

**NORWALK CONSERVATION COMMISSION MINUTES**

**OCTOBER 28, 2003**

**ATTENDANCE: Matt Caputo, Chairman (6:11 p.m.); Larry Losio; Karen Destefanis (6:10 p.m.); Marny Smith; Jane Corcillo; Anne Cagnina; Ed Holowinko; Beth Ackerman, Alternate; Susan Llorca, Alternate**

**STAFF: Alexis Cherichetti, Senior Environmental Officer; Erin Leonard, Conservation Staff**

**OTHER: Tim Sheehan, Executive Director Norwalk Redevelopment Agency; Monroe Johnson, NRA; Mike Moore, NRA; Joe Breault, Jr.**

The Chairman called the meeting to order at 6:15 p.m. He asked Ms. Cherichetti if she would like to consider changing the agenda. Ms. Cherichetti said there are two gentlemen from the Redevelopment Agency present to give the presentation the Council requested on the Wall Street Development Plan. She said they have a meeting at 7:30 p.m. with the Common Council and would like to make their presentation before that meeting.

**\*\* MS. DESTEFANIS MADE A MOTION TO CHANGE THE AGENDA.**

**\*\* MS. SMITH SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**PRESENTATION OF WALL STREET REDEVELOPMENT BY REDEVELOPMENT AGENCY**

Mr. Johnson of the Norwalk Redevelopment Agency said that he and his colleague Mike Moore have been working together on the Norwalk Redevelopment Plan. He said the urban design consultant, Cecil Group put together a conceptual master plan for revitalization of the Wall Street area, which was approved by Common Council and will be forming the basis for the implementation document that would be presented to the Conservation Commission. Mr. Johnson gave a brief history of the impetus for redevelopment of the Wall Street area. He said tonight he is presenting a master plan update. He said the planning steps and approach the Cecil Group took was a series of meetings involving a lot of feedback from those in attendance. The idea was to review existing plans, conditions in the area, set some goals and objectives, conduct basic market research and develop some alternative scenarios. The goals and objectives that were generated from these meetings were first to change the perception of the area, secondly to bring new life, to address parking concerns and create pedestrian links.

Mr. Moore said that after the Cecil Group had identified the goals and objectives, the next step was to assess the market, potential mixed-use areas for redevelopment. Identified areas for certain program uses included the library on Belden Avenue, Isaac Street and the Garden Cinema area, the area made up of the Patriot Garage and New Worlds Gym, the area proposed by Avalon Development, Hoyt Street, High Street, Knight and Main Streets and also the Lillian August area on the northern part of Knight Street. There is emphasis on residential development including market rate, affordable and live/work space to encourage people to live downtown in this area. Mr. Moore said there is also development potential for cultural uses, additional office space and art-related uses as well as expansion of the library. He stated that it would also call for additional structuring and creation of additional parking. Mr. Johnson stated that there would also be street improvements, pedestrian/vehicular concerns and pedestrian amenities throughout the Wall Street area, as well as providing a pedestrian link behind the Wall Street stores directly to the Yankee Doodle Garage. He said the Yankee Doodle Garage is not well used and one of the things they want to do is enhance the garage with landscaping and better signage to direct people to parking there. Mr. Johnson said a key cultural use is the Globe Theatre, a historic building that would remain. Mr. Moore stated that the focus would be to use City-owned land to leverage private investment to provide additional parking and thus serve business and residents in the area. Mr. Johnson said the Norwalk River is one of the natural amenities to the area. He said the 80,000 square foot library only has 12 parking spaces, however there is a lot of parking behind the library but there is a fairly complex pattern of ownership and one of the goals is to see if the parcels can be identified and iron out the complexities to serve everybody's concerns. He said there is a modest expansion to the library planned of 15,000 square feet. He said it is all conceptual design at this point.

Ms. Smith commented that she hopes there will be as much of a vegetative buffer along the Norwalk River as possible.

Mr. Sheehan said that is one of the discussions that took place. He said Avalon is proposing to have a more formalized walkway along the riverfront. He said the consultant came with a design plan that extended the walkway all the way down the river. He stated that Redevelopment's thought is to have passive view sheds to get glimpses of the river as opposed to having a more touristy attraction river walk.

