

NORWALK CONSERVATION COMMISSION MINUTES

CONSERVATION COMMISSION

DECEMBER 11, 2001

ATTENDANCE: Matthew Caputo,
Chairman; Beverly Bray;

Karen DeStefanis; Chris
Handrinos; Andrew Kydes;

Michael Manolakas

STAFF: Michael Greene,
Director, Planning & Zoning;

Alexis Cherichetti, Environmental
Officer;

Erin Leonard; Cheryl Vallerie

CALL TO ORDER

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

RECEIPT OF APPLICATION

- a. **Frederick – 11 Algonquin Road – Install pool adjacent to wetland and watercourse**

**** MR. HANDRINOS MOVED TO ACCEPT THE APPLICATION AS COMPLETE.**

**** MS. BRAY SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Brian Frederick, the applicant, made a presentation regarding his application. The way the property is laid out, the only place left to put the pool is on the other side of a man-made drain or brook. Mr. Caputo said that by law, there would be no vote tonight. The earliest date that a vote could take place would be on January 8th, at the next meeting. In the meantime, someone would be going out to look at the site.

Questions

Mr. Manolakas asked if they will build a permanent bridge. Mr. Frederick said that there was a walk-bridge that they will re-build and that this will be included in the application.

As there were no other questions, Mr. Caputo thanked the applicant.

b. **Phillips – 11 Bittersweet Train – "Corrective-Action" application to remove drainage system in a wetland**

**** MR. HANDRINOS MOVED TO ACCEPT THE APPLICATION.**

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

**** MOTION PASSED UNANIMOUSLY.**

Donald Strait, Landscape Architect from Grumman Engineering, represented the applicant. This is an 800 sq. ft. wetland area and has been a source of drainage woes for the applicants for quite some time. They had a landscaper re-landscape the yard. The existing drain got clogged up and was replaced. A neighbor called to ask what was going on which is why we are here. The best way to deal with this would be to restore this by taking out the fill, the man-made items. The plan is to place the catch basin outside the wetland to pick up the drainage. What has happened in the past is that the yard has become like a ditch that is eaten out by rains. So Mr. Strait wants to restore that area with a seed mixture and wetland buffer plants and remove some invasive plants.

Questions

Ms. Bray asked what is the size of the drain inlet. Mr. Strait said that it will could be a plastic 18 inch inlet, or made of blocks about 18 inches square. It will not be a full-size catch basin. It will be built up a little on the downhill side, away from the wetlands, and will be dished out a little bit closer to the wetlands. The grades will be left exactly as they are in the wetlands area proper. Debris, such as chunks of asphalt, will be removed and it will be seeded with a wetland seed mix. The area will be completely protected, surrounded by plants. The drain will have to be cleaned out regularly. There will be a sump in the drain, which will prevent dirt, sticks, etc. from going down the drain.

As there were no further questions, Mr. Caputo thanked Mr. Strait.

c. **City of Norwalk, Parks & Rec. – Flax Hill Park – dredging and restoration of pond, associated wetland restoration landscaping, and construction of parking area**

** MR. HANDRINOS MOVED TO ACCEPT THE APPLICATION.

** MR. MANOLAKAS SECONDED THE MOTION.

** MOTION PASSED UNANIMOUSLY.

Donald Strait, Landscape Architect of Grumman Engineering, represented the applicant. Flax Hill Park is in sad shape and needs a lot of work. The pond is quite silted in and is filled with Phragmites. The proposal is for the pond to have a maximum five or six feet of water, with one or two feet of water like a wetland shelf or plateau, so it will be deep enough to prevent Phragmites from growing. A lot of the silt would be prevented from going into the pond. We are trying to do something creative and mound up the south and north areas. Two drain systems are proposed. The plan is to keep all of the major trees. A few trees will be removed to allow for more light. Bat boxes will also help mosquito control.

Questions

Mr. Caputo asked when are they hoping to start? Mr. Strait said as soon as possible and that the winter is the best time to do this. He

hopes to get this out to bid soon. There will be 3 to 4 weeks worth of work.

As there were no further questions for Mr. Strait, Mr. Caputo thanked Mr. Strait.

RECEIPT OF PERMIT MODIFICATION

a. **Merritt River Partners – 10 & 20 Glover Ave. – alteration to bridge construction access in the Norwalk River**

Carl Keuhner, Principal, Merritt River Partners (MRP), LLP presented the request for Permit Modification.

Mr. Caputo said that the question has come up about the permit originally being issued to one entity, and now the entity has changed -- is this still the same entity that holds the permit? Mr. Keuhner said that the entity has been changed as there are partners who have been bought out, but the partnership still exists, and the ownership is the same as it was. There is a letter of record from their attorney, Steve Grushkin, that explains it. The parcel has been condominium-ized; the land, the residential and the office buildings and the parking garage are actually separate entities, still under a master association which is Merritt River Partners. So they all still report to the parent, but, from a financing perspective, a separate first mortgage could be put on the residential building, the office building and the south parking lot. It is a financing mechanism, not a manipulation of ownership. Mr. Caputo said that the City attorneys should have a look at Attorney Grushkin's letter, but in the meantime, Mr. Keuhner can make his presentation.

