

**NORWALK CONSERVATION COMMISSION MINUTES**

**TUESDAY, DECEMBER 9, 2003**

**ATTENDANCE:** Matthew Caputo, Chairman; Ed Holowinko; Beth Ackerman;  
Marny Smith; Andrew Kydes; Jane Corcillo

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

Chairman Caputo called the meeting to order at 6:10 p.m.

**MODIFICATION OF PERMIT**

- a) **Gilles Lane – Ledgebrook Condominium Association, LLC - #S02-99a**  
Modification of permit to allow removal of second paddle tennis court and to alter timing requirements and bond amount

Ms. Cherichetti said this item would be put off until the next meeting, which is on January 13, 2004. She said there are some questions addressed to the Zoning office, which have not been answered.

**DISCUSSION/DECISION**

- a) **310 Ely Avenue – Sedona Group (310 Ely Ave., LLC) - #03-160 - Construction**  
of a 10-unit apartment building and parking lot adjacent to a wetland and

watercourse

Ms. Cherichetti referred to her memorandum to the Commission dated December 2, 2003. She stated that there is a draft resolution in the memo based on the permits that the majority of the Commissioners made at the last meeting in November. She said today is the deadline for the Commissioners to make a decision on this application.

Ms. Smith asked if all of the units were going to be sold. Attorney Waters, representing the applicant stated that it is their present intention for the units to be a condominium and to have it as a for sale property. He said Ms. Cherichetti was kind enough to provide them with a copy of the Staff report and the conditions in the proposed resolution. He said he and the owner discussed the conditions and are satisfied with them.

**\*\* MS. SMITH MADE A MOTION TO APPROVE APPLICATION #S03-160  
310 ELY AVENUE – SEDONA GROUP FOR A 10-UNIT CONDOMINIUM  
BUILDING WITH A CONSTRUCTED WETLAND WITH THE 10  
SPECIAL CONDITIONS OUTLINED IN A MEMORANDUM DATED  
DECEMBER 2, 2003 TO THE CONSERVATION COMMISSION FROM  
ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER.**

Chairman Caputo clarified that the December 2, 2003 memorandum from Ms. Cherichetti referred to the Draft Approval of the 2<sup>nd</sup> Alternative 10-unit constructed wetland.

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

**\*\* MOTION PASSED 5 TO 1, WITH 1 NO VOTE, MR.  
HOLOWINKO.**

b) **332 Chestnut Hill Road – Geignetter - #S03-174 – “Corrective Action”**

deposition of fill adjacent to a wetland

Ms. Cherichetti suggested that this application be tabled until the next meeting on January 13, 2004. She stated that at the last meeting she strongly urged the applicant to contact her to discuss the multitude of changes that the Commission suggested. She said she has left a message but has not spoken to the applicant.

Mr. Caputo said he did remember asking the applicant to contact Ms. Cherichetti to review the application and that he is sorry to hear that it has not happened. The matter was tabled until the next meeting.

- c) **360 Dr. Martin Luther King Blvd. – Beiersdorf, Inc. - #S03-175** - Construction of a 51,000 square foot commercial addition with associated expansion of parking lot adjacent to a wetland

Ms. Cherichetti said she had no other comments than what is in the report.

**\*\* MR. KYDES MADE A MOTION TO APPROVE APPLICATION #S03-175 AS OUTLINED IN A MEMORANDUM DATED DECEMBER 2, 2003 FROM ALEXIS CHERICHETTI, SENIOR ENVIRONMENTAL OFFICER WITH DRAFT RESOLUTION CONDITIONS 1 THROUGH 6.**

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

**\*\* MOTION PASSED UNANIMOUSLY 6 TO 0.**

## **REFERRALS**

- a) **Town of Wilton – 132 Seir Hill Road** – Construction of an addition, relocation

of driveway, and additional septic tank, pump and galleries within 50 feet of a wetland

Ms. Cherichetti stated that in the State statutes it requires that any application that occurs on a property within 500 feet of an adjoining municipality be referred to the adjoining municipality. This property is within 500 feet of the municipal boundary of the City of Norwalk and is therefore forwarded on to this Commission. Ms. Cherichetti presented a drawing to the Commissioners, which showed the areas of Seir Hill Road, the start of the golf course and Hillcrest Place and the wetlands. She said the Town of Wilton has 500 foot regulated area adjacent to wetlands and a 100 foot regulated area adjacent to a watercourse. Anything done within a wetland area requires a wetland permit. Mr. Kydes asked if there was an existing septic. Ms. Cherichetti confirmed that there is an existing septic and that the applicant needs an additional 85 feet of galleries. The property is in the Town of Wilton within 500 feet of the municipal boundary of Norwalk. Ms. Smith asked how far up Seir Hill Road the property is located. Ms. Cherichetti said at the end of North Seir Hill turn right and it is the first single house on the left. There were no other comments by the Commissioners.

