

NORWALK CONSERVATION COMMISSION MINUTES

**City of Norwalk
Conservation Commission
November 13, 2007**

ATTENDANCE: D. Seeley Hubbard, Chair; Anne Cagnina, Vice Chair; Beth Ackerman; Karen Destefanis; Matthew Caputo (6:14 PM)

STAFF: Alexis Cherichetti, Senior Environmental Officer

CALL TO ORDER

The meeting was called to order at 6:11 PM.

ROLL CALL

Ms. Cherichetti called the roll.

RECEIPT AND DISCUSSION

a) #S07-297 – 32 Stonecrop Road – Mecca – Corrective Action restoration of a wetland and watercourse

Matt Popp of Environmental Land Solutions, LLC presented the proposed restoration plan and provided a brief history of the conditions and events preceding the current application for permit. He noted that the drainage way, which had recently been filled with gravel, was likely originally dug with the aim of draining the adjacent wetland areas. He stated that he believed that the filling with gravel and the implementation of the planting plan would likely have positive impacts on the hydrology of the wetland area.

Ms. Ackerman asked Mr. Popp to more fully describe and compare the wetland functions now and before the filling work was performed. Mr. Popp concluded that the functions would minimally change and that the impacts would be a net improvement of function.

Ms. Cagnina asked that Mr. Popp confirm whether he believed that the proposed work would result in a net enhancement of the wetland. Mr. Popp replied affirmatively.

Ms. Cherichetti requested that the Commission decide whether the activities are considered 'significant'. Following brief discussion, the consensus was that the activities were not.

b) #S07-298 – 166 Fallow Street – Ceja – Corrective Action stabilization, restoration, and planting in a pond

Matt Popp, Environmental Land Solutions, LLC, presented the proposed restoration plan for the property. He described the proposed additional activities required for restoration and stabilization.

Ms. Cherichetti noted that a watershed analysis would be helpful. She noted that it would be helpful to understand the size of the area contributing surface water to the pond.

Ms. Ackerman asked for clarification of the proposed sedimentation & erosion controls. Mr. Popp explained that hay mulch had been installed on the spoils areas adjacent to the pond but that silt fence was not installed adjacent to portions of the steep bank.

Ms. Cherichetti confirmed with the Commissioners that the activities warranted a Significant Regulated Activity application because of the scope of work involved. There was consensus that the activities are significant and a public hearing was scheduled to commence during the December 11, 2007 regular meeting.

c) #S07-299 – 70 Cranbury Road – Tarzia – Three (3) lot subdivision of land in wetlands and watercourses

Holt McChord of McChord Engineering provided a brief overview of the proposal. He noted that the three acre site would be subdivided into tree building lots. The single lot currently contains two legal dwellings. He noted the existing frontage for the property on Cranbury Road and described the location of additional land that the applicant has an agreement to own.

Mr. McChord then located the various wetlands and watercourses on and adjacent to the property and noted that all but a small portion of the property was located within the upland review area of the wetlands and watercourses. Mr. McChord also pointed out the 100-year flood zone limit, which he believes is located along the 95-foot contour.

Matt Popp of Environmental Land Solutions, LLC very briefly presented a mitigation landscaping plan for the proposed three lots.

Ms. Cagnina inquired if the applicant has considered alternatives, such as only two building lots. Mr. McChord indicated that they are applying for three lots.

Ms. Cherichetti listed a variety of items, some of which she noted that she had previously discussed with Mr. McChord, that were needed for the evaluation of the application. The list included a survey with information regarding the topographic data and property lines, additions to the site plan, a drainage report, and details regarding the proposed bridge over Stony Brook and the proposed directional drilling proposed under Stony Brook for the installation of proposed utilities.

Ms. Cherichetti confirmed with the Commission that the application is requesting significant activities and that a public hearing is required. The scheduling of the hearing was postponed until the receipt of the requested additional information.

d) #S07-300 – 291 Rowayton Avenue – Weisheit – Construction of retaining wall in the Five Mile River

Steve Weisheit, property owner, presented an overview of the proposed work. Mr. Weisheit explained that the previous retaining wall, along with approximately an eight foot wide strip of land, had been completely washed out by the floodwaters associated with the April 15, 2007 storm event. He explained some of the photographs he had submitted with his application.

Ms. Cherichetti clarified the location of the property and its relation to other permits for wall repair that had recently been before the Commission.