Mr. Keuhner said that on November 9th, a violation was received stating that they encroached too far into the wetlands area. Not only did they remove their area out of the wetlands so that they conformed to the permit, they actually got out of the wetlands altogether. He distributed pictures which were taken yesterday. He said that they had to dig six feet

below the riverbed to install the footings and the caissons for the concrete structure. They took out at a 2 to 1 slope, coming out 5 feet further than the permit allowed. In hindsight, he said that they should have done a better job in their narrative – there was river water sitting up 6 feet higher than where their men were working 6 feet below it. To accommodate their ability to work in that trench, they needed to have a 2 to 1 slope and also had 3 pumps, 2 and 3 inches in diameter, pumping the water out of those trenches to allow them to work. Combined with having to _____ on top of it slightly, to keep the water from cascading into the trench, this took them out of the construction limit. Once started, this kind of thing is very difficult to move, so they did try to take a proactive stance and got out of it entirely. Mr. Caputo ask Ms. Cherichetti if the violation has been corrected. She responded, yes, as of yesterday.

Susan Kiskan of engineering firm of Redniss & Mead Inc. said that two additional modifications are being requested. One is the installation of a water meter vault north of the bridge along Main Avenue which is intended to be buried and therefore would not effect the conveyance of the river. The second modification is regarding a traffic control span pole to be placed along Main Ave. on the south side of the bridge.

Mr. Keuhner said that the DEP notified the City of the violation and the City notified Merritt Partners. Ms. DeStefanis said that she is uncomfortable with the fact that the Commission is so far out of the loop and that everything was done before the Commission was told about it. Mr. Keuhner agreed that they were not proactive enough, but when they were told that they were in violation, they then moved forward and thought they were using the right talent. The correction would have happened earlier if the DOT had permitted work on Thanksgiving.

Mr. Caputo asked how should we deal with this? Mr. Greene said that they are no longer in violation; if they get a letter addressed to the full Commission, from the three entities involved, this can be voted on in January.

**** MR. MANOLAKAS MOVED TO
ACCEPT THE PERMIT MODIFICATION,
PENDING CLARIFICATION OF
OWNERSHIP.**

**** MS. BRAY SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

DECISION

a. **Smith – 120 Dry Hill Road – Construct single-family residence adjacent to wetland**

Hubert Smith, the applicant, said that his preference is option #1. Mr. Manolakas said that he has been at the site.

**** MR. MANOLAKAS MOVED TO APPROVE ALTERNATIVE #1 WITH THE CONDITIONS LISTED ON THE MEMORANDUM DATED NOVEMBER 28, 2001.**

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

Discussion

Ms. Bray asked why Mr. Smith prefers option #1. Mr. Smith responded that it gives more visibility to his 3 year old child, and the fence will keep the child in. Ms. Cherichetti said that this option will allow the wetlands to be fully functioning, continue in their natural ways. Mr. Manolakas said this is not an environmentally sensitive area; it is not like it will ever be a vivacious wetland. He would like to give Mr. Smith some of his backyard.

**** MOTION PASSED WITH TWO ABSTENTIONS (Ms. DeStefanis and Mr. Handrinos).**

b. **Spaulding – 17 May Drive – Install in ground pool adjacent to wetland**

Nick Nelson, of the Glengate Company, represented the Spauldings. Mr. Caputo clarified that this is a brand new pool; there was a pool which is now filled in so it is not an existing pool. Mr. Nelson said that they are grading at 6 to 8 feet, as requested by the Conservation Dept. Ms. Cherichetti said that there are two proposals: one to have grading up to

the wall and the other to have grading beyond the wall. Ms. Bray asked what is the need to go beyond the wall? Mr. Nelson said, to push the slope out. The Conservation Dept. wanted them to put together alternates – one is if they decided to grade over the wall because it's just rock, the other is if they kept it on the inside, to use the rock as part of the buffer. Mr. Nelson said that it is not really a wall, it's 6 inches, that it's like fieldstone that has been placed as a rock border.

Ms. Cherichetti said that the Staff recommends alternative #2, stopping at the stone wall. It is a physical reminder that a wetland is there.

Dave Fiore, of the Glen Gate Company, provided some clarification. He said that they want to grade over the wall, as it is very ugly and covered with mortar. The trees and bushes are about 15 feet from the boundary. They do have a large play area for the children. Ms. Bray asked why not let the area go natural? Mr. Fiore asked if they let the area go natural, can they pull back some of the plantings. Mr. Fiore said that they are also proposing to add mesh fencing to the existing split rail fence, to meet safety codes and keep other children away. He said that the bottom of the fence has to be a maximum of 2 inches from grade. Mr. Caputo expressed concern about the mesh interfering with wildlife. Ms. Cherichetti pointed out that a safety fence is a requirement around the pool and will have to totally enclose the pool. Mr. Fiore said that the fence will be as far away from the pool as possible.

(Karen DeStefanis left the meeting at 8:15 p.m.)