### **RECEIPT & DISCUSSION**

a. **316 Newtown Avenue-Hughes-#03-172**-Construct new single-family residence

and detached garage adjacent to a wetland.

Ms. Cherichetti passed out a revised map submitted by the applicant along with a letter dated October 28, 2002.

Mr. Hughes said he and his wife were present tonight along with Mr. McAllister of McChord Engineering. He asked the Commissioners to look at Map SE1-A provided in the packets. He stated that in May purchased of 1996 he purchased the two lots on Newtown Avenue. The Conservation Commission approved two single-family residences. He completed one

immediately with the intent to begin building the next one but due to some unfortunate circumstances it was postponed indefinitely and the permit lapsed. He stated that the residence was originally 30 x 70 and was 26 feet from the wetlands. There was a deck on the back of the house and his closest point of disturbance was 10 feet from the wetlands. Mr. Hughes stated that there are important facts with regard to the new proposal and presented a color rendition of the house plans. He said he proposes to reduce the house depth from 30 to 28 feet, he totally eliminate the deck on the back and moved the house forward. It is now a foot and a half from the setback line. A small portion of the house in the rear is cantilevered. He reduced the lawn area and proposed a line of plantings, which defines the beginning of the buffer area. All the existing trees and shrubbery in the buffer area would stay. Mr. Hughes stated that he raised the elevation of the basement slab up to 96 even. He said he has added an accessory building, 25 x 40. He said he has a large truck, 5 children, 3 to 4 in

college who have vehicles and would like to be able to utilize the space for storage and to shelter his truck.

Ms. Smith asked if the shrubs in the plan exist or if they were something that the applicant intended on putting in. Mr. McAllister said the lot is vacant right now but quite wooded. They are proposing mountain laurels 6 feet on center at the 20-foot distance from the wetlands. Ms. Cagnina, referring to the area between the garage and the accessory building asked if the area was paved and if it would all be impervious. Mr. McAllister said yes. Ms. Smith asked Mr. Hughes if the accessory building would be essentially for his trucks. Mr. Hughes confirmed that it would be. Ms. Smith asked if there would be a full basement. Mr. Hughes confirmed that there would be a full basement. Ms. Smith asked what the cantilevering is for. Mr. McAllister said an effort to keep the foundation plane as far away from the wetland area as possible.

Mr. Caputo said he has some concern regarding the limit of disturbance of 20 feet. Mr. McAllister said the lot is  $\frac{3}{4}$  of an acre but when you discount the wetland buffer and building setbacks you end up with .2 acres of buildable space and there is not a lot of room to shift things. Mr. McAllister said there is a shared driveway with the lot behind this one and other than eliminating the accessory building there are no other options. Mr. Hughes said they did look at 3 alternatives in shifting the plan around and came back to the one before the Commission.

Mr. Caputo suggested that the applicant read the memo from Ms. Cherichetti and to consider it. Mr. Losio asked if there was any storage space in the garage. Mr. Hughes said it would be used for two cars and hopefully some storage. Mr. Losio said there is a lot of room behind the building and as stated in the letter the Commission suggests either eliminating the building or downsize it at a minimum.

Ms. Llorca left the meeting at 7:05 p.m.

Ms. Cherichetti said the statements made by the Commission are alternatives that the applicant could explore and find out if it works or not.

b) **24 Southwind Drive-Southwind Equities, LLC-#03-173** – "Corrective Action" -

Construct new single-family residence, rear deck, and drainage system in  
and

adjacent to a wetland

Attorney David Waters of Lepofsky, Lepofsky & Lang said this item was a Cease and Desist in the former Bound Brook Estates. He said there had been a house on this property in the past that was removed and the proposal is to build a new house on the pilings in exactly the same location as the old house. He stated that they have determined where the wetlands are in the area. Mr. McAllister with McChord Engineering stated that there is municipal sewer and water and the applicant is proposing galleries in the rear to try to provide ground water recharge. He said there is an existing drainage easement along the rear property line 15 feet wide. There are some species plantings there and their plan is to try and maintain that wetland. The 15-foot line will serve as the limit of lawn for the property. Attorney Waters stated that a lot of filling has occurred on the property, which is why the property has not been redeveloped recently. He said the applicant proposes to treat this area with sensitivity and said there were complaints made by neighbors to the Health Department that there was ponding water and whether this was creating a health risk. Attorney Waters stated that the proposal with regard to the drainage is to address some of those issues as well.

