

**NORWALK CONSERVATION COMMISSION MINUTES**

**NOVEMBER 12, 2002**

**ATTENDANCE:** Matthew Caputo, Vice Chairman (6:20PM); Marny Smith; Ed Holowinko; Andrew Kydes; Karen DeStefanis (6:10PM); Larry Losio (6:25PM).

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

**OTHERS:** Michael Greene, Director of Planning & Zoning.

The meeting was called to order at 6:20PM by Mr. Caputo.

**RECEIPT**

**A. KOSINSKI - 94 MAYWOOD ROAD - #S02-127 - TWO LOT SUBDIVISION  
ADJACENT TO A WETLAND AND WATERCOURSE**

Mr. Quinn, a representative of Nexus Engineering, spoke on behalf of the Kosinski's. He stated that Kosinski's would like to subdivide the property into 2 lots; a front lot and a rear lot. He stated that the two buildings could not be put right up to the road according to sub-division regulations. He stated that the wetlands ran Southwest to Northeast on the property and that the greatest distance from the wetlands to the road occurs on the Northeast which is why the rear lot is being built on the North. The proposal called for a 4 bedroom dwelling which he pointed out would be on individual septic systems and on private wells. He stated that the Health Department had already signed off on the plans, as well as Planning & Zoning and engineering. He further stated that dry wells were going to be installed on the downhill side of the house so all run-off from the driveway and from the roof would go into the dry wells.

Mr. Losio arrived at 6:25PM.

Mr. Quinn pointed out that there was a stone wall that runs North to South of the property and that the plan was to keep development above that wall and maintain a permanent undisturbed buffer. He added that because the wall was downhill to the septic system, the Health Department was requiring a portion of the stone wall be excavated. He said that the Kosinski's planned to take out a portion of the stone wall and reconstruct it approximately 15 feet further downhill, which would leave the buffer. Ms. Smith asked if the wall was in a straight line. Mr. Quinn said the wall itself was straight but the proposed reconstruction will shoot off on an angle just south of the septic system. Ms. Cherichetti clarified that the limit of disturbance was 23 feet from the wall and that the staff report referred to another map. Mr. Kydes said that he would like to see some plantings along the proposed wall. Mr. Quinn said no plans for plantings had been made yet because he and his client, the Kosinski's, were waiting for feedback from the Commission but that

they did intend to do plantings in the future. Mr. Caputo stated that a decision could not be made since it was just introduced. The next meeting scheduled for December 10, 2002 would be the first time a decision could be made.

## **DECISIONS**

### **A. MAIDIQUE - 62 WEST NORWALK ROAD - #S02-111 - CONSTRUCTION OF A CARRIAGE HOUSE/GARAGE, MAIN HOUSE, DRIVEWAY, AND SEWER LATERAL ADJACENT TO A WETLAND AND WATERCOURSE**

Ms. Cherichetti referred to a revised map that reflected many of the changes proposed by the Commission in the prior meeting. The carriage house was positioned in the rear and further back from the wetland and included 36ft by 36ft gravel court. Also, the driveway would be on the northern setback and the house would be constructed between the driveway and the wetland. She stated that there were 2 different limits of disturbance; one for the carriage house and one for the main house construction phases. Ms. Cherichetti stated that one thing that was not on the plan was the sewer lateral, which will need to be installed. Ms. Smith asked what the yardage was. Ms. Cherichetti responded 11 1/2 feet. Mr. Maidique said there would be a 20 feet limit of disturbance for the sewer lateral.

Mr. Losio stated that the Commission required a naturally vegetated buffer or plans for plantings along wetlands and asked Mr. Maidique he had any objection to doing this. Mr. Maidique stated that he did not have any problems with the plantings and that the reason it was not stated on the plan was because he ran out of time. However, it was a condition of approval which was made clear in discussions with Ms. Cherichetti.

**\*\* MS. SMITH MOVED TO APPROVE THE APPLICATION #S02-111 WITH CONDITIONS 1 - 8 STATED IN THE MEMORANDUM DATED NOVEMBER 4, 2002.**

Ms. Smith suggested having a professional Environmental Officer check periodically during construction to make sure all conditions are being adhered to. Mr. Kydes volunteered to monitor the construction site.

