

**CITY OF NORWALK
INLAND WETLAND AGENCY
JUNE 22, 2010**

PRESENT: Karen DeStefanis, Chair; Emily Wilson; Ed Holowinko; D. Seeley Hubbard; Robert Mercurio; Matt Caputo (6:05)

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Diane Lauricella; Peter DeLeo; Jason Mickert; Matt Davison; Fritz Morris; George Leary

I. CALL TO ORDER

Ms. DeStefanis called the meeting to order at 6:00 pm.

II. ROLL CALL

Ms. Cherichetti took the roll call.

III. PUBLIC COMMENTS

Ms. Diane Lauricella described the opportunity for positive, free help for the Conservation Commission. She discussed her own work as a small business consultant. She said that she wanted to encourage the Commission to handle the conservation side of the business, pointing out that the legal obligations and deadlines of the Inland Wetland Agency made this difficult to focus on. Ms. Lauricella added that the Agency could potentially be educational, rather than just an enforcement agency. She said that she would return to next month's meeting with more information about positive promotional ideas.

IV. RECEIPT & DISCUSSION

- a) **#S10-376 – 58 West Norwalk Road – McKnight - Corrective Action construction, removal of vegetation, and grading adjacent to a wetland and watercourse**

Ms. Cherichetti said that the applicant was not present. She explained that a

violation had been issued in May due to construction activity, removal of vegetation and deposition in an Upland Review area. She described the intermittent watercourse and adjacent wetlands, adding that the applicant had been encouraged to amend the proposal to include all cited activities. She discussed the 100-year flood zone, but pointed out that it was unclear whether the surveyor had transcribed it. She added that FEMA's new flood maps might have resulted in an adjustment of that flood zone.

b) #S10-377 – 4 Halfmile Road – Schlack – Removal and filling-in of in-ground pool adjacent to a wetland and watercourse

Ms. Cherichetti gave an overview of the application. She described the existing pool and lawn, the picket fence, and the wooded swamp area. She described the construction of the existing pool. Ms. Cherichetti said that this was an intermediate application.

The applicant said that the pool had been built in the mid-1970s to early 1980s. He said that the contractor that will be abandoning the pool had suggested using a backhoe for removal and accessing the pool from the non-wetland side. The applicant added that a silt fence would be installed during the construction period.

c) #S10-378 – 282 Flax Hill Road – KRPX Holdings, LLC – Construction of two (2) duplex buildings, with watercourse crossings for stormwater and sanitary sewer, adjacent to a watercourse

Ms. Cherichetti explained that this was a site development application and that it was related to an application for a 3-lot subdivision that had been approved in November 2009. She explained that the plans for installing an access drive and a culvert were approved with the subdivision permit. She said that the current proposal was for construction of a duplex on each of the two lots.

Mr. Peter DeLeo gave background about the project and showed the site plan indicating the three lots. He said that originally there was a shared driveway, sewer, water and gas lines, which comprised a total of nine crossings. He explained that he had met with utility companies to create a plan that made the buildings smaller; proposed a telephone pole in order to eliminate two crossings, proposed gas and water lines over the driveway in

order to eliminate four more crossings; and proposed one sewer line to serve the lots. Mr. DeLeo said that there were now two lines total, instead of nine.

Ms. Cherichetti said that the Commission had technically approved only one culvert crossing.

Ms. Destefanis asked if this proposal was a modification. Ms. Cherichetti said that it was a new, separate site development application and that the applicant should show the two lots on the plan.

Mr. DeLeo addressed parking concerns on the property, explaining that Arbor Drive had parking only on one side and that plenty of on-site parking would be added to the proposal. He said that the proposal had met the zoning requirement for parking.

Ms. Cherichetti said that the item was not yet deemed a significant regulated activity, but outlined the reasons that it could potentially be considered one. She said that a member of the public had requested a public hearing on the item.

The Commission agreed that the item did involve a significant regulated activity and should have a public hearing.

Ms. Destefanis stated concerns about the plans and pointed out that it needed to be revised to include plans for asphalt for the additional parking spots. Mr. DeLeo agreed to make the revisions.

