

**NORWALK CONSERVATION COMMISSION MINUTES**

**November 14, 2006**

Attendance: Anne Cagnina, Chair; Susan Llorca; Ed Holowinko; D. Seeley Hubbard; Chris Handrinos (6:05)

Staff: Alexis Cherichetti, Senior Environmental Officer; Sarah Rettger, Conservation Assistant; Bob Maslan, Assistant Corporation Counsel

Others: Floyd Conlin; Joseph Breault; Daniel Patchen

**CALL TO ORDER**

The meeting was called to order at 6:04 PM.

**ROLL CALL**

Ms. Cherichetti called the roll.

**EXECUTIVE SESSION**

**\*\* MR. HUBBARD MOVED TO GO INTO EXECUTIVE SESSION.**

**\*\* MS. LLORCA SECONDED THE MOTION.**

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

The meeting went into executive session at 6:05 PM.

**\*\* MR. HUBBARD MOVED TO RETURN TO THE PUBLIC SESSION.**

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

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

The meeting returned to public session at 7:00 PM.

**DECISION ON SETTLEMENTS**

a) Conservation Permit #S05-211 - 595 Westport Avenue – FF Realty LLC

**\*\* MS. CAGNINA MOVED TO ACCEPT THE STIPULATION AND SETTLEMENT ON CONSERVATION PERMIT #S05-211 BETWEEN THE CONSERVATION COMMISSION, FF REALTY, TERRANOVA CONDOMINIUMS, AND BIRCHWOOD TOWNHOUSE CONDOMINIUMS.**

**\*\* MR. HUBBARD SECONDED THE MOTION.**

**\*\* THE MOTION PASSED WITH FOUR IN FAVOR AND ONE ABSTENTION (MR. HANDRINOS).**

#### PERMIT MODIFICATION

a) #S05-215A - 74 Cranbury Road – Tarzia – Modification of permit to provide flood water storage with an underground tank system instead of the approved swale

This item was tabled to the next meeting.

b) #S03-162A – 46 Carter Street – Conlin – Modification of permit conditions to alter extent of wetland buffer planting area

Ms. Cherichetti explained that this permit modification application had been submitted in response to a Notice of Violation sent to the developer and homeowner. She said the required buffer plantings were not currently planted, and there was dispute as to whether they had ever been planted. She said the applicant proposed modifying the number of required plantings and adding a fence.

There was a brief discussion of the nature of the fence and the site topography.

Ms. Cagnina asked how it could be made clear to future owners that the limit of lawn should not be extended toward the fence. Ms. Cherichetti explained that the topography could play a role.

**\*\* MR. HANDRINOS MOVED TO MODIFY CONDITION #5 OF PERMIT #S03-162 TO REFER TO THE PLAN “CHANGES ON MAP” AS PREPARED BY FLOYD CONLIN, DATED OCTOBER 2006.**

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

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

c) Submission of bond - #S06-255 – 181 West Norwalk Road – Patchen

Ms. Cherichetti explained that the Commission had recently approved this permit. She said Mr. Patchen had asked to put the \$7500 bond into a CD, rather than a City account, for a better interest rate. She explained the mechanics and history of performance bond submissions.

Ms. Cagnina said she was reluctant to make an exception to allow the applicant a higher interest rate. Ms. Llorca said she was concerned about creating extra work for staff. Ms.

Cherichetti said that it would be a burden if every applicant requested a different bond format, but did not have a problem with granting Mr. Patchen's request.

**\*\* MR. HANDRINOS MOVED TO REQUIRE THE NON-PERFORMANCE PORTION OF THE BOND TO BE DEPOSITED WITH THE CITY AND TO ALLOW THE REMAINDER OF THE BOND TO BE DEPOSITED AT STAFF'S DISCRETION.**

**\*\* MR. HUBBARD SECONDED THE MOTION.**

**\*\* THE MOTION PASSED WITH FOUR IN FAVOR AND ONE OPPOSED (MS. CAGNINA).**

#### DISCUSSION/DECISION

a) #S06-262 – 32 Morehouse Lane – Stoner Manor, Inc. – Deposition of material along riverbank for slope stabilization in and adjacent to wetlands and a watercourse

Mr. Handrinos and Mr. Hubbard said they had not been present at the public hearing. Staff and other commissioners agreed that no new substantive information had been presented, and there had been no public comment at the hearing. Both Mr. Handrinos and Mr. Hubbard said they were able to make an informed decision.