Ms. Smith asked if the owner was planning to raise the level of the backyard and fill it to the level of the houses next door. Mr. McAllister said the owner is trying to alleviate the drainage problem without covering over the soils in the rear of the property. Mr. Breault stated that the appropriate pilings are in place and excavation has begun for the foundation. Ms. Smith asked what would prevent a new house from eventually needing to be raised. Mr. McAllister said the pilings hit rock, they are 60 feet down so the house is actually sitting on rock. Mr. McAllister said the house is on a reinforced concrete slab. Mr. Losio asked for the footprint of the house in square footage. Mr. McAllister stated that the square footage is 1725 square feet and the footprint with the garage is 48 wide and 24 deep. He said the square footage does not include the garage space.

Ms. Smith asked if the applicant is confident with the additional runoff from the impervious surface that he is going to be able to have any kind of a backyard at all. Mr. McAllister said it should not pond back there. He said the Soil Scientists for this project recommended a swale that would require quite a bit of filling and that this is a way not to disturb the wetlands.

Mr. Losio asked if this is a full 2-story with a full attic. Mr. McAllister said there is no access to the attic area except for ductwork. He said the plan does not show that the deck is cantilevered off of the house, there are no pilings holding it. He said he would prefer a to have a wider deck. Mr. Waters said that is something they could look at and bring it back to the Commission.

Mr. Caputo said he is concerned about any building in the wetland. Mr. Losio asked if the

Commission saw to approve this home there could be restrictions placed on the use of any activity within the wetlands on the property. Ms. Cherichetti said the Commission could ask the applicant to consider this and offer it as a condition of approval. She said if the Commission finds itself considering this application Staff would recommend the planting plan could be enhanced further. Mr. Losio said the Commission could ask that the house not intrude into the wetland and the risk of disturbance to the wetland be significantly mitigated through any number of conditions.

Ms. Cherichetti asked if a drainage report had been done. Mr. McAllister said one had not been done. Ms. Cherichetti asked that a drainage report be submitted. She said she wanted the Commission to know that there is the likelihood that the soils will compact over time and when there is a house put there, the Commission should reasonably expect that homeowners would be filling that property. As the ground subsides the house would appear to be higher. Ms. Cherichetti asked Mr. McAllister to note a rough estimate in the plan of the cubic yards of fill that would be used.

Mr. Caputo stated that this concluded the hearing and thanked the applicant for coming out.

### **DISCUSSION/DECISION**

a) **310 Ely Avenue** – Sedona Group (310 Ely Ave., LLC) - #S03-160 - Construction

of a 10-unit apartment building and parking lot adjacent to a wetland and water-

course

Ms. Cherichetti stated that in the packets to the Commissioners is a plan for an additional alternative for a 4-unit building along with an environmental report.

Mr. Losio temporarily left the meeting at 7:40 p.m.

Mr. Caputo said there is a 5-page report presented to the Commission tonight and asked if there is any time pressure to consider it. Ms. Cherichetti said the deadline for decision is December 9<sup>th</sup>.

Attorney Waters of Lepofsky, Lepofsky & Lang, representing the applicant said the applicant, Joe Breault, Jr., John Anderson, Environmental Planner with Environmental Land Solutions and Don Strait with Grumman Engineering are also here tonight. He said the Commission had asked the applicant to look at an alternative to the 10-unit development. The Commission asked the applicant to look at a 4-unit development and Mr. Waters suggested at the time in order to do that the building would end up getting wider because the parking would have to go underneath. He said what the applicant has submitted to the Commission is exactly that.

Mr. Losio returned to the meeting at 7:44 p.m.