- ** **MR. CAPUTO MADE A MOTION TO NAME THE ACTION AS A SIGNIFICANT REGULATED ACTIVITY AND SCHEDULE THE HEARING FOR JULY 13, 2010.**
- ** **MS. WILSON SECONDED.**
- ** **MOTION PASSED UNANIMOUSLY.**

- d) **#S10-379 – 9 & 11 Glenwood Avenue – Glenwood Avenue, LLC – Demolition of existing structures and construction of three (3) new 3-unit dwellings with relocation of culvert adjacent to a wetland and watercourse**

Dean Martin, Grumman Engineering, project engineer gave an overview of

the proposal and described plans to relocate the watercourse. He showed the retention system for increased runoff, catch basins and inserts, and a topsoil storage location. He added that a soil scientist had determined that there was no wetland on the property. He confirmed that the proposal involved filling the property and raising the grade by three inches.

Ms. Cherichetti described the intermittent watercourse and reiterated the definition of a significant regulated activity. She added that the applicant had requested a partial waiver of the fee.

The engineer addressed the amount of fill and the concerns of the neighbors. He asked if the public hearing could be waived.

There was a discussed of the procedure for waiving a public hearing.

**** MR. CAPUTO MADE A MOTION TO CONSIDER THE APPLICATION SIGNIFICANT AND TO HOLD A PUBLIC HEARING ON JULY 13, 2010.**

**** MS. WILSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

V. PUBLIC HEARINGS (TO BEGIN AT 7:00 PM)

- a) #S10-374 – 261 & 281 Connecticut Avenue and 100 Scribner Avenue – Gershman, Brown Crowley, Inc. – Demolition of existing and construction of new commercial building in and adjacent to a wetland**

Ms. Destefanis opened the public hearing.

Ms. Cherichetti took the roll call.

Ms. Wilson recused herself and left the room.

Ms. Cherichetti said that notice of the public hearing had been published twice in The Hour.

Mr. Jason Mikert described the CVS store being proposed, explaining that there were three commercial properties, as well as a surplus site from the

DOT. He said that the majority of the site was impervious and currently there was no storm water control. He described a plan to improve storm water management to bring the property into compliance.

Mr. Mickert explained that the first story of the building would be retail and the second story would be storage. He described the plan for two curb cuts, where there had been five. He said that the applicant had used many Best Management practices, emphasizing that there was a significant improvement to storm water management. He described the seven-foot buffer of plantings between the building and the parking area. He also discussed the underground storm water detention site.

Mr. Matt Davison, a soil scientist, described the on-site wetland, pointing out that the only factor that actually qualified the area as a wetland was the poorly drained soil type. He added that the wetland was probably a remnant of a larger wetland.

Mr. Davison described the functions and values assessment of a wetland, adding that the Army Corps of Engineer report had shown no identifiable functions or values on the site. He reiterated that the applicants plan will improve the storm water drainage quality and also reduce the amount of impervious surface.

Ms. Destefanis asked what the percentage of increase was in the vegetated area. Mr. Davison said that it was 10%.

Mr. Davison detailed the conditions and value of the wetland on the site. He said that the “tail area”, which was the only area with any functionality, would not be disturbed.

**** MR. CAPUTO MADE A MOTION TO CLOSE THE PUBLIC HEARING.**

**** MR. HUBBARD SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

VI. DISCUSSION &/OR DECISION

a) #S10-371 – 4 Klim Lane – Vallejo – Corrective Action clear-cutting, removal of vegetation, filling, grading and construction in and adjacent to a wetland and watercourse

Ms. Cherichetti said that she had met with the applicant and his soil scientist, as well as Brian McCann of Corporation Counsel, shortly before the May 25 meeting. She said that the applicant had now filed for an extension. She added that a detailed soil report had been requested by the Agency at its last meeting, but that the applicant had still not provided one.

