

**NORWALK CONSERVATION COMMISSION MINUTES**

OCTOBER 26, 2004

ATTENDANCE: Marny Smith, Acting Chair; Ed Holowinko; Ann Cagnina;

Susan Llorca

STAFF: Alexis Cherichetti; Senior Environmental Officer

OTHER: Don Strait, Landscape Architect, Grumman Engineering;  
Attorney David Waters, Lepofsky, Lepofsky & Lang;

Andy Montgomery, Fairfield Preservation Committee

Ms. Smith called the meeting to order at 6:10 p.m. Ms. Cherichetti called the roll.

RECEIPT/DISCUSSION

a) 74 Cranbury Road - #S04-202 – Temecula LLC – Construction of a new  
single-family residence adjacent to a wetland and watercourse

Ms. Cherichetti referred to the fourth paragraph of her memorandum dated October 18, 2004. She stated that the issues regarding the location of a floodway and the 100-year flood zone have been resolved. She said that it appears that the applicant is not filling in the floodway but filling in the floodway fringe. The engineer's report misstates the location of the fill. She said that the location of the floodway and the location of the 100-year flood line appear to be correct. A single family resident is proposed on an existing lot.

Mr. Strait said that a well-known engineer for flood reports wrote a report and stated that the applicant is filling in the floodway. Mr. Strait said that what the engineer meant was flood plane. He said he spoke with the engineer and he was going to get back to him but as of 4:30 p.m. today he had not heard from him. Mr. Strait said that he sent a plan to him and should receive it back within the next couple of days with regard to a revision to the engineer's report.

Mr. Strait referred to the 100-year flood elevation plan. He said that the house and a deck would be built in that elevation. He said that this would be a crawl space house with flood openings in the foundation to allow floodwater to pass through underneath the house. Mr. Strait said that they are proposing a 15-foot wide planted buffer along the wetland line. The house will be served by public utilities. He said that there is also on-site retention. Mr. Strait said that the applicant would be utilizing the existing driveway.

Ms. Smith asked Mr. Strait to explain what a force main is. Mr. Strait said it is really a force lateral. He said that it is a house lateral that would otherwise go out to the septic

tank or out to the street. He stated that this goes to a grinder pump that grinds the sewage up and injects it up a line that is a 1 ¼ inch pipe and into the sewer. He said that as an emergency measure, there is a 1000-gallon storage tank in case the power goes out that would allow it to be filled up and emptied out once the electrical power comes back on. Ms. Smith asked

if there was a stockpile for the proposed fill. Mr. Strait said no. He said the engineer was considering anything in the wetlands as fill from an engineering standpoint but that there really is no fill on the site.

Ms. Smith referred to paragraph 3 of the memorandum from Ms. Cherichetti to the Conservation Commission dated October 18, 2004 with reference to the regional mapping of the USDA. She asked what their prediction meant. Ms. Cherichetti stated that the USDA did regional soil surveys for agricultural purposes back in the 1940's and 50's and the same sewer classification is used today to classify the wetland soils. She said that it is not a field verified delineation of soils but a generalization of where they believe that soil would occur. She said it is a useful guide but not always exact which is why they general use a certified soil scientist to go through the site.

Ms. Cagnina asked if the wetland soils had been delineated in February of this year. Ms. Cherichetti said that is

her recollection. There was discussion with regard to different soil scientists flagging the site.

Mr. Holowinko asked if the garage would just be a slab. Mr. Strait said yes. Mr. Holowinko said his concern is that whenever you have a building in a 100-year it takes area out of the flood plane.

The consensus of the Commission was to hire their own soil scientist.

Ms. Cherichetti asked Mr. Strait if any alternatives for the house had been explored. Mr. Strait said yes and that he would bring some in for the Commissioners to look at.

b) 595 Westport Avenue #S04-203 – F. F. Realty, LLC - Two lot subdivision of land containing wetlands and watercourses

Ms. Cherichetti said this is a two-lot subdivision with oversized lots.