Ms. Ackerman inquired about the proposed construction measures and sequence. Ms. Cherichetti confirmed the proposed materials and construction practices proposed.

Based on the description of the proposed work, the Commission decided that a public hearing would not be required. Ms. Ackerman noted that the work obviously needs to be done.

The Commission took a two-minute recess.

PUBLIC HEARING

a) #S07-294 – 76 West Norwalk Road – Lato – Corrective Action restoration of a watercourse and riparian wetland along the Five Mile River

Ms. Cherichetti called the roll, confirmed the legal notices of the hearing in The Hour, and noted the receipt of mailed notice to the abutting property owners.

Mr. Hubbard explained the procedures that the Commission follows and expects during a public hearing and then opened the floor to the applicant.

Stephen Danzer represented the property owner and applicant. He provided an overview of the present and historical conditions of the site and discussed the proposed remediation for the previous activities cited in the violation.

Mr. Hubbard invited the first member of the public to speak. Ronald Nemeth, part owner of 123 Richards Avenue, explained that his property lies on the eastern side of the Five Mile River, directly across from the Lato property. He noted that the subject property owner had a long history of altering the land adjacent to the River. He conceded that some of the activities had actually been permitted by the Commission, but many others were not. He stated his concerns that the accumulation of fill on the Lato property was contributing to erosion on his property. He expressed concern that the proposed plan would just fortify the position of the old fill.

Mary Lou Nemeth D'Andrea, also a part owner of 123 Richards Avenue, spoke next. She read a statement that explained was the combination of her own observations and her husband, Leonard D'Andrea, P.E., concerns. She noted that she agreed with the principles of the plan – to remove recently deposited material and the dam – but was very concerned about the lack of a clear site plan that illustrated all of the proposed work. Noting that the site is within the floodway and floodplain, she also expressed concern regarding how the Commission would verify that the site was restored properly, to the pre-existing grades. She suggested that a land surveyor be required to submit spot elevation data to compare with accurate topographic dated collected in 2005.

Mr. Danzer was invited to rebut the comments from the public. He noted that his client was only responding to the activities listed in the enforcement letter and was not responsible for the land activities that pre-date the recent violation. He reminded the Commission that his client was only responding to the Order that they had issued with tight deadlines and that he only had two weeks to come with a plan. Regarding the site plan, he explained that the narrative described the details of the restoration activities. He noted that his narrative did suggest that permit conditions include a requirement that an environmental site monitor be present, and that the Conservation staff would effectively oversee the final extent of work. Mr. Danzer explained that the disturbed nature of the soil and the variable depth of fill made it difficult to determine the precise extent and depth of work on a site plan.

Ms. Destefanis expressed concern that there was not a site plan to follow. She recalled that generally the Commission – and the property owner – would be looking for a site plan that could be handed to a contractor, who could in turn follow the plan.

Ms. Cherichetti concurred that there were problems with the current site plan and listed items that should be shown on the plan. She noted that if the Commission were to approve the permit based on the descriptive language submitted in the narrative, she would have a difficult time determining if the activity was completed fully or not.

Mr. Hubbard agreed and stated that the Commission requires a standard level of information in order to render a fair and informed decision. He further concluded that the submitted materials do not yet meet that standard. He suggested that the Commission leave the hearing open and continue at the next meeting on December 11, 2007 and he encouraged the applicant to work on a revised site plan.

PERMIT MODIFICATION

a) #S06-262B – 32 Morehouse Lane – Stoner Manor LLC – Modification of permit to allow expanded scope of activities associated with river bank stabilization in and adjacent to a wetland and watercourse

Ms. Cherichetti began with a chronological summary of the original application, a previous application for modification, and her recent site inspection of the site.

Denise Halstead, Stearns & Wheler, LLC, displayed the proposed site plan and briefly described the proposed work. She confirmed that she did not believe that the added work would require an Army Corps of Engineers Programmatic General Permit (PGP) would be required for the proposed activities. She noted that the original permit allows for the stabilization of two areas (A-1 and A-2). The proposed new area would be done instead of the original 'A-2' area.

Ms. Ackerman asked if a public hearing should be required. Ms. Cherichetti noted that a hearing was held on the original application and she further confirmed that she felt that the proposed modification results in less intensive activity along the river than originally approved.

