

**CITY OF NORWALK
INLAND WETLAND AGENCY**

**Regular Meeting
January 12, 2010**

PRESENT: Karen Destefanis, Chair; D. Seeley Hubbard; Emily Wilson; Anne Cagnina;
Gwen Briggs; Matthew Caputo

STAFF: Alexis Cherichetti, Senior Environmental Officer; Yarifalia Bletsas

CALL TO ORDER

Ms. Destefanis called the meeting to order at 6:09 pm

ROLL CALL

Ms. Cherichetti took the roll.

APPROVAL OF MINUTES

a) December 8, 2009

Approval of the minutes was tabled to the January 26, 2010 meeting.

BOND RELEASE/REDUCTION

a) **#S06-246 - 123 Murray Street – Bliss – Bond release for work associated with the construction of a new single family residence**

Ms. Cherichetti explained that the property owner had finally completed all of the special conditions of the permit. In particular, she noted the requirement for the filing of an as-built map on the Norwalk Land Records and noting the filed map on an amended deed.

**** MR. CAPUTO MADE A MOTION TO APPROVE RELEASE OF THE BOND ASSOCIATED WITH PERMIT #S06-246.**

**** MS. WILSON SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

b) **#S07-278 – 152 Witch Lane – Northrup – Bond release for work associated with corrective action landscaping in and adjacent to a wetland**

Ms. Cherichetti read a letter from the permittee requesting release of the bond. Ms. Cherichetti noted that the three required red maples were planted, however, all three had not survived. Ms. Bletsas recalled that one year after planting, Ms. Northrup was required to have the trees moved following digging necessitated by the removal of a leaking underground oil tank in the front yard.

**** MR. CAPUTO MADE A MOTION TO APPROVE RELEASE OF THE BOND ASSOCIATED WITH PERMIT #S07-278.**

**** MS. WILSON SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Cherichetti noted that another request for bond release had arrived.

- ** **MR. CAPUTO MADE A MOTION TO AMEND THE AGENDA TO ADD ITEM C) FOR RELEASE OF THE BOND ASSOCIATED WITH PERMIT #S09-339.**
- ** **MS. CAGNINA SECONDED THE MOTION.**
- ** **MOTION PASSED UNANIMOUSLY.**

- c) **#S09-339– 9 Crossbrook Lane - Singh – Bond release for work associated with corrective action landscaping in and adjacent to a wetland and watercourse**

Ms. Cherichetti reviewed the permit and its conditions. She distributed photographs of the site from a site inspection last week. Ms. Cherichetti noted that large boulders within the wetland and watercourse, adjacent to the driveway, remained. She reviewed the proposed plans for a retaining wall between the driveway and watercourse, which indicated that the boulders would extend into the wetland no more than three feet from the edge of the driveway.

- ** **MR. CAPUTO MADE A MOTION TO DENY RELEASE OF THE BOND ASSOCIATED WITH PERMIT #S09-339.**
- ** **MS. BRIGGS SECONDED THE MOTION.**
- ** **MOTION PASSED UNANIMOUSLY.**

COMMENTS OF STAFF

- a) Compliance Summary

Ms. Bletsas reviewed the compliance summary.

- b) Report of Senior Environmental Officer

Ms. Cherichetti described the Department of Public Works proposed regulations on storm water, illicit discharge and connection. She stated her concern with Chapter 93-12 entitled "Watercourse Protection" and its possible conflicts with the City of Norwalk Inland Wetland and Watercourse Regulations.

PUBIC HEARINGS (to begin at 7:00 pm)

- a) **#S09-360 – 4 Little Fox Lane - Giapoutzis** – Corrective Action removal of vegetation, deposition of fill and construction of a wall and other stone structures in and adjacent to a wetland and watercourse

This hearing was postponed to January 26, 2010 regular meeting.

- b) **#S09-362 – 241 & 249 Silvermine Ave. – Silvermine Homes, LLC** – Construction of an 11-unit Conservation Development adjacent to a wetland and watercourse

Ms. Destefanis, Chair, opened the hearing and Ms. Cherichetti took the roll call. Ms. Destefanis stated that new information had been submitted by the applicant less than 10

days from the start of the public hearing and therefore the public hearing would be continued.

Attorney Elizabeth Suchy introduced the application. She explained that the application is for an 11-unit Conservation Development on a currently vacant, approximately 4.5 acre, parcel. She explained that there is a wetland pocket located in the northwest corner of the property, as well as an intermittent watercourse. She noted that it would support 13 units, strictly using the unit calculation in the Zoning Regulations, but that the applicant was seeking only 11 units. There would be approximately 2.3 acres of conservation land.

Mr. Chris Allan, soil scientist and professional wetland scientist from Land-Tech Consultants, provided a brief description of the wetland and watercourse. He described the wetland as a scrub-shrub wetland. He described the variable slope of the property and noted that most of the area is underlain by very well-drained glacial outwash soils. He noted that the wetland/watercourse on the site is upslope of any of the proposed development. He pointed to the areas within the upland review area where there would be work.

Mr. Steve McAllister of McChord Engineering explained the proposed utilities. He stated that public water exists at the street and would service each of the proposed units. He noted that there is no City sewer in the area and that each unit would have its own septic system. Regarding stormwater drainage, he noted that there is a 24 acre watershed draining across the property. He noted that DPW recently upgraded the existing stormwater system in Silvermine Avenue and Mary Austin Drive. He explained that 11 catch basins are proposed on the site and that all would be fitted with filter inserts.