Attorney Waters, Lepofsky, Lepofsky & Lang stated that with him tonight is Andy Montgomery who is on the Fairfield Preservation Committee, contract purchasers of the property. Attorney Waters referred to aerial photographs of the site outlining property, the parking lot and surrounding area, which included corporate offices. He said that what they are doing is cutting off the residential portion of the property from the business portion of the property. He said the applicant is splitting the property along the zone line.

Attorney Waters said that the area of wetlands along the property is actually served by drainage and catch basins that comes off the property. He said that the potential development is for one single-family residence. The parking lot is all paved. Attorney Waters said that he would be back before the Commission again for development proposals specifically related to the front of the property and the ultimate development of the back of the property should it be more than one large single-family house. He said that the purpose of this request is to create the framework and lot lines so that the two separate applications could be processed.

Ms. Smith asked if a concrete drainage that Mr. Waters referred to was open. Mr. Waters said yes, it is an open concrete swale. Mr. Waters said that the rear property does have access to Fullen Road which would require the crossing of the concrete aqueduct. There is also access on the easterly side but it is a private road, which the applicant does not have access to. Attorney Waters said that the access would be off of Fullen Road.

3) 351 West Cedar Street - #S04-204 – Andrew James – Construction of a new single-family residence adjacent to a wetland

Ms. Cherichetti said that this is a similar application to one that the Commissioners has seen. It is a proposed free cut. There is an existing house that straddles the proposed lot lines. Ms. Cherichetti said that she does not believe that the lot can exist legally yet but the applicant is moving ahead to pursue development plans and approvals for development of a single-family residence on one of the lots in addition to the required septic connection to the second lot.

Mr. James said that the house is approximately 4,000 square feet. He said the buffer shown on the plan is approximately 20 feet. He said there is an existing connection to the sewer. Ms. Smith asked where the location of the existing sewer line was. Mr. James pointed it out on the plan. He said that there is an easement there.

Ms. Cherichetti asked if it was confirmed with Public Works that there is no other option to lay a new lateral. Mr. James said that since the free cut was approved by Zoning he thought that this would work but that he would check with Public Works. Ms. Smith said that she was at the site today and it is a very nice, rocky wetland so there would be a lot of disturbance in putting the lateral through there. Mr. James said that he would like to talk to Grumman Engineering to see if a six-inch line would be sufficient for both houses for drainage. Ms. Cherichetti said that Grumman Engineering requires an eight-inch line unless they make an exception. Mr. James said that he would check with Public Works and Grumman Engineering to try and work something out. Ms. Cherichetti said that she would strongly recommend checking with Public Works to see that there is no possibility in hooking up to a line on West Cedar Street. She said it would be helpful to the Commission to know that there are no other viable alternatives. Ms. Smith asked if the six-inch line would be legal. Ms. Cherichetti said that sometimes laterals are allowed from house to house but it is her understanding that a shared line has to be eight-inches.

## DISCUSSION/DECISION

a) 59 Marlin Drive - #S04-200 – 59 Marline Drive, LLC – Construction of a new single-family residence adjacent to a wetland and watercourse

Ms. Cherichetti said at the last meeting there were few questions of the applicant. She said that Ms. Cagnina asked about having a defined buffer area in the rear of the yard. She said that she tried to address this in special conditions 5 and 6 of her memorandum to the Conservation Commission dated October 18, 2004. The item was tabled until the next meeting on November 9, 2004.