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

**\*\* MOTION PASSED WITH 4 VOTES IN FAVOR, 1 VOTE OPPOSED (MR. HOLOWINKO) AND 1 ABSTENTION (MS. DESTEFANIS)**

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

Ms. Cherichetti recommended postponing the decision on this item because she received the landscaping plan late on Friday afternoon. Mr. Caputo agreed to table until the next meeting on December 10, 2002.

**PERMIT MODIFICATION**

**A. DISCALA - 28 YEW STREET - #S02-104A - MODIFICATION OF THE FREQUENCY OF ENVIRONMENTAL MONITORING, AS DESCRIBED IN SPECIAL CONDITION #12 OF THE APPROVED PERMIT TO CONSTRUCT A SINGLE-FAMILY HOUSE ADJACENT TO A WETLAND AND WATERCOURSE**

Mr. Discala, a representative of Paragon Builders, requested that the frequency of the Environmental reports be reduced. He stated that the project was a nine month project and that he has never had any problems in the past with any of the agencies. He stated that a weekly report was excessive and would be subsequent to the facts rather than prior to an issue that may come up. He suggested that Mr. Paluse from Land Solutions make a report once per month. Mr. Caputo pointed out that Ms. Cherichetti submitted a staff report that required a professional report be submitted once per month. Mr. Discala continued to point out that he felt the weekly reports were expensive especially when there were many times, due to weather, there was nothing to report. He suggested that a phone call to Ms. Cherichetti should suffice on a weekly basis and that he had never had a violation in all his years of building. Mr. Caputo asked for clarification on which week would the weekly report refer to. Ms. Cherichetti said that the report would be about the prior weeks activity. She further stated that the original condition of the site permit was set due to the proximity of the site to the wetlands and was not a personal reflection on Mr. Discala. Mr. Discala requested that instead of a weekly report, possibly a written report 2 times per month by Paragon. Mr. Losio asked were grading and site activities expected throughout the entire 9 month period. Mr. Discala responded affirmatively, but stated that there would be many weeks when nothing would be occurring. Mr. Caputo suggested Mr. Discala create a letter that stated nothing occurred the week prior due to inclement weather that he could copy and fax each week. The professional report would still be required once per month.

**\*\* MR. KYDES MOVED TO AMEND THE APPLICATION SPECIAL CONDITION #12 - TO REQUIRE A WEEKLY STATUS REPORT BE SUBMITTED BY THE PERMITTEE EACH MONDAY OF EVERY MONTH AND A PROFESSIONAL ENVIRONMENTAL REPORT BE SUBMITTED ON THE FIRST MONDAY OF EACH MONTH AND THAT ALL REPORTS REFLECT THE PRIOR WEEK(S) ACTIVITY**

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

**\*\* THE MOTION CARRIED UNANIMOUSLY**

**BOND RELEASE**

**A. 18 CHIPMUNK LANE - #S01-59 - OLSEN - CORRECTIVE ACTION RE-GRADING AND LANDSCAPING AREAS ADJACENT TO A WETLAND AND WATERCOURSE**

Ms. Cherichetti said a corrective action permit was granted in 2001. She continued to state that a planting plan was implemented a year ago and recent inspection found that all plants, with the exception of one, appeared to be thriving and the applicant replaced the plant. She recommended that the bond be released.

**\*\* MR. KYDES MADE A MOTION TO RELEASE THE BOND ON 18 CHIPMUNK LANE**

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

**\*\* MOTION PASSED UNANIMOUSLY**

**FOR INFORMATIONAL PURPOSES ONLY**

Mr. Caputo suggested skipping to item "G" since the representative from Kerchner Development had left the room.

**\*\* MR. LOSIO MOVED TO AMEND THE AGENDA TO SKIP TO ITEM "G"**

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

**\*\* MOTION PASSED UNANIMOUSLY**

**B. 42 FIELD STREET - #S00-45 - KERSCHNER DEVELOPMENT -  
INSTALLATION OF A DRIVEWAY AND MITIGATION PLANTING PLAN;  
WAS IMPLEMENTED IN JULY 2002**

Ms. Cherichetti stated that the planting plan was not implemented until July 2002. She recommended that the Bond not be released for one full growing season following planting.