**** MR. MANOLAKAS MOVED TO APPROVE THE OPTION #2, WITH THE TYPE AND LOCATION OF THE FENCE SUBJECT TO STAFF APPROVAL.**

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

**** MOTION PASSED WITH ONE ABSTENTION**

(Mr. Handrinos).

Ms. Cherichetti clarified that the fence would be entirely out of the wetland and said that the existing rubble wall is to be left as is.

c. **Callahan – 17a Cricklewood Lane – New single-family residence adjacent to wetland**

Don Strait, Landscape Engineer of Grumman Engineering, represented the applicant. Mr. Caputo said that he does not recall any significant issues or controversy regarding this proposal.

**** MR. MANOLAKAS MOVED TO APPROVE PER THE NOVEMBER 28TH MEMO.**

**** MS. BRAY SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE ABSTENTION**

(Mr. Handrinos).

d. **Prudential Insurance – 32 Weed Avenue – Repairs to spillway structures for Orchard and Willow Ponds**

Mr. Caputo said that the application was accepted at the last meeting, and tonight there will be a presentation.

Alan Lane, Landscape Architect, Stratford, CT, gave the presentation. He said that basically this is a repair project. In 1997, the outdoor structure of the lodge pond was replaced through the permit process with the State of Connecticut. These were constructed of cinderblock in 1981 when GTE built the facility. They were constructed on concrete platforms at the bottom of each pond. Over time, they have been falling apart. This project will be similar to the 1997 project which Mr. Lane videotaped. He introduced Kevin Regan, Grounds Resources Manager from Prudential. Mr. Regan said that there are trout and bass in the ponds. Neighbors are allowed to fish there.

Ms. Cherichetti said that the proposed methods are standard. Dredging the pond is a large project. She said that the work should be limited to low flow conditions (July 1st to January 1st). Mr. Lane said that in Willow Pond, the silt delta will be removed, and the pond will not be dredged. They are returning the pond to its original condition. They want

to start as soon as possible, and could start as soon as the contract is set. This will take about one month. An engineer will be present from Stearns & Wheeler. Mr. Manolakas said that he would like to leave the start up date to Staff.

**** MR. MANOLAKAS MOVED TO APPROVE THE APPLICATION, PER STAFF'S APPROVAL OF START DATE, DEPENDING ON WINTER WEATHER CONDITIONS AND PER THE NOVEMBER 28TH MEMO.**

**** MS. BRAY SECONDED THE MOTION.**

**** MOTION PASSED, WITH ONE ABSTENTION**

(Mr. Handrinos).

RELEASE OF BOND

- a. **Canevari – Kensett Ridge Road – Road construction with related drainage improvements**

Ms. Vallerie said that conditions have been met for release of the road bond.

**** MR. MANOLAKAS MOVED TO RELEASE BOND.**

**** MS. BRAY SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

ACCEPTANCE OF MINUTES

- a. **June 12th**

Corrections:

Page 1, Attendance – Chris **Handrinos**

Open Space, line 2, Chris **Handrinos**

Open Space, par. 2, line 13, Diane **Lauricella**

Page 2, line 1, Diane **Lauricella**

Par. 1, line 1, line 6, line 12, Diane **Lauricella**

Par. 4, line 5, Diane **Lauricella**

Page 3, Receipt of Application, Motion – **MR. MANOLAKAS**

Page 16, Last par., line 1, Diane **Lauricella**

**** MR. MANOLAKAS MOVED TO ACCEPT MINUTES OF**

JUNE 12, 2001 WITH CHANGES NOTED.

**** MS. BRAY SECONDED THE MOTION.**

**** MOTION PASSED WITH ONE ABSTENTION**

(Mr. Kydes).

b. **November 13th**

Corrections:

Page 1, Attendance – Andrew **Kydes**

Page 3, last motion, last line (**MR. KYDES**)

**** MR. MANOLAKAS MOVED TO ACCEPT MINUTES OF NOVEMBER 13, 2001, WITH CORRECTIONS.**

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

**** MOTION PASSED, WITH ONE ABSTENTION (Mr. Handrinos).**

COMMENTS OF STAFF

- a. Current Violations – see attachment

Taygianidis – has been submitted

COMMENTS OF COMMISSIONERS

Mr. Caputo reported on the **Open Space Task Force**. The Task Force concluded its job and beat the December 1st deadline. Recommendations were given to the Mayor. The criteria developed by the Task Force are to be used when Open Space properties are nominated. The next step depends on what the new Mayor wants to do. Mr. Caputo is hopeful that Mayor Knopp will implement a permanent Open Space Committee. Nominations will go to this Commission or to the Council.

Mr. Caputo referred to the December 5th Memo from Ms. Cherichetti, regarding changes and additions to the permit form. He thinks the proposed changes are a great idea.

ADJOURNMENT

**** MR. MANOLAKAS MOVED TO ADJOURN THE MEETING.**

**** MR. HANDRINOS SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Mr. Caputo adjourned the meeting at 8:30 p.m.

Respectfully submitted,

Debra Zucker

Telesco Secretarial Services