Matthew Popp, Landscape Architect from Environmental Land Solutions, described the existing vegetation. The wooded areas of the property he described as being dominated by Norway Maples. He noted that rest of the property was either open meadow or thicket. He described the native plants that would be proposed for enhancement of the existing wetland area. He briefly reviewed the ornamental plant list for the rest of the development.

Mr. Gary McIntyre, architect, provided a very brief overview of the proposed dwellings.

The public hearing was then open to public comment.

Attorney Jane Freeman, stated that she was representing NASH, Neighborhood Association of Silvermine Homeowners, INC.. She presented the Agency with a verified pleading to intervene pursuant to CT General Statutes 22A-19 on behalf of NASH.

She continued with a discussion on NASH's opposition to the proposed plan. She added that experts would also speak on behalf of NASH to depict the negative impacts on the wetland and watercourse as well as possible alternatives.

Mike Aurelia, professional wetland scientist, spoke on the impacts that the proposed development would have on the inland wetland and watercourse system. He provided written comments and observations as well as a list of recommended questions that should be answered on the proposal.

Attorney Jane Freeman showed the Agency three other alternate plans that would address NASH concerns.

Lee Levey, architect and member of NASH, spoke in opposition of the proposed plan. He expressed concern with the construction envelope of the proposed buildings.

Peter Viteretto, Landscape Committee Chair for the Silvermine Community Association, spoke in opposition of the proposed plan. He provided a letter from the Silvermine Community Association that expressed areas of the proposed plan that they feel would require further consideration.

Leigh Grant, of 99 Comstock Hill Road, spoke in opposition of the proposed application. She referenced the City of Norwalk Plan of Conservation and Development.

Christine Names, 223 Silvermine Avenue, spoke in opposition of the proposed plan. She was concerned with the projects impact on flooding with in the area.

Richard Weisberg, Norwalk River Watershed Association member, spoke in opposition of the proposed plan. He noted his concerns on the impact to the watershed and the Norwalk River from the construction.

Mary Anne Case, 191 Perry Avenue, spoke in opposition of the proposed plan and stated concerns about the development's impacts to flooding.

Granville Ackerman, Silvermine Community Association, spoke in opposition of the proposed project and its negative impacts on the general natural resources in the area.

Justin Grimm, 8 Mary Austin Place, spoke in opposition to the proposed plan. He added concerns of contamination, storm water quality and other impacts to the Silvermine River.

Attorney Jane Freeman presented closing arguments to her presentation and requested a four week extension for the continuation of the public hearing.

A five minute recess followed.

**** MS. DESTEFANIS MADE A MOTION TO CONTINUE THE PUBLIC HEARING ON APPLICATION #S09-362 TO THE REGULAR MEETING OF FEBRUARY 9, 2010.**

**** MS. CAGNINA SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

c) **Proposed Inland Wetland & Watercourse Text Amendments and Map Amendment:**

1. **#IWWR1-09 – Text Amendment to revise paragraph (E.) Fee Schedule of §60A-18 *Application Fees*. The revision would amend the amount charged for application filings and other services listed in the fee schedule.**

2. #IWWR2-09 - Text Amendment to revise paragraph (C.) of §60A-9 *Public Hearings*. The revision would replace the word “abutting” with the word “adjacent”.
3. #IWWR3-09 -- Text Amendment to add new paragraph (K.) to §60A-7 *Application Requirements* and new paragraphs L.) and M.) to §60A-10 *Considerations for Decision*. The revisions would add language regarding the process pertaining to applications pending for properties subject to Conservation or Preservation Easements, as required by Public Act 05-124.
4. #IWWM1-09 -- Map Amendment to incorporate wetland soil delineations obtained in 2009 on the City of Norwalk Inland Wetlands & Watercourses Map.

Ms. Cherichetti described the proposed changes to the regulations and the additions to the official map.

** MR. HUBBARD MADE A MOTION TO CLOSE THE PUBLIC HEARING.
** MS. WILSON SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

** MR. CAPUTO MADE A MOTION TO ADOPT #IWWR1-09 – TEXT
AMENDMENT TO REVISE PARAGRAPH (E.) FEE SCHEDULE OF §60A-18
APPLICATION FEES.

** MR. HUBBARD SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

** MR. CAPUTO MADE A MOTION TO ADOPT #IWWR2-09 - TEXT
AMENDMENT TO REVISE PARAGRAPH (C.) OF §60A-9 PUBLIC HEARINGS.
THE REVISION WOULD REPLACE THE WORD “ABUTTING” WITH THE
WORD “ADJACENT”.

** MR. HUBBARD SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

** MR. CAPUTO MADE A MOTION TO ADOPT #IWWR3-09 -- TEXT
AMENDMENT TO ADD NEW PARAGRAPH (K.) TO §60A-7 APPLICATION
REQUIREMENTS AND NEW PARAGRAPHS H.) AND I.) TO §60A-10
CONSIDERATIONS FOR DECISION.

** MR. HUBBARD SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

** MR. CAPUTO MADE A MOTION TO ADOPT #IWWM1-09 -- MAP
AMENDMENT TO INCORPORATE WETLAND SOIL DELINEATIONS
OBTAINED IN 2009 ON THE CITY OF NORWALK INLAND WETLANDS &
WATERCOURSES MAP.

** MR. HUBBARD SECONDED THE MOTION.
** MOTION PASSED UNANIMOUSLY.

COMMENTS OF COMMISSIONERS

- a) Report of Commission Chair

ADJOURNMENT

- *** Mr. Caputo made a motion to adjourn.
- *** Motion passed unanimously.

The meeting ended at 9:55 p.m.

