

**CITY OF NORWALK
INLAND WETLAND AGENCY
JULY 27, 2010**

PRESENT: D. Seeley Hubbard, Chair; Anne Cagnina; Ed Holowinko; Lou Bonsangue; Karen Destefanis (6:15)

STAFF: Alexis Cherichetti, Senior Environmental Officer

OTHERS: Geoffrey Allimant; John McKnight; Peter DeLeo; Alfredo Vallejo; Steve Danzer

I. CALL TO ORDER

Mr. Hubbard called the meeting to order at 6:10 pm.

II. ROLL CALL

Ms. Cherichetti took the roll call.

III. RECEIPT & DISCUSSION

a) #S09-353A– 9 Driftwood Lane – Allimant – Modification to conditions of Corrective Action Permit #S09-353 for the restoration of area adjacent to a wetland.

Ms. Cherichetti explained that this was corrective action work and that a special condition stated that all work must be completed within eight months of the permit approval. She said that the current request sought an extension until May, 2011. Ms. Cherichetti added that the applicant was also requesting a waiver of the application fee.

Mr. Hubbard asked if granting the extension would pose any additional danger to the wetland. Ms. Cherichetti said that the work involved angular, rocky fill and that there had been no erosion noted since it the fill was deposited.

Ms. Cagnina asked if the work should be finished before the next dry season. Ms. Cherichetti said yes.

Mr. Bonsangue asked about grading. Ms. Cherichetti said that the grading could be completed, as long as the ground was not frozen and that planting could take place in the spring.

Ms. Cagnina said that there was no reason evident in the regulations for a fee waiver.

Ms. Cherichetti read aloud from the regulations, concerning reasons for fee waivers. She also read aloud a letter from the applicant, dated July 1.

The Commission discussed corrective action fees.

Ms. Cagnina said that the Commission should be careful not to set a precedent by granting this fee waiver.

Ms. Destefanis pointed out that a similar issue had been raised at the previous meeting, but that there had been far more at hand in that case. She asked Ms. Cherichetti to describe what was involved in this application.

Ms. Cherichetti described staff's role in the application. She also detailed the different scales of modification of permits.

Mr. Hubbard asked whose name the property was in. Mr. Allimant said that it was in his and his wife's name. He added that the City still had the bond and that he could not work on the property right now. He confirmed that the permit was in his name only.

Ms. Destefanis said that staff would examine the matter further. She said that the commission would decide at the next meeting if the fee would be modified.

IV. REQUESTS FOR FEE WAIVER

- a) #S09-353A – 9 Driftwood Lane – Allimant – Request to waiver application fee for the modification to conditions of Corrective Action Permit #S09-353 for the restoration of area adjacent to a wetland.**

This item was considered together with Item III a).

V. DISCUSSION &/OR DECISION I

- 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 some items were missing from the application. She said that she had met with the applicant to discuss mitigation and that she had encouraged him to submit a site plan that indicated all activities.

Mr. Hubbard asked about the extension of the driveway. Ms. Cherichetti said that it was 22 foot from the wetland at its closest point.

Mr. John McKnight, the property owner, said that the area was all grass and that he had been trying to make the driveway longer. He described the 'trap rock area' and explained that he had wanted to provide a usable turnaround.

Ms. Cherichetti confirmed that the original violation had involved, in part, deposition of angular stone material.

Mr. Hubbard asked what had been there before the trap rock. Mr. McKnight said that it had been lawn and leaves.

Ms. Destefanis asked how deep the leaves were. Ms. Cherichetti said that they were six to eight inches. She confirmed that the leaves were not in the wetland.

Ms. Destefanis pointed out that the description “wetland plants” was vague and that the plan should indicate how many and what type of plants.

Ms. Cherichetti confirmed that the application was missing a specific planting plan.

Ms. Destefanis asked if anyone dumped leaves illegally onto the property. Mr. McKnight said that some leaves came onto the property, when they were blown onto the brush area. He also said that Christmas trees had been dumped onto the property in the past.

Mr. McKnight stated that a lot of water came off the street into the wetland, bringing with it salt and oil. He asked why that was not of greater concern to the Commission.

Mr. Hubbard explained that those concerns pre-dated wetlands regulations. Ms. Cherichetti added that this was the purview of DPW.

Ms. Destefanis asked about the Commission’s opinion concerning the rock/gravel area.

Mr. Holowinko said that it should be eliminated, adding that it was hard to single out one owner. Mr. Bonsangue agreed. Ms. Cagnina also agreed, pointing out that it would be easier to remove all of the trap rock, rather than only one inch of it.

Ms. Destefanis told the applicant to submit a more specific planting plan.

b) #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 said that the public hearing was closed at the last meeting.