**** MS. CAGNINA MOVED TO APPROVE THE REQUEST TO MODIFY THE PERMIT TO ALTER THE AREA AND TYPE OF WORK, AS DEPICTED ON THE RECENTLY SUBMITTED SITE PLAN, WITH ALL OF THE SPECIAL CONDITIONS OF THE ORIGINAL PERMIT.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

DISCUSSION/DECISION

- a) #S07-285 – 33 Witch Land (Lot 1) – Kerschner Development – Construction of a new single family residence adjacent to a wetland and watercourse
- b) #S07-286 – 33 Witch Land (Lot 2) – Kerschner Development – Construction of a new single family residence adjacent to a wetland and watercourse

Ms. Cherichetti noted that a public hearing was held on these applications during the October 9, 2007 meeting. Discussion by Commissioners following the hearing indicated that, with the inclusion of certain conditions, there were no problems or concerns with the applications.

**** MR. CAPUTO MOVED TO APPROVE APPLICATION #S07-285 WITH THE FOLLOWING RESOLUTION:**

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND

WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT LIKELY RESULT IN ANY NEGATIVE IMPACT ON THE WETLAND OR WATERCOURSE; AND

WHEREAS, THE EXISTING BUFFER BETWEEN THE LAWN AREA AND THE WETLAND WILL BE ENHANCED;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-285, FOR CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE, BE GRANTED TO KERSCHNER DEVELOPMENT COMPANY, LLC, FOR PROPERTY AT LOT 1, 33 WITCH LANE, NORWALK, CT [6-23A-16 AND 6-23A-21], WITH THE FOLLOWING CONDITIONS:

1. A \$2,700.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING AND INVASIVE PLANT MANAGEMENT SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.
2. SILT FENCE OR HAY BALES SHALL BE INSTALLED ALONG THE LIMIT OF GRADING DISTURBANCE AND ALONG THE LIMIT OF MITIGATION WORK, IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED "TWO-LOT DEVELOPMENT PLAN", DATED 8-08-07 AND LAST REVISED 9-26-07 BY DEAN MARTIN, GRUMMAN ENGINEERING, LLC. THE SEDIMENTATION & EROSION CONTROL IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.
3. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.
4. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED IMMEDIATELY WEST OF THE PROPOSED STONE RETAINING WALL, IN THE AREAS INDICATED ON THE APPROVED SITE PLAN. THE AREAS WITHIN THE DESIGNATED WETLAND BUFFER SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN.

5. THE WETLAND MITIGATION PLANTING PLAN FOR EACH LOT SHALL BE MODIFIED TO INCLUDE TWO (2) ADDITIONAL NATIVE SHADE TREES, 2" CALIPER, TO BE PLANTED EAST OF THE PROPOSED STONE WALL AND WITHIN THE UPLAND REVIEW AREA.

6. THE WETLAND MITIGATION PLANTING PLAN AS SHOWN ON THE PLAN ENTITLED "WETLAND MITIGATION PLAN", DATED AUGUST 3, 2007 BY KATHERINE THROCKMORTON, ENVIRONMENTAL LAND SOLUTIONS, LLC AND AS AMENDED BY #3 ABOVE, SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

7. THE APPLICANT SHALL CAUSE TO HIRE AN ENVIRONMENTAL MONITOR (A PROFESSIONAL WETLAND SCIENTIST OR CERTIFIED ECOLOGIST OR BIOLOGIST) TO INSPECT THE SITE AND SUBMIT WRITTEN PROGRESS REPORTS TO THE CONSERVATION OFFICE THE REPORTS MUST DESCRIBE THE STATE OF SITE, THE CURRENT EFFECTIVENESS OF THE SEDIMENTATION AND EROSION CONTROLS, THE STATE OF THE WETLAND MITIGATION ACTIVITIES OF PLANTING AND INVASIVE PLANT MANAGEMENT, ANY REQUIRED WORK TO KEEP THE ACTIVITIES IN COMPLIANCE WITH THIS PERMIT, AND ANY OBSERVED IMPACTS TO THE WETLAND OR WATERCOURSE. THE ABOVE INSPECTION AND REPORTING SHALL OCCUR ONCE EVERY FOUR WEEKS UPON THE COMMENCEMENT OF SITE WORK AND CONTINUE UNTIL THE COMPLETION OF ALL REGULATED ACTIVITIES AND THE SITE IS STABILIZED.