**\*\* MS. SMITH MOVED TO DENY THE RELEASE OF THE BOND FOR 42  
FIELD STREET**

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

**\*\* MOTION PASSED UNANIMOUSLY**

**C. 254 FILLOW STREET - #S01-53 - KERSCHNER DEVELOPMENT -  
CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE AND ASSOCIATED  
LANDSCAPING**

Ms. Cherichetti said that the permit was issued in July 2001. Inspection in July 2002 showed that 20 of the 48 plants were non-native invasive plants which were not on the planting plan. She pointed out that the applicant replaced the 20 plants with native plants in July 2002 and she recommended that bond not be eligible for release until one year following the re-planting plan implemented in July 2002.

**\*\* MR. LOSIO MOVED TO DENY THE RELEASE OF THE BOND**

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

**\*\* MOTION CARRIED UNANIMOUSLY**

**D. 4 NEWTOWN COURT - KERSCHNER DEVELOPMENT - CONSTRUCTION  
OF A SINGLE-FAMILY RESIDENCE AND ASSOCIATED LANDSCAPING**

Ms. Cherichetti stated that the original permit that was issued in 1997, was transferred to Kerschner Development in September 2000. Fourteen shrubs were planted in the western rear yard, but 6 of the 14 were non-native invasive plants. The planting plan was inspected and approved at the time of planting. She continued to point out that a special

condition was attached to the original permit that required the applicant to submit one new map reflecting the requested changes and shrubbery additions for three lots. The permit did not require a hedge in the front yard, because at the time, the area was not stabilized. Since the 6 plants need to be replaced as well as a vegetated buffer added to the front, Ms. Cherichetti asked if the current Commission would like to hold off releasing the bond until the plants were replaced and would they now require a hedge be put up in the front. Mr. Kydes said that since CO's were issued, conditions of the wetlands must have been met at the time. Mr. Caputo asked if the map was part of the application. Ms. Cherichetti said that it was inherited from the prior applicant. Mr. Caputo stated that he did not remember the application in September 2000 and he felt it should be looked into further as it was hard to make a decision without all the information. Ms. Cherichetti asked if a vote on the invasive plants be put off as well. Mr. Caputo said that a vote can be made on the invasive plants. Mr. Losio asked what the amount of the bond was. Ms. Cherichetti responded that the bond was \$1,000. Ms. Destefanis suggested that they table this item until more information on the original conditions was clearer.

Mr. Kerschner of Kerschner Development, asked permission to speak in his defense. He said that the plantings were installed, inspected and signed off by the previous Environmental Officers. He continued to say that this was the second occurrence where the new Environmental Officers were requiring after the fact, replacement of plantings that were approved by the previous set of Officers and that he should not be required to change them again since it was already approved. Mr. Losio asked Ms. Cherichetti if the previous Environmental Officers require that the plants be non-invasive native plants. Ms. Cherichetti responded that the permit issued in 1997, did not specify which plants were to be planted, but the planting plan was not followed. Mr. Kerschner stated that though the planting plan was not followed, the plants were installed and approved by the previous staff. Ms. Cherichetti pointed out that the it was not up to staff to catch mistakes if a plan was not followed properly. Mr. Kerschner added that it was normal to make substitutions based on availability and those substitutions were always approved by the Environmental Officers. Ms. Destefanis once again suggested that the matter be tabled until more information can be gathered. Mr. Losio stated that if in 1997, the approval did not specify that the plants be non-invasive native plants, what was the purpose of doing more research. Ms. Destefanis pointed out that the problem was that part of the plan was followed but there was still missing information which made it hard to make a fair decision. Mr. Kydes said that this is a five year old matter that had gone on long enough, especially since it had been approved prior.

**\*\* MR. KYDES MADE A MOTION TO RELEASE THE BOND SINCE IT WAS A FIVE YEAR MATTER.**

Ms. Destefanis pointed out that there were two motions on the table; hers, to table to item and Mr. Kydes' to release the bond. Mr. Caputo apologized and recognized Ms. Destefanis' original motion.

