

NORWALK CONSERVATION COMMISSION MINUTES

OCTOBER 25, 2005

ATTENDANCE: Karen Destefanis, Chair; Susan Llorca; Marny Smith; Ann Cagnina; Ed Holowinko; Elizabeth Ackerman (6:15); Matthew Caputo.

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Henryk Lisowski; Steve McAllister, McChord Engineering; Don Strait, Grumman Engineering; Amy J. Livolsi, Attorney; Bill Beckman, Leggett, Brashears & Graham; Amy Suchins, Attorney; Mark Grenier, DePanfilis & Vallerie.

CALL TO ORDER

Ms. Destefanis called the meeting to order at 6:00 p.m.

Ms. Cherichetti took the roll call.

RECEIPT/DISCUSSION

#SO5-234 – 41 Deerwood Manor - Lisowski – Demolition of existing residence and construction of a new residence in and adjacent to a wetland and watercourse.

Ms. Cherichetti said that the applicant wants to demolish the house currently on the property and replace it with a new residence. She had suggested the applicant have the wetlands flagged, which he did, and most of the property is wetland soils, mostly fine sandy loam. There is a watercourse 20 feet south of the property line, which is piped in some areas. The proposed activities will disrupt the wetland areas, including placing underground electric and sewer lines in these areas. The proposed residence will be larger than the existing residence. Ms. Cherichetti said the applicant wants to built a two and a half story residence in place of a one-story residence.

Ms. Smith asked if the proposed residence will be built on a slab. Ms. Cherichetti said yes, with the slab being raised two to three feet. Ms. Smith asked if the existing lawn will remain. Ms. Cherichetti said that is the plan. She said the existing wetland area is not impacted by this, and there is pepperbush growing. The construction will leave the land virtually unchanged. She said there are wetland areas to the east, south and west, but how far they go is speculation. The edge of the wetland crosses several properties. Ms. Cherichetti said that if the Commission is concerned, planting can be done. She also indicated that the owner is willing to consider removing a shed on the property, which is being used as a gardening shed, and stated the existing house is currently unoccupied. She told the applicant, who was in attendance, that if he decides to keep the shed, it would have to be relocated per the zoning regulations and the area replanted with plants that bear fruit for birds.

Ms. Ackerman arrived at the meeting at 6:15 p.m.

Ms. Smith asked if there was a stockpiling area indicated. Ms. Cherichetti said that the applicant wasn't planning to bring in any materials although he wanted to use soil from the excavation to raise the level of the foundation slab in a non-wetland area. She said there is a 1,840 sq. ft. footprint with a total of 3,400 to 3,500 sq. ft. The applicant is basically taking a one-story house and increasing it by building the house up.

Ms. Cherichetti asked the applicant if he was proposing any site drainage at all. Mr. Lisowski said there wasn't going to be any basement so he wasn't planning on adding a drain. He said there is also a septic system on the property.

Ms. Smith and Ms. Ackerman recused themselves from the next discussion and left the room at 6:30 p.m.

#SO5-235 – 12 Allen Road - Canevari – Construction of a new single-family residence in and adjacent to a wetland and watercourse.

Ms. Cherichetti said this is a vacant lot and the applicant wishes to build a new 4-bedroom house on a portion of it. Mr. Caputo asked if Ms. Cherichetti was still trying to determine the origin of the lot. She said yes, as the origin of the lot is unknown. She is attempting to find out if the lot legally exists. Mr. Caputo said he had read the report and heard the comments and wondered how is this a separate lot. Mr. Steve McAllister of McChord Engineering showed the Commissioners a map of the subdivided lot. He stated the applicant, Mr. Fred Canevari, was out of town and could not attend the meeting. Mr. McAllister said the map showed an original date of March 2005, with a revision date of August 17, 2005.

Mr. Caputo said he would like to hear what the applicant had to say. Ms. Destefanis asked if he was saying they should go ahead and schedule a public hearing in the hopes the question of the lot's legality would be resolved before the hearing is held. Mr. McAllister said they want to have a public hearing and they want to give a formal presentation at the public hearing. Mr. Holowinko said the applicant needs an alternative plan for the property as well.

**** MR. CAPUTO MOVED TO HOLD A PUBLIC HEARING ON THIS ITEM ON TUESDAY, DECEMBER 13, 2005.**

**** MR. HOLOWINKO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Caputo wanted the record to show that the Commission had the opportunity to hold the public hearing on December 8, 2005 but chose December 13, 2005 instead.

Ms. Ackerman and Ms. Smith returned to the room at 6:45 p.m.

DISCUSSION/DECISION I

#SO5-231 – 34B Bayne Street - Lovell – Construction of a side garage addition, side addition and decks adjacent to a wetland and watercourse.