Mr. Waters said there is one other item not provided to the Commission, which he will provide to Staff. He said the applicant has done an analysis as to whether a 4-unit condominium is financially feasible and the answer is that it is not. He said it would be a loss to construct a 4-unit development because this is in a location and the type of market is such that whether there are larger or smaller units it would not matter because there is only so much that you are going to get for the units in that particular area of Ely Avenue. Attorney Waters said that in the Commission's regulations it states that a prudent alternative is one that has to be economically viable and in this case he suggests that a 4-unit condominium is not a prudent alternative because it cannot be built financially.

The original concerns of the Commission included the fact that the development would have the wetlands surrounded by retaining walls and walkways. Attorney Waters said the proposal is to pipe an area of the watercourse and then to create a two for one wetland area. Attorney Waters referred the Commissioners to the present proposal. Mr. Anderson said the first order of magnitude is to try to avoid wetland impacts at all costs, when that is not possible, mitigation is suggested in the form of restoration in the form of creation. Mr. Anderson presented photographs to the Commissioners that show the existing poor condition of the watercourse. He said the northern area receives the primary hydrology through an existing 18-inch reinforced concrete pipe, which collects and discharges storm water runoff from areas to the north and east of the development site. Mr. Anderson said he has spoken with the Soil Scientist and although he fully accepts his review of the wetland he is not sure another Soil Scientist would have classified the soils as wetland type soils. Generally, wetland type soils are areas of poor drainage where the ground water is within 18 inches of the surface. They are silty soils that exhibit modeling and various other activities. These soils are very well drained. He is inclined to believe the soils are part of the runoff from Ely Avenue. The majority of the soil seems to be road sand. Mr. Anderson said the quality is very low. He said that on the surrounding properties there is

construction debris and fill further impacting any natural features that it may have had in the past. Also present within the channel is a significant amount of garbage, household debris, invasive vines, small woody shrubs as well as herbaceous material within the meadow area to the western end of the property. Mr. Anderson said the applicant is proposing an energy dissipater, which would slow down the velocity of waterflow through the system, a plunge pool that would drop out the road sands, providing a basin allowing the water to become more renovated and providing a mixture of wet and dry herbaceous plants, along with a dense woody buffer.

Ms. Destefanis asked Mr. Anderson if he would propose cleanups of some frequency at the plunge pool. Mr. Anderson said they could recommend a maintenance schedule. Attorney Waters said that because this is a condominium association this could be instituted as part of their landscape plan.

Don Strait, Landscape Architect with Grumman Engineering explaining the grading plan, stated that the retaining wall is approximately a 10 feet drop from the parking from the parking lot.

Ms. Destefanis asked Mr. Strait if, by creating this wetland, he gave any consideration to the possibility that there would be some impact to the adjacent neighbors. Mr. Strait said he thinks the only impact would be that the water would be cleaner going offsite. Ms. Ackerman asked if the new wetland would resemble, as much as possible, a true natural area. Mr. Anderson stated that the idea is to create a more natural setting. He said what is there now is an eroded channel. Mr. Anderson referred to the plan, which showed how the meandering stream would flow. Mr. Strait said the habitat would be a lot more open and sunny. Anderson said in the first 2 to 3 years it will look landscaped but over time the idea is not to go in there to maintain it other to replace any shrubs that might have died or to remove any invasive plants coming in. The idea is to let it get back to a natural setting and encourage wildlife to come back into the area.

Mr. Caputo stated that the Commissioners have new material that needs to be reviewed and that he would like to have Staff review it as well. He said the second Tuesday in November is Veteran's Day so there are no regular meetings on that Tuesday. Mr. Caputo said the next Tuesday is the third Tuesday of the month, in which would be a non-regulatory meeting, followed by one additional meeting on the November 25<sup>th</sup>. This is the only regulatory meeting scheduled for the month of November. He asked if there were any Commissioners who knew for certain that they would not be available for the meeting on the 25<sup>th</sup>. The consensus was that all of the Commissioners would be available for the meeting on November 25, 2003. Ms. Cherichetti stated that there is one regulatory



meeting in December on the 9<sup>th</sup> and one non-regulatory meeting on December 16<sup>th</sup>. Mr. Caputo thanked Attorney Waters and the applicant for coming.