8. ADDITIONALLY, THE ENVIRONMENTAL MONITOR SHALL BE PRESENT AT THE SITE AT THE INITIATION OF VEGETATION REMOVAL WITHIN THE WETLAND MITIGATION AREA.

9. THE APPLICANT SHALL CAUSE TO BE PREPARED AN 'AS-BUILT' FOUNDATION SURVEY OF THE PROPERTY. THE 'AS-BUILT' SURVEY SHALL ALSO INCLUDE ALL WETLANDS AND WATERCOURSES, THE AREA PREVIOUSLY DESCRIBED IN SPECIAL CONDITION #2 ABOVE NOTED AS THE 'DESIGNATED WETLAND & WATERCOURSE BUFFER AREA', THE STONE RETAINING WALL NOTED AS THE 'LIMIT OF LAWN', AND A NOTE REFERRING THE READER TO THE CONSERVATION OFFICE FOR FURTHER INFORMATION ASSOCIATED WITH CONSERVATION PERMIT #S07-285. THE 'AS-BUILT' PLAN SHALL BE FILED ON THE NORWALK LAND RECORDS BY THE APPLICANT, WITH TWO COPIES OF THE FILED MAP SUBMITTED TO THE CONSERVATION OFFICE.

WHEN THE PROPERTY IS TRANSFERRED FROM THE DEVELOPER TO NEW OWNER, EITHER A REDUCED COPY OF THIS MAP SHALL BE ATTACHED TO THE WARRANTY DEED OR THE WARRANTY DEED SHALL REFER TO THE

MAP NUMBER ASSIGNED BY THE TOWN CLERK TO THE ABOVE-DESCRIBED FILED SURVEY MAP.

IN THE EVENT THAT THE PROPERTY IS SOLD PRIOR TO THE 'AS-BUILT' SURVEY BEING AVAILABLE, A REDUCED COPY OF THE APPROVED SITE PLAN, ENTITLED "TWO-LOT DEVELOPMENT PLAN", DATED 8-08-07 AND LAST REVISED 9-26-07 BY DEAN MARTIN, GRUMMAN ENGINEERING, LLC SHALL BE ATTACHED, AS A REDUCED COPY, TO THE WARRANTY DEED.

NO PORTION OF THE PERFORMANCE BOND SHALL BE RELEASED UNTIL THIS CONDITION IS SATISFIED.

10. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN ONE (1) YEAR OF COMMENCEMENT.

11. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED "TWO-LOT DEVELOPMENT PLAN", DATED 8-08-07 AND LAST REVISED 9-26-07 BY DEAN MARTIN, GRUMMAN ENGINEERING, LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MS. DESTEFANIS SECONDED THE MOTION.

** THE MOTION PASSED THREE IN FAVOR AND TWO ABSTENTIONS (HUBBARD AND CAGNINA)

** MR. CAPUTO MOVED TO APPROVE APPLICATION #S07-286 WITH THE FOLLOWING RESOLUTION:

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND

WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT LIKELY RESULT IN ANY NEGATIVE IMPACT ON THE WETLAND OR WATERCOURSE; AND

WHEREAS, THE EXISTING BUFFER BETWEEN THE LAWN AREA AND THE WETLAND WILL BE ENHANCED;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-286, FOR CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE, BE GRANTED TO KERSCHNER DEVELOPMENT COMPANY,

LLC, FOR PROPERTY AT LOT 2, 33 WITCH LANE, NORWALK, CT [6-23A-16 AND 6-23A-21], WITH THE FOLLOWING CONDITIONS:

1. A \$2,400.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING AND INVASIVE PLANT MANAGEMENT SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.
2. SILT FENCE OR HAY BALES SHALL BE INSTALLED ALONG THE LIMIT OF GRADING DISTURBANCE AND ALONG THE LIMIT OF MITIGATION WORK, IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED "TWO-LOT DEVELOPMENT PLAN", DATED 8-08-07 AND LAST REVISED 9-26-07 BY DEAN MARTIN, GRUMMAN ENGINEERING, LLC. THE SEDIMENTATION & EROSION CONTROL IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.
3. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.
4. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED IMMEDIATELY WEST OF THE PROPOSED STONE RETAINING WALL, IN THE AREAS INDICATED ON THE APPROVED SITE PLAN. THE AREAS WITHIN THE DESIGNATED WETLAND BUFFER SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN.
5. THE WETLAND MITIGATION PLANTING PLAN FOR EACH LOT SHALL BE MODIFIED TO INCLUDE TWO (2) ADDITIONAL NATIVE SHADE TREES, 2" CALIPER, TO BE PLANTED EAST OF THE PROPOSED STONE WALL AND WITHIN THE UPLAND REVIEW AREA.
6. THE WETLAND MITIGATION PLANTING PLAN AS SHOWN ON THE PLAN ENTITLED "WETLAND MITIGATION PLAN", DATED AUGUST 3, 2007 BY KATHERINE THROCKMORTON, ENVIRONMENTAL LAND SOLUTIONS, LLC AND AS AMENDED BY #3 ABOVE, SHALL BE FULLY IMPLEMENTED WITHIN

SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

7. THE APPLICANT SHALL CAUSE TO HIRE AN ENVIRONMENTAL MONITOR (A PROFESSIONAL WETLAND SCIENTIST OR CERTIFIED ECOLOGIST OR BIOLOGIST) TO INSPECT THE SITE AND SUBMIT WRITTEN PROGRESS REPORTS TO THE CONSERVATION OFFICE THE REPORTS MUST DESCRIBE THE STATE OF SITE, THE CURRENT EFFECTIVENESS OF THE SEDIMENTATION AND EROSION CONTROLS, THE STATE OF THE WETLAND MITIGATION ACTIVITIES OF PLANTING AND INVASIVE PLANT MANAGEMENT, ANY REQUIRED WORK TO KEEP THE ACTIVITIES IN COMPLIANCE WITH THIS PERMIT, AND ANY OBSERVED IMPACTS TO THE WETLAND OR WATERCOURSE. THE ABOVE INSPECTION AND REPORTING SHALL OCCUR ONCE EVERY FOUR WEEKS UPON THE COMMENCEMENT OF SITE WORK AND CONTINUE UNTIL THE COMPLETION OF ALL REGULATED ACTIVITIES AND THE SITE IS STABILIZED.

8. ADDITIONALLY, THE ENVIRONMENTAL MONITOR SHALL BE PRESENT AT THE SITE AT THE INITIATION OF VEGETATION REMOVAL WITHIN THE WETLAND MITIGATION AREA.

9. THE APPLICANT SHALL CAUSE TO BE PREPARED AN 'AS-BUILT' FOUNDATION SURVEY OF THE PROPERTY. THE 'AS-BUILT' SURVEY SHALL ALSO INCLUDE ALL WETLANDS AND WATERCOURSES, THE AREA PREVIOUSLY DESCRIBED IN SPECIAL CONDITION #2 ABOVE NOTED AS THE 'DESIGNATED WETLAND & WATERCOURSE BUFFER AREA', THE STONE RETAINING WALL NOTED AS THE 'LIMIT OF LAWN', AND A NOTE REFERRING THE READER TO THE CONSERVATION OFFICE FOR FURTHER INFORMATION ASSOCIATED WITH CONSERVATION PERMIT #S07-286. THE 'AS-BUILT' PLAN SHALL BE FILED ON THE NORWALK LAND RECORDS BY THE APPLICANT, WITH TWO COPIES OF THE FILED MAP SUBMITTED TO THE CONSERVATION OFFICE.

WHEN THE PROPERTY IS TRANSFERRED FROM THE DEVELOPER TO NEW OWNER, EITHER A REDUCED COPY OF THIS MAP SHALL BE ATTACHED TO THE WARRANTY DEED OR THE WARRANTY DEED SHALL REFER TO THE MAP NUMBER ASSIGNED BY THE TOWN CLERK TO THE ABOVE-DESCRIBED FILED SURVEY MAP.

IN THE EVENT THAT THE PROPERTY IS SOLD PRIOR TO THE 'AS-BUILT' SURVEY BEING AVAILABLE, A REDUCED COPY OF THE APPROVED SITE PLAN, ENTITLED "TWO-LOT DEVELOPMENT PLAN", DATED 8-08-07 AND LAST REVISED 9-26-07 BY DEAN MARTIN, GRUMMAN ENGINEERING, LLC SHALL BE ATTACHED, AS A REDUCED COPY, TO THE WARRANTY DEED.

NO PORTION OF THE PERFORMANCE BOND SHALL BE RELEASED UNTIL THIS CONDITION IS SATISFIED.

10. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN ONE (1) YEAR OF COMMENCEMENT.

11. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED "TWO-LOT DEVELOPMENT PLAN", DATED 8-08-07 AND LAST REVISED 9-26-07 BY DEAN MARTIN, GRUMMAN ENGINEERING, LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MS. ACKERMAN SECONDED THE MOTION.

** THE MOTION PASSED THREE IN FAVOR AND TWO ABSTENTIONS (HUBBARD AND CAGNINA)

c) #S07-292 – 90 Partrick Road – Land-Tech Consultants – Construction of a new single family residence and driveway with associated grading adjacent to a wetland and watercourse

Ms. Cherichetti distributed a revised site plan that had been submitted earlier in the day. She gave an overview of the revision and a recap of the discussion during the proceeding meeting.

Peter Romano, Land-Tech Consultants, provided a more detailed review of the current site plan. He explained that the driveway had been pulled further east. Additionally he noted that a rain garden was now proposed for treatment of surface water from the rear of the property. Following questions from Ms. Cherichetti, he confirmed the location of off-site wetlands and the limits of the upland review area on the subject property.

Following further discussion of the regulated activities, the Commission agreed that the proposal was not likely to result in a significant impact to wetland or watercourse.

d) #S07-293 – 176 Strawberry Hill Avenue (Olmstead Pond) – City of Norwalk DPW – Filling, grading, alteration of hydrology and landscaping in and adjacent to a pond and wetland

Ms. Cherichetti began with a review of the last meeting of October 23, 2007 when the Commission opened and closed the public hearing and discussed the proposal.

Mr. Caputo commented on his appreciation of the neighbors that have sat through multiple Commission meetings.

** MR. CAPUTO MOVED TO APPROVE APPLICATION #S07-293 WITH THE FOLLOWING RESOLUTION:

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT LIKELY RESULT IN ANY NEGATIVE IMPACT ON THE WETLAND OR WATERCOURSE; AND WHEREAS, THERE WOULD LIKELY BE A NET ENHANCEMENT OF THE WETLAND & WATERCOURSE FUNCTIONS AND VALUES WITH THE PROPOSED WORK; AND WHEREAS,

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-293, FOR EXCAVATION, FILLING, GRADING, ALTERATION OF HYDROLOGY AND LANDSCAPING IN A POND AND WETLAND, BE GRANTED TO THE CITY OF NORWALK DEPARTMENT OF PUBLIC WORKS, FOR PROPERTY AT 176 STRAWBERRY HILL AVENUE, NORWALK, CT [5-1-258], WITH THE FOLLOWING CONDITIONS:

1. ALL COMPONENTS OF THE SEDIMENTATION & EROSION CONTROL PLAN, AS INDICATED ON THE PLANS ENTITLED, "EROSION AND SEDIMENT CONTROL PLAN", SHEETS 9-10, BY TIGHE & BOND, SHALL BE PROPERLY AND TIMELY IMPLEMENTED. ANY DEVIATION FROM THIS PLAN SHALL FIRST BE APPROVED BY THE CONSERVATION STAFF.
2. THE IMPROVEMENTS TO THE WETLAND AND WATERCOURSE, AS INDICATED ON THE PLAN ENTITLED, "FINAL RESTORATION PLAN" BY TIGHE & BOND, SHALL BE FULLY IMPLEMENTED WITHIN FOUR (4) MONTHS OF THE COMMENCEMENT OF POND DEWATERING.
3. SIX MONTHS FOLLOWING IMPLEMENTATION OF THE RESTORATION PLAN, CONSERVATION STAFF WILL PERFORM AN INSPECTION OF THE RESTORATION PLANTINGS. ANY AREA WITH LESS THAN 80% PLANT VITALITY SHALL BE RE-SEEDED OR RE-PLANTED WITHIN ONE (1) MONTH OF NOTICE.
4. ONCE SITE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT IS TO BE COMPLETED WITHIN SIX (6) MONTHS.

** MS. CAGNINA SECONDED THE MOTION.

** THE MOTION PASSED THREE IN FAVOR AND TWO ABSTENTIONS (HUBBARD AND DESTEFANIS)

There was brief discussion regarding the identification of applicants present at the meeting.