Discussion was tabled because the applicant was not present to answer questions.

#SO5-233 – 4 May Drive – Davidson – Corrective action restoration of a wetland and construction of deck adjacent to a wetland.

** MS. CAGNINA MOVED TO APPROVE THE CORRECTIVE ACTION RESOLUTION WITH SIX (6) CONDITIONS AS STATED IN MS. CHERICHETTI'S MEMO OF OCTOBER 17, 2005, WITH THE FIRST ITEM TO READ "A \$5,200.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY."

** MS. SMITH SECONDED.

** MOTION PASSED UNANIMOUSLY.

#SO5-232 – 129-131 East Rocks – Stone Ridge Builders, LLC – Three (3) lot subdivision of land adjacent to a wetland and watercourse.

Attorney Amy J. Livolsi and Don Strait, landscape architect with Grumman Engineering, presented a revised site plan for the three-lot subdivision to the Commission. She said they have eliminated the plan to cross the wetlands and Woods Pond Brook with a sewer line; instead, they will bring the sewer up East Rocks Road at an additional cost of \$80,000. They have gotten DPW approval for this. Also, they will install a retaining wall twenty feet from the wetland line, in addition to the silt fencing and other improvements. Mr. Holowinko was concerned about runoff from the driveways. Ms. Livolsi said it is impervious runoff.

Ms. Destefanis asked the Commission if they wanted to schedule this item for a public hearing. Ms. Cagnina said to make it simple.

** MS. SMITH MOVED TO SCHEDULE A PUBLIC HEARING ON THE REVISED PLANS FOR THIS ITEM ON NOVEMBER 11, 2005.

** MR. CAPUTO SECONDED.

** MOTION PASSED UNANIMOUSLY.

The Commission recessed for two minutes to prepare for the public hearing portion of the meeting.

PUBLIC HEARING (to begin at 7:00 p.m.)

Ms. Destefanis called the public hearing to order at 7:03 p.m. She then stated for the record that she was recusing herself from this application and designated Ms. Cagnina as acting Chairperson in her absence.

Ms. Cherichetti took the roll call.

#SO5-229 – Strathmore Lane – Strathmore Lane Condominium Association – Installation of drainage system, with associated grading and discharge, adjacent to a wetland and watercourse.

Ms. Cherichetti read the legal notice into the record and stated that it was published twice in The Hour Newspapers. She stated that tonight's public hearing was a continuation of a previous public hearing, which was moved when it was determined that neighbors had not been noticed in time, and noted that several neighbors were in attendance this evening.

Applicant William Beckman of Leggett, Brashears & Graham said that the work proposed would be to construct a drainage gallery or trench on the north side of the condominium to intercept water causing a problem on the property, and that there would be no work done in the wetlands themselves. He discussed the creation of a rain garden to be approximately thirty feet long and ten feet wide, which will help take up some of the runoff water diverted by the drainage trench. He said a berm would be constructed to help keep the water from going down the other side of the incline where it would affect the other property owners.

Ms. Cagnina asked if he thought the size of the rain garden was adequate and how was that determined. She also wanted to know if there was sufficient water during the year to keep the garden flourishing. Mr. Beckman said the water would be filtered by the lawn and drainpipe before getting to the rain garden, and he felt the garden would survive well during the drier parts of the year.

Ms. Amy Suchins, representing property owner Al Torre, questioned the height of the berm, and Ms. Cagnina asked Mr. Beckman to explain the berm. He indicated the berm would be approximately 6 inches high on top of an elevation that already exists, and that any runoff would have to flow over the berm before going over the edge of the property.

Mr. Vincent Renzulli of 5 Renzulli Lane said that when Strathmore Lane was first built, there was a thirty-inch pipe at the corner of the property line with two catch basins; he did not see this indicated on the map provided by Mr. Beckman. He and Mr. Beckman looked over the map to locate the area of the pipe and catch basins.

Ms. Suchins asked if there would be revisions regarding the amount of fill and how it was going to work. She was concerned about how the proposal fits with other proposals, versus the conditions that exist currently.

Mr. William Cook, representing his aunt who lives at 9 Renzulli Road, told the Commission he has Power of Attorney for his aunt, which was why he was attending the meeting. He had some concerns about how this construction would affect his aunt's currently dry property and said he was afraid that these plans would create further problems and his aunt would end up with water on her property that she doesn't have at the moment.

Mr. Al Torre said he had concerns about the storm drain. He said he has done significant work on his property and doesn't want to lose any trees or parts of his yard. He suggested the neighbors and the applicant all work together to solve the problems caused by the water runoff which he felt was not caused by Renzulli Road, but rather caused by the condominium itself. He said that before the condominium buildings were constructed, there were no water runoff problems. Mr. Cook said he hoped the residents would not have to come back in five years to have the water pushed back in the opposite direction.