- b) **19 Park Street – Somma -#03-170** – Construction of a detached storage building and paving of exterior parking spaces adjacent to a wetland and watercourse

Ms. Leonard said a memo and a draft resolution are included in the packets to the Commissioners. She said there were relatively few questions at the last meeting. Ms. Leonard said she draws attention to Special Condition #4, which is the property next to the veterinary hospital. She said Staff recommended an increase in the wetland buffer from 5 to 10 feet off the fence along the watercourse, which would run behind the proposed storage shed.

Ms. Smith said she wondered how the drain works. Mr. Somma, one of the owners of 19 & 21 Park Street stated that the water goes into the corner drain in the corner of the parking and there is a pipe that brings it into the storm sceptor and through the distribution of the storm sceptor spins around and separates the oil in the grit and then sends it out into the brook. Ms. Smith asked if what goes out into the brook is clean of oil and grit. Mr. Somma said about 87% is clean. Ms. Smith asked if the storm sceptor would be able to handle the great volume going through it. Mr. Somma stated that the storm sceptor is 450 gallons and there is only a 20 x 20 area that he is looking to put into asphalt. Ms. Cagnina said that Special Condition #4 refers to

a 10-foot natural buffer but does not state what is to be planted or how many. Ms. Cherichetti said it would be the addition of 8 shrubs planted within that area as long as they are native, non-invasive shrubs, the species is up to them.

Mr. Caputo stated that Mr. Losio would not be voting on this matter.

**\*\* MS. SMITH MADE A MOTION THAT THE NORWALK CONSERVATION COMMISSION APPROVE APPLICATION #S03-170 – 19 PARK STREET – SOMMA FOR THE CONSTRUCTION OF A DETACHED STORAGE BUILDING AND PAVING OF EXTERIOR PARKING SPACES ADJACENT TO A WETLAND AND WATERCOURSE WITH THE 6 SPECIAL CONDITIONS OUTLINED IN A MEMO FROM ERIN LEONARD,**

**CONSERVATION STAFF TO THE NORWALK CONSERVATION  
COMMISSION DATED OCTOBER 17, 2003.**

**\*\* MS. CAGNINA SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION**

**(MR. LOSIO).**

c) **21 Park Street – Somma - #S03-171 – Paving of driveway adjacent to a  
wetland**

and watercourse

**\*\* MS. SMITH MADE A MOTION THAT THE NORWALK  
CONSERVATION COMMISSION APPROVE APPLICATION  
#S03-171 – 21 PARK STREET – SOMMA FOR THE  
CONSTRUCTION OF A DETACHED STORAGE BUILDING AND  
PAVING OF EXTERIOR PARKING SPACES ADJACENT TO A  
WETLAND AND WATERCOURSE WITH THE 1 SPECIAL  
CONDITION OUTLINED IN A MEMO FROM ERIN LEONARD,  
CONSERVATION STAFF TO THE NORWALK CONSERVATION  
COMMISSION DATED OCTOBER 17, 2003.**

**\*\* MS. DESTEFANIS SECONDED THE MOTION.**

Ms. Corcillo stated that the last sentence of Special Condition # 1 should be amended as follows: All gravel beyond these dimensions shall be removed and lawn shall be re-seeded, and plantings within the buffer area shall be restored in accordance with the original site plan for the property, a copy of which was received by the Norwalk Conservation Commission on September 30, 2003.

**\*\* MS. SMITH MADE A MOTION TO AMEND THE MOTION  
THAT THE NORWALK CONSERVATION COMMISSION  
APPROVE APPLICATION #S03-171 – 21 PARK STREET –  
SOMMA FOR THE CONSTRUCTION OF A DETACHED  
STORAGE BUILDING AND PAVING OF EXTERIOR PARKING  
SPACES ADJACENT TO A WETLAND AND WATERCOURSE  
TO INCLUDE THE REWORDING TO SPECIAL CONDITION 1 AS  
READ ALOUD BY JANE CORCILLO.**

**\*\* MS. DESTEFANIS SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR. LOSIO).**

**PERMIT MODIFICATIONS**

- a. a) **295 Newtown Avenue-Kerschner Development Co., LLC - #S02-126b** – Substitute catch basin filters for approved mechanical oil/grit separator