**\*\* MR. HOLOWINKO MOVED THAT WHEREAS, THE CONSERVATION COMMISSION CONDUCTED A DULY NOTICED PUBLIC HEARING ON OCTOBER 25, 2006; AND WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED; AND WHEREAS, THE PROPOSED ACTIVITIES ARE LIKELY TO DECREASE EXCESSIVE STREAMBANK EROSION; AND WHEREAS, THE CONSERVATION COMMISSION FINDS THAT THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT CAUSE SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACTS ON THE INLAND WETLANDS AND WATERCOURSE; NOW THEREFORE BE IT RESOLVED: THAT CONSERVATION APPLICATION #S06-262, TO INSTALL STREAMBANK STABILIZATION TECHNIQUES AND PRACTICES IN AND ADJACENT TO A WATERCOURSE AND WETLAND BE GRANTED TO STONER MANOR, INC. FOR PROPERTY AT 32 MOREHOUSE LANE NORWALK, CT, [DISTRICT 5, BLOCK 63, TAX LOT 100] WITH THE FOLLOWING CONDITIONS:**

**1. A \$ 2,000.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL YEAR AFTER THE SEASON OF INITIAL PLANTING, INCLUDING ONE (1) FULL GROWING SEASON, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN**

YEAR. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF ANY BOND MONIES.

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. AT LEAST 48 HOURS PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL CONTACT THE SENIOR ENVIRONMENTAL OFFICER TO RECEIVE CONSENT TO BEGIN. DETERMINATION OF THIS 'CONSENT TO BEGIN' WILL BE BASED ON THE PROBABILITY OF MODERATE TO SEVERE STORM EVENTS DURING THE PROPOSED CONSTRUCTION PERIOD. WORK WITHIN THE RIVER SHALL OCCUR ONLY DURING PERIODS OF LOW FLOW CONDITIONS.

4. ALL PORTIONS OF THE RIVER DISTURBED BY THE INSTALLATION OF DEWATERING METHODS (PARTICULARLY THE INSTALLATION OF COFFER DAMS) SHALL BE RESTORED TO EXISTING NATURAL CONDITIONS WITHIN ONE WEEK OF PROJECT COMPLETION.

5. THE SITE PLAN, AS DEPICTED ON THE MAP ENTITLED "SITE PLAN", DATED JUNE 2006, PREPARED BY STEARNS & WHELER LLC, NORWALK, CT, SHALL BE AMENDED TO INCLUDE:

a) THE ESTABLISHMENT OF A FIVE (5) FOOT WIDE WATERCOURSE BUFFER ALONG THE TOP OF SLOPE IN THE AREA CALLED "STABILIZATION AREA A2". SAID BUFFER SHALL EXTEND FIVE FEET WEST OF THE NEW PROPOSED TOP OF SLOPE. THIS 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.

6. ANY CHANGE TO THE OVERALL PLAN, EXCLUDING CHANGES TO THE PLAN AS REQUIRED BY ANY SPECIAL CONDITION, AS DEPICTED BY MAP ENTITLED "SITE PLAN", DATED JUNE 2006 AND "RIVERBANK STABILIZATION SUPPLEMENTAL INFORMATION", DATED OCTOBER 2006, PREPARED BY STEARNS & WHELER LLC, NORWALK, CT WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION.

7. ONCE WORK ON THE PROJECT COMMENCES, ALL ACTIVITY UNDER THIS PERMIT, INCLUDING IMPLEMENTATION OF THE PLANTING PLAN, IS TO BE COMPLETED WITHIN SIX (6) MONTHS.

\*\* MS. LLORCA SECONDED THE MOTION.

\*\* THE MOTION PASSED UNANIMOUSLY.

## MINUTES

a) October 17, 2006

No action was taken on this item.

b) October 24, 2006

No action was taken on this item.

## COMMENTS OF STAFF

a) City Government Informational Event

Ms. Cherichetti reminded the commissioners of the event scheduled for November 30.

b) Minor Permits and Enforcement Actions

Ms. Cherichetti said she had issued two minor permits and two Notices of Violation.

c) Report of Senior Environmental Officer

Ms. Cherichetti described the recent request for proposals and grant applications submitted by the Conservation Office.

## COMMENTS OF COMMISSIONERS

a) Public Education projects

The commissioners discussed possible outreach methods.

b) Regulated area review

## ADJOURNMENT

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

\*\* MS. CAGNINA SECONDED THE MOTION.

\*\* THE MOTION PASSED UNANIMOUSLY.

The meeting was adjourned at 8:05 PM.