the interested commissioners exchange email addresses in order to communicate their availability

### **ADJOURNMENT**

- \*\* MR. KYDES MOVED TO ADJOURN THE MEETING**
- \*\* MS. SMITH SECONDED THE MOTION**
- \*\* MOTION PASSED UNANIMOUSLY**

The meeting was adjourned at 8:45PM.

Respectfully submitted,

Michele Montgomery

Telesco Secretarial Services