- \*\* MS. DESTEFANIS MOVED TO TABLE THE MATTER UNTIL THE NEXT MEETING**
- \*\* MS. SMITH SECONDED THE MOTION**
- \*\* MOTION CARRIED WITH 5 VOTES IN FAVOR AND 1 OPPOSED (MR. KYDES)**

**E. 3 NEWTOWN COURT - #D00-27 - KERSCHNER DEVELOPMENT - CONSTRUCTION OF A SINGLE FAMILY RESIDENCE AND ASSOCIATED LANDSCAPING**

Ms. Cherichetti said that the applicant and staff were in agreement on the placement of the shrubs. An inspection in May 2002 found 76% of the required shrubs survived and 8 plants were replanted in July 2002. Ms. Cherichetti suggested that the bond be held for one winter after installation and be first eligible for release in April 2003.

- \*\* MR. LOSIO MOVED TO DENY RELEASE OF THE BOND ON 3 NEWTOWN COURT**
- \*\* MS. SMITH SECONDED THE MOTION**
- \*\* MOTION CARRIED UNANIMOUSLY**

**F. 94 COMSTOCK HILL ROAD - #714-S99 - KERSCHNER DEVELOPMENT - CONSTRUCTION OF A SINGLE-FAMILY HOUSE AND ASSOCIATED LANDSCAPING; HAD TO REPLACE 11 OUT OF 21 PLANTS IN JULY 2002**

Ms. Cherichetti stated that in October 2001, 11 out of 21 plants died and were replaced and that one year following replanting they were all alive and staff recommended releasing the bond.

- \*\* MR. KYDES MOVED TO RELEASE THE BOND**
- \*\* MS. DESTEFANIS SECONDED THE MOTION**
- \*\* MOTION CARRIED UNANIMOUSLY**

**G. WEEBURN BEACH CLUB - #S01-57 - RECONFIGURATION OF PARKING LOT AND TENNIS COURTS AND ASSOCIATED LANDSCAPING**

Ms. Cherichetti stated that the permit on this location was issued in June 2001. Half of the bond was to be used for planting and the other half for site stabilization. She recommended that since the site was stable, that half the bond be retained for one full growing season and the other half released.

**\*\* MS. DESTEFANIS MOVED TO RELEASE HALF THE AMOUNT OF THE BOND (\$2,500) AND RETAIN THE OTHER HALF (\$2,500) FOR ONE FULL GROWING SEASON**

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

**\*\* MOTION CARRIED UNANIMOUSLY**

### ACCEPTANCE OF MINUTES

**Corrections to October 22, 2002 minutes:**

Page 2 - 2nd paragraph,- change the word **it** to **garage**.

Page 2 - 4th paragraph, last sentence - change **the permit** to **typically a permit**

Page 2 - last paragraph - change **Ms. Cherichetti expressed some concern about increasing the limit of disturbance** to **Ms. Cherichetti expressed some comment about decreasing the limit of disturbance from the wetland**

Page 2 - 1st paragraph - change **committee members** to **Commission members**

Page 2 - 3rd paragraph - change **conservation permit** to **building permit**

**Attendance:** Larry Losio (6:46) change to **(6:26)**

Page 2 - last paragraph - 6th sentence - change **carriage house** to **main house**

Page 2 - last paragraph - 2nd to last sentence - strike - **"as well as the applicant's intent on using gravel in the driveway"** from the minutes.

Page 3 - 1st paragraph, 5th sentence - change **Ms. Cherichetti asked if the applicant would be willing to explore the idea of constructing the main house on a portion of the neighbors land** change to **Ms. Cherichetti asked if the applicant would be willing to explore the idea of using an access way for construction of the main house on a portion of the neighbors land**



Page 4 - Ms. Smith's Motion - add - **and an additional special condition requiring the applicant to immediately establish a 5ft naturally vegetated buffer on either side of the watercourse**

Page 5 - last paragraph - Ms. Cherichetti suggested writing a memo stating that while the Commission change to Ms. Cherichetti suggested writing a memo stating that while the Planning Commission

Page 6 - last paragraph - last sentence - remove **did not comply with directives** change to **were given directives**

Page 5 - 1st paragraph - line 9 - **she expressed concern for a very large Maple tree along the driveway** change to **she expressed concern for a very large Maple tree in the path of the proposed entry road**