**** MR. CAPUTO MADE A MOTION TO HOLD A PUBLIC HEARING ON JULY 27, 2010, BECAUSE THE APPLICATION INVOLVED A SIGNIFICANT REGULATED ACTIVITY, AND BECAUSE THE AMOUNT OF FILL BEING USED WAS YET TO BE DETERMINED BY THE APPLICANT, AND BECAUSE OF THE DISTURBANCE TO THE WETLAND AND WATERCOURSE.**

**** MR. MERCURIO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b) #S10-373 – 230 New Canaan Avenue – Orchard Lakes Condominium Association - Landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti distributed a recap and draft resolution with five conditions. She addressed the issue of the non-woody areas and also stated that the rendering was sufficient.

**** MR. HUBBARD MADE A MOTION TO APPROVE THE ITEM WITH THE DRAFT RESOLUTION AND FIVE CONDITIONS.**

**** MR. HUBBARD SECONDED.**

**** MOTION CARRIED, 5-0-1 (WILSON ABSTAINING).**

c) #S10-374 – 261 & 281 Connecticut Avenue and 100 Scribner Avenue – Gershman, Brown Crowley, Inc. – Demolition of existing and construction of new commercial building in and adjacent to a wetland

Ms. Cherichetti said that the Commission could vote on this item at its next meeting.

d) #S10-375 – 8 Norden Place – Connecticut Light & Power Co. – Installation of electric utility service equipment adjacent to a

wetland and watercourse

Ms. Cherichetti said that the Commission had technically received this item on May 25, 2010.

Mr. Chris Swan, CL&P, explained that there was an overlap of service between the 2nd and 3rd taxing districts. He described the system of switches and metering.

Ms. Cherichetti clarified that the location was within the Norden site, about 25 feet from the wetland line.

Mr. George Leary described the meter and the subterranean vault. He said that the applicant wanted to provide an access gate and put in another hedgerow to hide the equipment.

Mr. Caputo asked how close the construction equipment would come to the wetland and watercourse. Mr. Morris said that it would not go past the easement.

Ms. Destefanis asked about electrical lines. Mr. Morris said that it was a dry system. He added that the new system could take over, if there were problems with maintenance.

Mr. Caputo asked how long the system would last. Mr. Morris said that the planned obsolescence was 40 years.

VII. APPROVAL OF MINUTES

a) May 11, 2010

**** MR. CAPUTO MADE A MOTION TO APPROVE THE MINUTES.**

**** MR. HUBBARD SECONDED.**

**** MOTION CARRIED, 5-0-1 (WILSON ABSTAINING)**

b) May 25, 2010

**** MS. DESTEFANIS MADE A MOTION TO APPROVE THE MINUTES.**

- ** MR. HUBBARD SECONDED.
- ** MOTION CARRIED, 4-0-2 (WILSON AND CAPUTO ABSTAINING).

VIII. COMMENTS OF STAFF

a) Compliance Summary

There was no compliance report tonight.

b) Review of by-laws

Ms. Cherichetti explained that the Commission needed to consider making adjustments to the by-laws for sitting Chairs.

Mr. Mercurio asked if the Commissioners themselves were authorized to make those changes.

Ms. Wilson said that the general idea of by-laws was to give control to the Commission over how to run its own meetings.

Ms. Cherichetti agreed to consult with Corporation Counsel.

IX. COMMENTS OF COMMISSIONERS

a) Report of Commission Chair

Mr. Hubbard discussed the land trust campaign to save the Farm Creek Preserve property. He said that Forbes Magazine had featured the property in a recent issue.

Ms. Destefanis addressed the issue of Freedom of Information. She described a forum that she attended, along with Mr. Hubbard and Mr. Bonsangue. She discussed the role of special meetings.

Ms. Cherichetti clarified the difference between special meetings and emergency meetings.

Ms. Destefanis added that emails between commissioners were also covered under the Freedom of Information act.

Ms. Cherichetti announced that she would not be present at the July 13th meeting and that Yarifalia Bletsas would be the staff person that night.

X. ADJOURNMENT

- ** MR. CAPUTO MADE A MOTION TO ADJOUR.**
- ** MS. WILSON SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:15 pm.