## PERMIT MODIFICATION

a) 85 Old Saugatuck Road - #S04-195a – Fuscaldó – Modification to allow installation of a driveway in and adjacent to a wetland

Ms. Cherichetti said the applicant recently received approval on September 28, 2004. She said the Commission voted to approve an application to construct a single-family house and install a driveway to get to it. There are two pockets of wetland soils on the property and it is believed that the soils are not insidious, but are wetland soils from a dredged pond. Ms. Cherichetti said that the applicant is a contract purchaser and in further review of the lot and the driveway easement, the parcel does not have any frontage on Old Saugatuck Road and would require a driveway easement for egress and ingress on the property to the west. Ms. Cherichetti said that the applicant originally thought that their easement went up a significant portion of the shared property line. Further review indicates that it does not. She said that it would require that the proposed driveway go into the wetlands.

Ms. Smith said that the wetland soils on the property look like the golf course. Ms. Cherichetti said that normally it would be an approved field change because it is in a wetland. Ms. Cagnina referring to the driveway easement and why it could not be changed. Ms. Cherichetti referred to the site plan and stated that the applicant has not pursued an additional easement from the abutter.

MS. CAGNINA MADE A MOTION THAT THE NORWALK CONSERVATION

COMMISSION APPROVE THE MODIFICATION OF 85 OLD SAUGATUCK

ROAD-#S04-195a-FUSCALDO- MODIFICATION TO ALLOW INSTALLATION OF A DRIVEWAY IN AND ADJACENT TO A WETLAND

MS. LLORCA SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY 4 TO 0.

#### RELEASE OF BOND

a) #S02-103 – 6 Allen Road – Canevari – Construction of a new single-family residence adjacent to a wetland and watercourse

Ms. Cherichetti said that this permit was approved in 2002. The permit required that the plantings be in for one full year, which they have. She said that she inspected a couple of months ago and all of the plants were alive, thriving and in the proper location. Ms. Cherichetti recommended release of the bond.

MS. LLORCA MADE A MOTION TO RELEASE BOND #S02-103 –6 ALLEN ROAD – CANEVARI.

MR. HOLOWINKO SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY 4 TO 0.

b) #S02-104 – 28 Yew Street – Paragon Builders of CT, Inc. – Construction of a new single-family residence adjacent to a wetland and watercourse

Ms. Cherichetti said that this item was put on the agenda with the expectation that she would go out and do another inspection. She said that she has not had the opportunity to do this. She said that her previous inspections indicate that there is a good survival rate for the plants but that she has not done a natural count at this time. This item was tabled until the next meeting.

#### MINUTES

a) September 28, 2004

Ms. Smith said that she did not receive the minutes of October 12, 2004. Ms. Cherichetti said that she just received the minutes today. It was the consensus of the Commissioners to table the minutes since Ms. Cagnina was not in attendance at one meeting and Ms. Llorca was not in attendance at the other meeting.

b) October 12, 2004

Tabled until the next meeting.

#### REFERRALS

a) Zoning Commission - #3-04M – Glover Avenue – Proposed zone change from  
“AAA” Residence and Executive Office to entirely Executive Office

Ms. Cherichetti asked the Commissioners to table this item. She said that a parking lot is in question that straddles the zone line. Ms. Cherichetti said that the Zoning Commission is working on this and asked that this item be tabled.

#### COMMENTS OF STAFF

a) Declaratory Permits and Enforcement Actions - None.

b) Report by Senior Environmental Officer

Ms. Cherichetti said that the last non-regulatory meeting there was discussion regarding the open space inventory. She said that it came to light that during the initial distribution of information there was confusion as to who is doing what areas. She said that the original database had a couple of errors. Ms. Cherichetti said that she has fixed a few of these and included maps of the areas and a sheet that describes what the maps mean. She said that she assigned each Commissioner a neighborhood.

#### COMMENTS OF COMMISSIONERS

There was further discussion regarding the maps and the designated streets assigned to the Commissioners.

#### ADJOURNMENT

MS. CAGNINA MADE A MOTION TO ADJOURN THE MEETING.

MS. LLORCA SECONDED THE MOTION.

MOTION PASSED UNANIMOUSLY.

The meeting was adjourned 7:14 p.m.

Respectfully submitted,

Linda L. Custis

Telesco Secretarial Services