**\*\* MS. SMITH MOVED TO ACCEPT THE MINUTES AS AMENDED**

**\*\* MR. KYDES SECONDED THE MOTION**

**\*\* MOTION CARRIED WITH 5 IN FAVOR AND 1 ABSTENTION (MS. DESTEFANIS)**

#### **COMMENTS OF STAFF**

##### **A. CURRENT VIOLATIONS - SEE ATTACHMENT**

Ms. Cherichetti did not have any violations to report

##### **B. DECLARATORY PERMITS**

Ms. Cherichetti said that 2 permits had been issued since the last meeting:

- 1) Creeping Hemlock Road - the applicants plan to put in a garage, add a second floor and a deck but that the proposed constructions were 50 ft from the wetlands
- 2) 30 Double Scardon Road - the applicants plan to tear down their current deck and rebuild it exactly as before. The deck stands 30 ft from the wetlands.

##### **C. PROPOSED OPERATING BUDGET FY 2003-04**

Ms. Cherichetti said the proposed budget was more optimistic than the last proposed budget. She gave a brief overview of the changes from the last meeting. The first change

was the addition of a full-time Environmental Officer with an estimated wage based on the last time there was a full-time Environmental Officer 10 years ago. Another major change was the proposed budget under architectural services of \$3,000. This was for a consultant to input wetland info into useful GIS format.

Mr. Caputo expressed some dissatisfaction with the budget for the Conservation Commission and asked if there was an opportunity for the Commission to voice their concerns. Ms. Cherichetti said the meeting scheduled for January 2003 would be a good time. Mr. Losio asked for some clarification on the budget process and inquired about who signed off on the budget prior to the Common Council review. Ms. Cherichetti said to her understanding, the Finance department first makes recommendations which is called a performa, then department heads make recommendations and then the Director of Finance and the department heads discuss accordingly. Mr. Losio asked what was the purpose of the Performa. Ms. Cherichetti said that the Performa for the Conservation Commission stated that the budget remained the same except for a contractual raise for the Senior Environmental Officer, a 5% increase in postage, and a 5.5% increase in other travel. Mr. Caputo suggested that Mr. Losio call Mr. Greene and express the concerns of the Commission in regard to the budget. Mr. Losio suggested speaking to the Mayor as well as to members of the Common Council, about getting additional staff support. Ms. Smith asked what points did the Commission want to emphasize. Mr. Caputo stated that he believed the main point was that the Conservation Commission has been de-funded from 10 years ago yet the service has increased over the years. Ms. Cherichetti said that she would try to get the Conservation Commission added to the agenda for the next Land Use Committee meeting.

#### **D. PROCESS REGARDING AMENDMENTS TO THE NORWALK INLAND WETLANDS AND WATERCOURSE REGULATIONS**

Ms. Cherichetti stated that she had been having discussion with the Corporation Council and had a question about the process regarding approval of amendments made to the inland wetlands and watercourse regulations. She stated that it was not quite clear if it was the Common Council that approved the changes to the regulations or the Conservation Commission.

#### **COMMENTS OF COMMISSIONERS**

##### **A. DEVELOPMENT OF MEETING STRUCTURE TO ADDRESS ADDED CONSERVATION RESPONSIBILITIES**

Mr. Caputo stated that a special meeting was already scheduled for some time this month and that the agenda of the meeting might be about how to structure work as well as how the budget process works. Ms. Cherichetti suggested the next meeting be held on November 19, 2002. All members were in favor.

## **B. SEPTIC SYSTEM MAINTENANCE INFORMATION**

Ms. Cherichetti said that Ms. Smith gave some suggestions for changes which she intended to make and that Mr. Holowinko was looking into who gets the information.

### FOR INFORMATIONAL PURPOSES

Mr. Losio asked when did Mr. Handrinos last attend a meeting. No one was able to tell. Mr. Losio then stated that this should be an issue that should be addressed by the Commission at a future meeting.

**\*\* MR. LOSIO MOVED TO ADJOURN THE MEETING**

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

**\*\* MOTION CARRIED UNANIMOUSLY**

The meeting was adjourned at 8:45PM.

Respectfully submitted,

Michele Montgomery

Telesco Secretarial Services