Ms. Cherichetti said the Commissioners have in their packets technical information about the inserts. She stated that Staff would note that the effectiveness of the single-unit mechanical oil/grit separators is certainly proven highly effective, however one of the major drawbacks for Staff is that it is very hard to inspect them to see if they are working other than asking the owner or people in charge of maintaining them for submission of maintenance documents. Ms. Smith asked if the Conservation Staff is obligated to inspect the separators after they are installed. Ms. Cherichetti said part of the original permit required a declaration of restrictive covenants and a charge to the common owner or the association to follow a post maintenance plan, which was submitted as part of the original application. One of the conditions requires that the applicant make an amendment to that declaration of restrictive covenants to reflect maintenance of these filters. Ms. Cherichetti said the system proposed by the applicant is easier to inspect and more cost effective for the eventual owners maintain.

Attorney Genaurio said the system proposed by the applicant is a relative improvement. He the primary concern is for the ease of the 5-unit association. He said not only is it easy for Staff to inspect but the easier it is for the association to do the maintenance and the recycling, the more likely it is to get done. Mr. Strait, Landscape Architect stated that they did clean one of these recently. He said the company; Abtec also does come in and do the maintenance besides providing the units. He said it was around \$120.00 for 3 catch basins. He said it is less expensive than having a septic tank.

Mr. Caputo stated that he would be sitting out on this vote so that Ms. Ackerman could vote.

**\*\* MS. CAGNINA MADE A MOTION THAT THE NORWALK CONSERVATION**

**COMMISSION WOULD APPROVE PERMIT MODIFICATION #S03-126B – KERSCHNER DEVELOPMENT – 295 NEWTOWN AVENUE FOR SUBSTITUTE CATCH BASIN FILTERS FOR APPROVED MECHANICAL OIL/GRIT SEPARATORS WITH CONDITIONS 1 AND 2 AS NOTED IN THE MEMO OF OCTOBER 20, 2003 TO THE NORWALK CONSERVATION COMMISSION FROM ERIN LEONARD, CONSERVATION STAFF.**

**\*\* MS. SMITH SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR. CAPUTO).**

**BOND RELEASES &/OR REDUCTIONS**

- a) **106-108 West Cedar Street – L.M.F. Partners- #505.S93-** Grading and paving  
adjacent to brook

Ms. Cherichetti stated that the applicant has fulfilled all of the requirements and Staff recommends release of the bond.

**\*\* MS. DESTEFANIS MADE A MOTION TO RELEASE THE BOND AT 106-108**

**WEST CEDAR STREET – L.M.F. PARTNERS-#505.S93.**

Mr. Captuto stated that he would sit out on all of the bonds, a through k so that Ms. Ackerman could vote.

**\*\* MS. SMITH SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR. CAPUTO).**

b) **11 Hilltop Road-Klink-#699.S99**-Construct house, septic, retaining wall, landscaping adjacent to pond

Ms. Cherichetti stated that all the requirements of the permit have been met and Staff recommends release of bond.

**\*\* MR. LOSIO MADE A MOTION TO RELEASE THE BOND AT 11 HILLTOP ROAD- KLINK-#699.S99.**

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

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR. CAPUTO).**

c) **11 Hilltop Road-Klink-#628.S97**-Culvert storm drainage with outflow into pond/  
landscaping/biofilter

Ms. Cherichetti said the applicant has replaced all of the shrubs that were required under the permit and Staff recommends release of the bond.

**\*\* MS. CORCILLO MADE A MOTION TO RELEASE THE BOND AT 11 HILLTOP**

**ROAD-KLINK-#628.S97.**

**\*\* MS. CAGNINA SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR. CAPUTO).**

d) **50 Aiken Street-Commercial Pond Services-#P02-101-**  
Dredging, via suctioning of recent deposits in and adjacent to  
wetlands and a watercourse

Ms. Cherichetti stated that as required by the permit all the disturbed areas have been stabilized and Staff recommends release of the bond.

