

**CITY OF NORWALK
INLAND WETLAND AGENCY
JULY 13, 2010**

PRESENT: Karen Destefanis, Chair; Emily Wilson; Lou Bonsangue; D. Seeley Hubbard; Robert Mercurio; Matt Caputo; Anne Cagnina

STAFF: Yarifalia Bletsas, Environmental Compliance Officer

OTHERS: Marny Smith; John Ignieri; Atty. David Waters; Bill Andropolous; Atty. Harvey Melzer; Pete DeLeo; Wayne D'Avanzo; Michael Steffan; Bela Sabel; Joe Iannaco; Dean Martin; Mary Rose Beauvai

I. CALL TO ORDER

Ms. Destefanis called the meeting to order at 6:07 pm.

II. ROLL CALL

Ms. Bletsas took the roll call.

III. OPEN SPACE FUND PROPOSAL

**a) Norwalk Land Trust – 34 Sammis Street (Farm Creek Preserve) -
Funding request for acquisition of open space property**

Mr. Hubbard recused himself and left the room.

Ms. Marny Smith described the growth of the Norwalk Land Trust and requested funds from the Open Space Fund for 2.2 acres of property at Sammis Street. She explained that a group of Rowayton residents had tried to buy the property in 2005, in order to maintain it as a wildlife corridor, after the property had gone up for sale. She added that the site had re-gained its status as a nature preserve, and she stated that guided field trips for schoolchildren had been successful. She addressed the interest rates on the loan and distributed a document entitled "Farm Creek Current Goals."

Mr. Caputo requested a one-minute recess and left the room.

Mr. Caputo returned to the meeting.

Mr. Caputo suggested that the Commission consider approving a total amount of \$155,000, subject to reduction to \$125,000, working with the assumption that \$30,000 had already been secured. He said that the Commission could make a recommendation to Common Council, but that the Commission could not actually allocate the funds.

Ms. Smith added that the Norwalk Land Trust would continue to fundraise for interior improvements for a minimal nature museum. She reiterated that the property was open to the public from dawn to dusk.

Ms. Cagnina pointed out that the project would strengthen the concept of the open space fund.

Mr. John Igneri discussed the role of the 6th Taxing District in the project.

Ms. Smith pointed out that the land trust involved Norwalk as a whole, not just Rowayton. She reiterated that the property had been featured recently in Forbes Magazine.

- ** MR. CAPUTO MADE A MOTION TO RECOMMEND THE CONSERVATION COMMISSION'S APPROVAL OF \$155,000 TO BE REFERRED TO THE NORWALK COMMON COUNCIL FOR THE COMPLETION OF THE NORWALK LAND TRUST PROPERTY AT 34 SAMMIS STREET, SUBJECT TO THE CONTINGENCY THAT SHOULD IT BE DETERMINED THAT \$30,000 IS ALREADY IN PLACE, THE TOTAL AMOUNT BE REDUCED TO \$125,000.**
- ** MS. WILSON SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

Mr. Hubbard returned to the meeting.

IV. RECEIPT & DISCUSSION

- a) #S05-207A – 1 Glover Avenue – Merritt River Partners, Inc. –**
Five (5) year extension of permit for construction of a mixed use building with associated stormwater drainage system and landscaping

adjacent to a watercourse

Atty. David Waters said that the applicant had requested an extension, because work had been delayed due to a state request involving access through the property.

Ms. Destefanis asked if the state was likely to resolve its uncertainty about accessing the property within the next five years. Atty. Waters described the situation on the property with regard to the ramp.

Ms. Cagnina asked if any regulations had changed. Atty. Waters said that none of the changes to regulations would affect this project.

- ** MR. CAPUTO MADE A MOTION TO GRANT AN EXTENSION OF FIVE YEARS.**
- ** MR. HUBBARD SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

V. REQUESTS FOR FEE WAIVER

- a) #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

Ms. Bletsas explained that the request for a fee waiver would be considered separately from the application itself.