Mr. Chris Bellows of 116 County Street said he had received a letter notifying him of the meeting, which was why he was there this evening, even though the Commissioners indicated his property would not be affected by the condominium's plans. He was attending because he wanted to be sure the water won't be causing problems on his property. Mr. Caputo pointed out that Mr. Bellows' property was on County Street, north of Strathmore Lane; and the proposed work is south of Strathmore Lane. Mr. Bellows was not convinced that he would not eventually experience problems from the construction. Mr. Renzulli agreed, saying that until the construction of the condominium happened, no one had any problems with water on their properties.

Mr. Beckman said that the wetland area is the low point on all the properties and water will end up there whether it goes into the proposed pipe or not, because wetlands are the place for a runoff drainage pipe.

Mr. Bellows asked when the decision is made, will the Commission make the residents aware of it. Mr. Hubbard said a notice will appear in the newspaper the following Friday, or any concerned person can call the Senior Environmental Officer. Ms. Cagnina assured the neighbors that any decision the Commission makes will not affect them negatively.

**** MS. SMITH MOVED TO CLOSE THE PUBLIC HEARING.**

**** MS. CAGNINA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The public hearing was closed at 7:59 p.m.

Mr. Caputo stated the Commission has thirty-five days to render a decision and the item will appear on the agenda for the November 8 meeting, where they can make a decision or move it at that time.

Ms. Destefanis returned to the meeting at 8:00 p.m. and called the next public hearing to order.

Ms. Cherichetti took the roll call.

#S05-227 – 203 Silver Creek Lane - Slapin – Construction of a new residence in and adjacent to a wetland and watercourse.

Ms. Cherichetti read the legal notice into the record.

Mr. Mark Grenier of DePanfilis & Vallerie presented plans to the Commission. He stated that the applicant, Mrs. Slapin, was seeking a zoning permit to construct a new residence. He said that on May 20, 1984 the Norwalk P&Z approved building a condominium and that two units were built. Unit 203 was used as the sales model for the condo office. He said that a garage for Unit 204 was built along with one for Unit 203; however, Unit 204 was not fully constructed; only the garage for this unit was built. Mrs. Slapin is now seeking to build the actual condo unit itself. He said that the applicant has been paying common charges for the unit even though it doesn't yet exist, as well as taxes on the garage, and that she has a vested property right. Mr. Grenier said that in 1991 the declarant filed an amendment to the plan and the City did reserve to the owner the right to build the condo unit on the property.

Mr. Grenier said the P&Z won't issue a permit because the Conservation Commission must sign off on the permit first. He said they consider a unit substantially complete when the walls are up, the roof on and the windows installed. He said a letter was sent to Mr. David Fite Waters on September 23, 2005 with recommendations from a meeting of the condo board of directors held on September 20, 2005. The site plan was mailed, but no responses have been received as yet. He was satisfied that the interested owners have been notified.

Mr. Don Strait, landscape architect, Grumman Engineering, said that a plan has been developed to match the unit style with the rest of the condominium buildings. The zoning requirement is that the new construction must be thirty feet from adjacent residences; not only the foundation but also any overhanging decks. The footprint plan is approximately 1,300 sq. ft., located on the present plans. There is a stone wall on the property; he is proposing removal of the wall and a buffer strip planted around the residence. A suggested alternative was to possibly reconstruct the wall and wrap it around the limit of disturbance. He said a deck on the back has been removed on the request of the owners and they are also moving the house further west and keeping the pine trees that are growing next to the unit.

Mr. Strait indicated the limit of disturbance. There will be a silt fence, a stockpile for excavated materials or topsoil; a sewer can be connected with a lateral without much disturbance. The buffer zone can be increased and buffer plantings along the wetland line ten feet above the wall down to the wetland. He said the unit will be on a flood plain of the Silvermine River and the river is twenty to forty feet from the flood line. Mr. Grenier said a reasonable and prudent alternative would be to bring the wall around the corner of the foundation instead of just up to it.

Ms. Alexandra Markham suggested bringing the wall up to the silt fence line. She said they could add plantings and screening. The wetland soil was not saturated but was flood plain soil. She said there was a lot of invasive species of trees and the soil has been exposed to erosion.

Mr. Grenier said he liked what has been proposed and that the soil scientist was just following up and seeking to do whatever is necessary and prudent with the Commission. He said any conditions they propose will be followed to move the ball forward.