**\*\* MS. CORCILLO MADE A MOTION TO RELEASE THE BOND AT 11 HILLTOP**

**ROAD-KLINK-#628.S97.**

**\*\* MS. ACKERMAN SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR. CAPUTO).**

e) **88 North Taylor Avenue (Lot 1-A)-D&K Associates-#S01-74-**Construct  
single-

family residence and associated drainage adjacent to a wetland

Ms. Cherichetti stated that the required planting plan has survived one full growing season and Staff recommends release of the bond.

**\*\* MS. SMITH MADE A MOTION TO RELEASE THE BOND AT 88 NORTH TAYLOR AVENUE (LOT 1-A)-D&K ASSOCIATES-PERMIT#S01-74.**

**\*\* MS. DESTEFANIS SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR.**

**CAPUTO).**

f) **88 North Taylor Avenue (Lot 1-C)-D&K Associates-#S01-75-Construct single-**

family residence adjacent to a wetland

Ms. Cherichetti said that Staff recommends release of the bond.

**\*\* MS. CAGNINA MADE A MOTION TO RELEASE THE BOND AT 88 NORTH**

**TAYLOR AVENUE (LOT 1-C)-D&K ASSOCIATES-PERMIT#S01-75.**

**\*\* MS. SMITH SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR.**

**CAPUTO).**

g) **365 Wilson Road-Shockley/Caravan-#S00-37-Demolish existing house,**

construction of new single-family house adjacent to a wetland and watercourse

Ms. Leonard stated that all required plantings are in and Staff recommends release of

bond.

**\*\* MS. ACKERMAN MADE A MOTION TO RELEASE THE BOND AT 365 WILSON ROAD-SHOCKLEY/CARAVAN-#S00-37.**

**\*\* MS. CAGNINA SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1  
ABSTENTION (MR.**

**CAPUTO).**

- h. h) **148 Chestnut Hill Road-Faulkner-#D02-74**-Placement of swing set and landscaping near watercourse

Ms. Leonard stated that all plantings are in and Staff recommends release of bond.

**\*\* MS. SMITH MADE A MOTION TO RELEASE THE BOND AT 148  
CHESTNUT**

**HILL ROAD-FAULKNER-#D02-74.**

**\*\* MS. DESTEFANIS SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1  
ABSTENTION (MR.**

**CAPUTO).**

- i. i) **9 Christopher Court-Jo-Dee, Inc.-#S94-533**-Construction of single-family

home adjacent to a retention pond Ms. Leonard said the retention pond is well vegetated with acceptable

substitutions

and Staff recommends release of the bond.

**\*\* MS. CAGNINA MADE A MOTION TO RELEASE THE BOND AT 9  
CHRISTOPHER COURT-JO-DEE, INC.-#S94-533.**



**\*\* MS. CORCILLO SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR.**

**CAPUTO).**

j. j) **292 Fillow Street-Siu-#S00-734**-Construct addition to house adjacent to pond

and river

Ms. Leonard stated that Staff recommends release of bond. The site is stable as per conditions.

**\*\* MS. ACKERMAN MADE A MOTION TO RELEASE THE BOND AT 292 FILLow STREET-SIU-#S00-734.**

**\*\* MS. DESTEFANIS SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MR.**

**CAPUTO).**

k. k) **601 Main Avenue-Merritt 7 Venture, LLC-#N015&D-160**-Construction of bridge/wall/building on Norwalk River

Ms. Cherichetti stated that this is out of a \$30,000.00 performance bond of which \$24,000.00 was released in July and this is the remaining \$6,000.00 for the survival of the plantings for at least one full growing season.

**\*\* MS. CORCILLO MADE A MOTION TO RELEASE THE BOND AT 601 MAIN**

AVENUE-MERRITT 7 VENTURE, LLC-#N015&D-160.

\*\* MS. CAGNINA SECONDED THE MOTION.

\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1  
ABSTENTION (MR.  
CAPUTO).

**ACCEPTANCE OF MINUTES**

a) **Corrections - Minutes of October 14, 2003**

Page 1, last Paragraph, "...water drain and not the brook." should be "**storm drain and not the brook.**"

Page 2, Sedonna Group should be "**Sedona Group**". Also, the word Construction is misspelled.

Page 2, under the motion, October is misspelled.