The Commission addressed the issue of whether the fee was clearly excessive in this case. Ms. Bletsas pointed out that the breakdown of the fee schedule was in the packets.

Mr. Bonsangue noted that the application involved a significant regulated activity, yet the request was to pay even less than if the application involved only an intermediate regulated activity.

Mr. Bill Andropolous, the project architect, explained that the request had been made when the applicant still believed that it was an intermediate application. He said that while he respected the regulations, the project only involved a pipe. He addressed the idea of reducing the fee on the multiple

dwellings.

Ms. Cagnina asked if this application would take far less time for staff than a standard significant application.

Ms. Bletsas said that staff would follow the same process with regard to notice and staff time.

Mr. Caputo asked what was involved with the application, in terms of staff time. Ms. Bletsas said that Alexis Cherichetti was working with the application, which involved a preliminary review process; a visit to the site to determine the condition of the soil and erosion; weekly inspections during construction; and managing any public complaints and concerns about the site.

**** MR. CAPUTO MADE A MOTION TO DENY THE REQUEST FOR A FEE WAIVER.**

**** MR. BONSANGUE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

VI. DISCUSSION &/OR DECISION I

- 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

The Commission agreed to send the item to public hearing.

- b) **#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

**** MR. HUBBARD MADE A MOTION TO adopt the RESOLUTION CONTAINED WITHIN THE MEMORANDUM BY ALEXIS CHERICHETTI.**

**** MR. BONSANGUE SECONDED.**

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

- c) **#S10-375 – 8 Norden Place – Connecticut Light & Power Co.** –

Installation of electric utility service equipment adjacent to a wetland and watercourse

**** MR. CAPUTO MADE A MOTION TO APPROVE THE RESOLUTION CONTAINED WITHIN THE MEMORANDUM BY ALEXIS CHERICHETTI.**

**** MR. HUBBARD SECONDED.**

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

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

Ms. Bletsas said that the item had been tabled at the last meeting, in order for Ms. Cherichetti to contact the owner.

Mr. Caputo requested that staff check the land records to determine if the property was in foreclosure.

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

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

**** MR. MERCURIO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

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

a) #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. Destefanis opened the public hearing at 7:15.

Ms. Bletsas took the roll call. She also read the legal notice.

Ms. Destefanis went over the ground rules of a public hearing.

Mr. Pete DeLeo presented a planting plan and an engineering plan. She said that the project exceeded the 30-foot setback. He noted the center-line on

the site. Mr. DeLeo discussed the role of the catch basins in reducing pressure on the culvert.

Mr. Wayne D'Avanzo described adjustments to the planting plan, pointing out that there was now only one sanitary crossing, instead of two.

Mr. Michael Steffan, 8 Arbor Drive, described the elliptical pipe and said that he was opposed to any additional crossings. He said that the existing pipe should be used. He added that he was concerned about the distance of one of the houses from the watercourse.

Ms. Bela Sabel, 10 Arbor Drive, pointed out the common driveway and stated concern about intersecting the watercourse.

Mr. Joe Ianncano said that he opposed the number of houses being proposed.

Mr. DeLeo discussed the advantages of the catch basins. He also noted that this property was at a different elevation and also that codes had changed over time.

Mr. D'Avanzo discussed the sanitary sewer. He said that there was no space underground for the pipe and also that water should not be put through a culvert unless necessary.

Mr. DeLeo said that the catch basins had been inserted and that work would begin soon after approval.

Ms. Bletsas pointed out that the Commission generally requested that this sort of project be done in July or August, when conditions were dry.

Mr. Hubbard asked if there were any other route. Mr. DeLeo said that a drainage ditch ran right in front of the property. He pointed out that although it was more difficult and expensive to do it the project in the way that he recommended, it was necessary to take those steps.

Ms. Destefanis asked if the project would interfere with other properties downstream. Mr. D'Avanzo said no, explaining that no water would be added to the net runoff. He said that the applicant was mitigating runoff, even though there was an increase in the impervious surface area.