**** MR. CAPUTO MADE A MOTION TO AMEND THE AGENDA AND SKIP TO ITEM G) #S07-296 – 20 BETMARLEA DRIVE – MCGETTIGAN.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

e) #S07-296 – 20 Betmarlea Drive – McGettigan – Construction of a garage addition to existing residence adjacent to a wetland and watercourse

**** MR. CAPUTO MOVED TO APPROVE APPLICATION #S07-296 WITH THE FOLLOWING RESOLUTION:**

WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND

WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT LIKELY RESULT IN ANY NEGATIVE IMPACT ON THE WETLAND OR WATERCOURSE; AND

WHEREAS, THERE WOULD LIKELY BE A NET ENHANCEMENT OF THE WETLAND & WATERCOURSE FUNCTIONS AND VALUES WITH THE PROPOSED WORK; AND

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S07-296, FOR CONSTRUCTION OF A GARAGE ADDITION ADJACENT TO WETLANDS AND WATERCOURSES, BE GRANTED TO EDWARD AND KATHY MCGETTIGAN, FOR PROPERTY AT 20 BETMARLEA ROAD, NORWALK, CT [5-63-68], WITH THE FOLLOWING CONDITIONS:

1. A \$2,700.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$1,700) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

2. PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL PROVIDE PHOTO DOCUMENTATION OF

THE SITE AND CROSS-REFERENCE THE PHOTOGRAPHS ON A SITE PLAN. PHOTOGRAPHS SHOULD REPRESENT WIDE-ANGLE VIEWS.

3. SILT FENCE OR HAY BALES SHALL BE INSTALLED IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED "SITE PLAN", DATED OCTOBER 9, 2007 AND LAST REVISED OCTOBER 31, 2007, BY ENVIRONMENTAL LAND SOLUTIONS, LLC. ADDITIONAL SILT FENCE SHALL BE INSTALLED ALONG A LINE PARALLEL, AND IMMEDIATELY TO THE WEST OF, THE PROPOSED NEW DRIVEWAY PORTION. THE SILT FENCING IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.

4. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE SILT FENCING, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.

5. THIS PERMIT DOES NOT INCLUDE ANY UPGRADE OR EXPANSION TO THE ON-SITE SEPTIC SYSTEM.

6. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN ONE (1) YEAR OF COMMENCEMENT.

7. THE PROPOSED MITIGATION, INCLUDING THE REMOVAL OF THE SHEDS AND THE INSTALLATION OF THE PROPOSED PLANTINGS, SHALL BE FULLY IMPLEMENTED WITHIN SIX (6) MONTHS OF THE ISSUANCE THE CERTIFICATE OF OCCUPANCY, EITHER PERMANENT OR TEMPORARY.

8. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN A PLANS ENTITLED, "SITE PLAN", DATED OCTOBER 9, 2007 AND LAST REVISED OCTOBER 31, 2007 BY ENVIRONMENTAL LAND SOLUTIONS, LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

** MS. CAGNINA SECONDED THE MOTION.

** THE MOTION PASSED WITH FOUR IN FAVOR AND ONE ABSTENTION (HUBBARD).

f) #S07-294 – 76 West Norwalk Road – Lato – Corrective Action restoration of watercourse and riparian wetlands along the Five Mile River

With the public hearing remaining open, further discussion was tabled to the next meeting.

g) #S07-295 – 21 Knollwood Road – Cerra – Corrective Action piping and filling of a wetland and watercourse

Commission briefly discussed the revised landscaping plan and a report from Christie Coon. The Commissioners quickly read portions of the new material and asked that the application reappear for further discussion at the next meeting.

SHOW-CAUSE HEARING

a) #V07-794 – 213 West Rocks Road - Lionetti - Performing regulated activities, including removal of vegetation, grading and filling, in and adjacent to a wetland without a permit

Ms. Cherichetti called the roll and reviewed the opening of the show-cause hearing on October 9, 2007.

Ms. Cherichetti described the events that led to the issuance of a Notice of Violation on July 17, 2007, and the subsequent Cease & Restore order issued on October 4, 2007.

** MR. CAPUTO MOVED TO CLOSE THE SHOW-CASE HEARING.

** MS. ACKERMAN SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

COMMENTS OF STAFF

Ms. Cherichetti reviewed the minor permits and enforcement actions she had issued.

COMMENTS OF COMMISSIONERS

No comments were made.

ADJOURNMENT

** MR. HOLOWINKO MOVED TO ADJOURN THE MEETING.

** MS. DESTEFANIS SECONDED THE MOTION.

** THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 10:05 PM.