Page 3, Paragraph 1, Insert after the first sentence, "**Mr. Waters stated that a Soil Scientist reexamined the property and confirmed that these are indeed wetlands on the property.**"

Page 3, Paragraph 3, delete the word "offset".

Page 3, under the motion, omit plantings. Also, the word Spring is misspelled.

\*\* MS. DESTEFANIS MADE A MOTION TO APPROVE THE  
MINUTES OF OCTOBER 14, 2003 AS AMENDED.

\*\* MS. SMITH SECONDED THE MOTION.

\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1  
ABSTENTION (MR. LOSIO).

b) **Corrections – Minutes of Special Meeting - October 8, 2003**

Ms. Leonard stated that the minutes are abbreviated, there was no tape and Staff did the minutes. It is a general discussion of the meeting.

**\*\* MS. SMITH MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL MEETING ON OCTOBER 8, 2003.**

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

**\*\* MOTION PASSED UNANIMOUSLY 7 TO 0, WITH 1 ABSTENTION (MS. DESTEFANIS).**

**COMMENTS OF STAFF**

a) Ms. Cherichetti said a declaratory permit was issued for 62-64 Devils Garden Road for a shed. It was 16 feet from a wetland line. The shed was placed on a historically cleared area. Ms. Cherichetti said the shed is on a 62 x 64 double lot.

- a. Ms. Cherichetti said there was an enforcement action there was a notice of violation issued for 332 Chestnut Hill Road. She said the homeowner brought in a significant amount of fill and they were given directives by Staff to pay the fine, which they have done. They were also asked to apply for a permit to do the work that they propose. Another directive was to move the fill to another location 40 feet away from the wetland line prior to the application of a permit. Staff feels that the likelihood of approval for the amount of fill that is there is slim and Staff would like to see that area stabilized. She said they were 7 to 8 feet away from the wetland line. The deadline for filing the application and removing the fill is tomorrow. Staff will check to see if they have any remaining fill. Ms. Cherichetti asked if the owner has not removed the fill by the deadline given if the Commission would like Staff to send a Cease & Desist letter. She said the owner has suggested that he was going to consult with his lawyer if he was extremely disappointed that he would have to go through the expense of relocating the fill. It was the consensus of the Commission for Staff to go ahead with a warning letter.

Ms. Cherichetti stated that there was a violation at 3 Driftwood Lane with clearing of the rear yard. She said this is the property where a tree fell on the house and demolished it. She said the deadline has passed. Ms. Leonard said the owners were issued a declaratory allowing for some filling of the property in the rear and incorporated the condition of the directives of the Cease & Desist Order. Included in that was the planting of shrubs by October 15, 2003. Ms. Leonard said she received a call from the property owner who informed her there would be a week delay. She said she amended the directives and a week later they are still not in yet. Ms. Cherichetti said the shrubs are sitting on the property. She asked if the Commission would like Staff to issue an additional warning. Ms. Corcillo suggested that Ms. Cherichetti give the owners a call telling them she would like to come out and inspect the plantings and see what they say. Ms. Cherichetti said that she wanted to be consistent with all violations and that she usually gives a written warning and then a notice of violation. If those directives are not heeded Staff goes to a Cease & Desist, if the Cease & Desist is not heeded then it goes to Court. Ms. Smith suggested giving them one more week.

### **COMMENTS OF COMMISSIONERS**

Ms. Destefanis inquired about 6 Allen Road. Ms. Leonard said the matter is being handled by Corporation Counsel's office. Ms. Cagnina asked if Staff could get a copy of the edited open space plan so that Mr. Losio could be up to where the other Commissioners are for the meeting on November 18<sup>th</sup>. Ms. Smith said there is a meeting on November 18<sup>th</sup> at 7:30 p.m. of the Land Trust. She said she hoped the Commissioners would attend the meeting.

### **ADJOURNMENT**

**\*\* MS. SMITH MADE A MOTION TO ADJOURN THE MEETING.**

**\*\* MS. CORCILLO SECONDED THE MOTION.**

**\*\* MOTION PASSED UNANIMOUSLY, 7 TO 0.**

The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Linda L. Custis

Telesco Secretarial Services