## **BOND RELEASES &/OR REDUCTIONS**

a) **45 Glover Avenue – Hewitt – #595.P96**

Ms. Cherichetti stated that this is the construction of a large office building, which can be seen from the Merritt with associated parking. She said part of the application was to build a large detention basin for storm water that went into a natural wetlands system and eventually to the Norwalk River. An addition to the buffer plantings were planted next to the created wetland and the plantings have been alive for well over the 2-year time limit required by the permit. Ms. Cherichetti said that Staff recommends release of bond.

**\*\* MS. CORCILLO MADE A MOTION TO RELEASE BOND #595.P96 –**

**45 GLOVER AVENUE – HEWITT.**

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

**\*\* MOTION PASSED UNANIMOUSLY 6 TO 0.**

- b) **11 Algonquin Drive – Frederick - #S02-82** – Construction of a pool and associated landscaping adjacent to a wetland and watercourse

Ms. Cherichetti stated that Algonquin is one of the properties that have a ditched watercourse and this was an approved permit to go across that ditched watercourse and go to the other side. In return they had a mitigation of planting 6 shrubs along the banks of the watercourse. The plantings have been alive for the 1-year required by the permit.

**\*\* MS. SMITH MADE A MOTION TO RELEASE BOND AT 11 ALGONQUIN DRIVE – PERMIT #S02-82**

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

**\*\* MOTION PASSED UNANIMOUSLY 6 TO 0.**

#### **ACCEPTANCE OF MINUTES**

- a) November 25, 2003 minutes

Ms. Cherichetti suggested that the minutes be tabled until the January 13, 2003 meeting since Staff just received the minutes today. She said if the Commissioners had a lot of corrections they could call her ahead of time and she could make the corrections and present them all at once.

#### **COMMENTS OF STAFF**

- a) **Declaratory Permits and Enforcement Actions**



Ms. Cherichetti stated that there were no Declaratory Permits or Enforcement Actions since November 25<sup>th</sup>. On another note, Ms. Cherichetti stated that Public Act 177 was passed with an effective date of October 1, 2003. She said the Act itself is called an "Act Concerning Consistency in Municipal Land Use Administrative Review Occupancy." She said it changed the deadlines and timing of the administrative processes, the receipt of an application and the time to make a decision. The deadline of receipt, process and making a decision is now on the same day. Ms. Cherichetti said that she would put this through the Law Department to see if there are any huge errors in the draft of the changes she has made and then submit it to the Commission. Mr. Caputo asked if the operative time still remained at 65 days. Ms. Cherichetti confirmed that it remained 65 days and stated that if there is no Public Hearing that remains 65 days. If there is a Public Hearing the Commission used to have to complete the hearing within 45 days and that has been reduced to 35 days. It used to be that once a Public Hearing closed the Commission had 35 days to make a decision and now the Commission has 65 days to make a decision. She said similar changes were made to the process involved with making amendments to the regulations or the wetlands map. She said in the packet for the next meeting there would be a proposed draft for the changes. Ms. Smith asked what the State Land Use Fund is used for. Ms. Cherichetti said the regulation does state what it is used for and that she would print out the regulation to include it in the packet to the Commissioners.

There was some discussion regarding the Town of Wilton's denial of a resolution with respect to the eco system. Ms. Smith stated that at the Land Trust meeting Michael Klemmons had some very illustrative slides on the different eco habitats that are required by the different species of animal during their life cycle and how oftentimes the high curbs made it impossible for turtle to get where they needed to go. She said Mr. Klemmons was pushing for instance, uninterrupted eco systems and that the Commission should take that into consideration. Regarding the resolution, Ms. Cherichetti stated that it makes sense to have a regulated area that is under wetlands jurisdiction clear so that people would know that they have to come to the Commission.

Ms. Cherichetti passed out a memo from City Clerk, Pam Stark asking that Staff collect a variety of information about the Commissioners. She said the Commissioners could e-mail the information to Ms. Stark if they wanted to. Ms. Cherichetti stated that the next regulatory meeting is January 13, 2003. The next non-regulatory meeting is next Tuesday. She said Mr. Losio has asked that the next meeting be longer, perhaps a 3- hour meeting so that the Commissioners could finish up some contingencies. She stated that she would send an agenda along with a draft resolution out to the Commissioners sometime this week.

## COMMENTS OF COMMISSIONERS

Mr. Caputo said the Commissioners would attempt to start the meeting next week and see how long they could go.

## ADJOURNMENT

- \*\* MS. CORCILLO MADE A MOTION TO ADJOURN THE MEETING.**
- \*\* MR. HOLOWINKO SECONDED THE MOTION.**
- \*\* MOTION PASSED UNANIMOUSLY 6 TO 0.**

The meeting was adjourned at 6:50 p.m.

Respectfully submitted,

Linda L. Custis

Telesco Secretarial Services