Ms. Destefanis asked if the applicant had a catch basin maintenance plan. Mr. DeLeo agreed to incorporate one into the overall plan.

Mr. Caputo asked the applicant to explain why the project could not be done using the existing pipe, as suggested by Mr. Steffan. Mr. D'Avanzo said that the maintenance of that pipe was questionable and its size, further down the line, was unknown. He said that there was silt in the pipe and that more water should not be added to it. He stated that it was more prudent to do the work with the plans submitted by the applicant. Mr. D'Avanzo added that there was not enough cover for the pipe and also that there were code problems now that did not exist in the past.

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

**** MS. WILSON SECONDED.**

**** MOTION PASSED UNANIMOUSLY**

- b) #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

Ms. Wilson left the meeting at 7:55 pm.

Ms. Destefanis opened the public hearing.

Ms. Bletsas took the roll call. She also read the legal notice.

Mr. Dean Martin, the engineer representing the applicant, explained that the project involved combining two parcels into one and constructing three new three-unit dwellings. She described the relocation of the pipe, pointing out that it would handle the same amount of flow.

Ms. Mary Rose Beauvai, of Bethel, CT, said that she owned the property to the south of the site. She said that she was concerned about the effect of the project on the appearance and value of her property. Ms. Destefanis pointed out that the concern of the Commission was with the potential effects that moving the brook might have on the wetland.

Mr. Martin said that the project would not affect the neighboring property.

He said that the grading would be changed and that no water would be added to the flow. He emphasized that the new pipe would be able to handle the flow.

**** MS. CAGNINA MADE A MOTION TO CLOSE THE PUBLIC HEARING.**

**** MR. BONSANGE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

Ms. Wilson returned to the meeting at 8:07 pm.

VIII. DISCUSSION &/OR DECISION I

- a) #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

Mr. Caputo pointed out that although the neighbors had been incensed, the applicant had made a solid case.

Ms. Cagnina said that neighbors were concerned about losing flow, but that the project looked fine.

Ms. Destefanis said that the sanitary line was within code.

Ms. Cagnina said that using the pipe that was already in place was a good idea. Mr. Caputo disagreed, saying that he trusted the professional engineer's assessment.

Mr. Hubbard said that there was no prudent alternative with regard to the sewer, pointing out that the property was also at the lowest elevation.

Ms. Destefanis requested that a special condition be added concerning maintenance. She also said that she agreed with avoiding taking a risk on adding water to a pipe whose condition was unknown.

- b) #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

The Commission agreed that there were no problems with this application.

IX. BOND RELEASE/REDUCTION REQUESTS

- a) **#S09-355 – 282 Flax Hill Road – KRPX Holdings, LLC – Release of bond held in conjunction with subdivision and installation of culvert crossing of watercourse**

Ms. Bletsas said that staff had inspected the culvert and recommended release of the bond.

- ** MR. CAPUTO MADE A MOTION TO RELEASE THE BOND.**
- ** MS. CAGNINA SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

X. APPROVAL OF MINUTES

- a) **June 22, 2010**

- ** MR. CAPUTO MADE A MOTION TO APPROVE THE MINUTES, WITH THE ADJUSTMENTS DISCUSSED.**
- ** MS. CAGNINA SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

XI. ELECTION OF OFFICERS

- ** MR. CAPUTO NOMINATED MS. DESTEFANIS AS CHAIR, AND MR HUBBARD AS VICE-CHAIR.**
- ** MR. MERCURIO SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

XII. COMMENTS OF STAFF

- a) **Compliance Summary**

Ms. Bletsas described inspections taking place on various properties.

- b) **Review of by-laws**

XIII. COMMENTS OF COMMISSIONERS

a) Report of Commission Chair

Ms. Cagnina suggested that there should be two different commissions, one for conservation and one for inland wetlands.

XIV. ADJOURNMENT

**** MS. CAGNINA MADE A MOTION TO ADJOURN.**

**** MS. DESTEFANIS SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:55 pm.

Respectfully submitted by Charlene Smith.