Ms. Ackerman asked Mr. Grenier to clarify that the builder reserves the right to build the unit. He said that in 1991 the original developer made an amendment to the declaration, to the public declaring all units. At that time twenty-five units had been completed and reserved upon the owner of Unit 203 in 1991. Ms. Ackerman asked if there was ever Conservation Commission approval in the 1980s. Mr. Caputo said there had been. Ms. Ackerman read the approval aloud. She asked what the applicant expected regarding the December 31st deadline. Mr. Grenier said that if the certification to construct the unit is not issued, Mrs. Slapin's property reverts back to the condominium association. He said they would have to work fast to get the building up to meet the requirements. He indicated they want to work with the condominium association to get approval from them also.

Mr. Caputo said there were alluvial soils in the flood plain that have a capacity to store water and slow runoff. This area expands into the larger area of habitat, but was too open and not very densely vegetated. He asked if the area was a source of ground water discharge. Mr. Hubbard wanted to know if the declarant's rights had been settled yet. Ms. Smith asked if Mrs. Slapin owned the property from the beginning. Mr. Grenier said he didn't know how she obtained the property but at the time it happened the construction was probably thought to be okay. He said that from January 1991 to date, the Slapin family has paid the common charges on the property.

Ms. Cagnina asked if the declarant would consider a smaller unit. Mr. Grenier said yes, they went to the condominium association and asked about it, but the association wants to keep the new unit similar to the others. Mr. Hubbard said they want to see the same square footage. Ms. Smith surmised the condo association may have some problems if they sell this house to others. Mr. Caputo asked if they had considered a smaller footprint. Mr. Grenier said the suggestion had been brought to the association with similar results. Mr. Holowinko asked if the design could be rotated. Mr. Strait said they had tried that, and the association doesn't want it done that way. He said if it was brought up further it could ruin the floor plan.

Ms. Destefanis asked if any member of the public wished to address the Commission at this time. There were no members of the public who wished to speak.

**** MR. CAPUTO MOVED TO CLOSE THE PUBLIC HEARING.**

**** MS. SMITH SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

DISCUSSION/DECISION II

#SO5-227 – 203 Silver Creek Lane - Slapin – Construction of a new residence in and adjacent to a wetland and watercourse.

**** MR. CAPUTO MOVED TO TAKE THIS APPLICATION OUT OF AGENDA ORDER, IN ORDER TO CONTINUE THE DISCUSSION, AS NO MEMBER OF THE PUBLIC WISHED TO SPEAK AND THE COMMISSION HAD JUST CLOSED THE PUBLIC HEARING ON THIS APPLICATION.**

**** MS. CAGNINA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

#SO5-229 – Strathmore Lane – Strathmore Lane Condominium Association – Installation of drainage system, with associated grading and discharge, adjacent to a wetland and watercourse.

Ms. Destefanis stated for the record that she was recusing herself from this application and left the room at 9:45 p.m. Ms. Cagnina resumed her position as Acting Chairperson in Ms. Destefanis' absence.

Ms. Cagnina said the Commission only had to decide on the application. Mr. Caputo recommended waiting for a decision until they get a draft resolution with conditions. Ms. Cherichetti agreed, saying that she recommended holding off on a decision until the members were able to review a draft resolution of approval with the specific conditions they had discussed. She said she would draft the resolution of approval for the Commission.

Ms. Destefanis returned to the meeting at 10:02 p.m.

RELEASE OF BOND

**** MR. CAPUTO MOVED TO TABLE THE RELEASE OF BONDS UNTIL THE NEXT COMMISSION MEETING ON NOVEMBER 11, 2005.**

**** MS. SMITH SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

MINUTES

**** MR. CAPUTO MOVED TO TABLE THE APPROVAL OF THE MINUTES OF THE SEPTEMBER 27, 2005 AND OCTOBER 11, 2005 MEETINGS UNTIL THE NEXT COMMISSION MEETING ON NOVEMBER 11, 2005.**

**** MS. SMITH SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

COMMENTS OF STAFF

**** MR. CAPUTO MOVED TO POSTPONE THE COMMENTS OF STAFF UNTIL THE NEXT COMMISSION MEETING ON NOVEMBER 11, 2005.**

**** MS. CAGNINA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

COMMENTS OF COMMISSIONERS

** MR. CAPUTO MOVED TO POSTPONE THE COMMENTS OF COMMISSIONERS UNTIL THE NEXT COMMISSION MEETING ON NOVEMBER 11, 2005.

** MS. CAGNINA SECONDED.

** MOTION PASSED UNANIMOUSLY.

ADJOURNMENT

** MS. SMITH MOVED TO ADJOURN THE MEETING.

** MS. ACKERMAN SECONDED.

** MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 10:12 p.m.

Respectfully submitted,

Linda J. Hayes

Telesco Secretarial Services