**** MS. CAGNINA MADE A MOTION TO APPROVE THE RESOLUTION IN THE MEMORANDUM FROM ALEXIS CHERICHETTI DATED JULY 23, 2010.**

**** MR. HUBBARD SECONDED.**

**** MOTION CARRIED, 4-0-1 (HOLOWINKO ABSTAINING).**

c) #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

**** MR. HUBBARD MADE A MOTION TO APPROVE THE RESOLUTION**

IN THE MEMORANDUM FROM ALEXIS CHERICHETTI DATED JULY 23, 2010.

- ** MS. CAGNINA SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

VI. BOND RELEASE/REDUCTION REQUESTS

a) #S10-370 – 6 Kreiner Lane – Sarno – Release of bond held for the installation of a drinking water connection with associated crossing of a watercourse

- ** MR. BONSANGUE MADE A MOTION TO APPROVE THE RELEASE OF THE BOND.**
- ** MR. HUBBARD SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

b) #S06-257A – 25 Huckleberry Drive South - Tarala – Release of bond held for the construction of a new single-family residence and watercourse relocation in and adjacent to wetland and watercourse

- ** MR. HUBBARD MADE A MOTION TO RELEASE \$2,485 OUT OF THE \$7,600 BOND.**
- ** MS. CAGNINA SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

c) #S09-339 – 9 Crossbrook Lane – Singh – Request for reduction of bond held for correction action filling and grading in and adjacent to a wetland and watercourse.

Ms. Destefanis recalled that a bond reduction had been requested in January, but that request was denied because some of the mitigation work remained unfinished.

Ms. Cherichetti said that there had been no evidence that the boulders had been excavated and reset, adding that smaller boulders were now sitting atop the unmoved larger ones. She added that the driveway had been repaved during the winter and was now a bit wider. She added that a deck and gazebo had also been constructed without permits.

- ** MR. HUBBARD MADE A MOTION TO DENY THE RELEASE OF THE BOND.**
- ** MR. BONSANGUE SECONDED.**
- ** MOTION PASSED UNANIMOUSLY.**

d) #S05-233A – Dr Martin Luther King, Jr. Drive – Kurylko – Release of bond held for the construction of a warehouse and associated parking lot, stormwater drainage, and wetland mitigation in and adjacent to a wetland.

The Commission agreed to table the item until the next meeting.

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e) #5970522.P96 – Connecticut Avenue – Stop & Shop Company – Release of bond for the construction of a shopping center with associated culvert adjacent and with in wetland and watercourse.

Ms. Cherichetti confirmed that the bond had been from 1996. She said that Ms. Bletsas had visited the site to verify whether debris had been removed and to verify the planted wetland plants. Ms. Cherichetti said that she recommended partial release of the \$15,000 bond.

**** MS. DESTEFANIS MADE A MOTION TO DENY THE RELEASE OF THE BOND.**
**** MR. HOLOWINKO SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

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

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. Destefanis opened the public hearing.

Ms. Cherichetti took the roll call. Ms. Cherichetti read the legal notice.

Mr. Vallejo, the property owner, said that the area had been damaged by trucks carrying soil to the back yard patio area. He said that approximately 78 cubic yards had been deposited. He added that he had submitted a soil science report, as well as construction, landscape, and site plans.

Ms. Cherichetti said that in April, the applicant had submitted a plan for the side patio construction, and then a survey dated April 15, 2010, and then a map of planting and restoration. She said that Mr. Vallejo had then submitted revised plans. She told the applicant that he needed to confirm whether he was using parts of both plans.

Mr. Vallejo said that he would use both the recent plans and plans dated from February, 2010 would be used.

Ms. Cherichetti recollected that she had discussed with Attorney McCann of Corporation Counsel regarding how to handle the discrepancy among the experts with regard to the level of fill. She reviewed the data in the Commissioners' packets and confirmed that there had been two instances of filling on the property. She added that the wetland line was not in dispute. She addressed the issue of flagging the wetland, as well as the issue of varied wetland soil.

Mr. Vallejo said that he wanted to resolve the problem, by removing the soil if necessary.

He described conditions on the property and discussed various instances when fill may have been placed. He confirmed that he purchased the property in 1998 and built the house in 2000. He reiterated that he planned to remove some of the soil.

Ms. Cherichetti explained that in its current state, the area was not technically considered wetland due to the current soil depth. She said that the restoration plan needed to restore the function of the wetland. She said that the hydrology needed to function.

Mr. Steve Danzer, a soil scientist, said that he had provided an estimate of the level of fill. He added that the difference between the two soil reports was a matter of inches. He addressed the issue of the two layers of fill, pointing out that Mr. Otto Theall's assessment of the wetland soil may have been done even with only one layer of fill. Mr. Danzer said that he evaluated the existing conditions. He stated that a compromise might involve reducing the soil level to the first layer of fill, noting that this would also eliminate the hole in Mr. Vallejo's back yard.

Ms. Cherichetti confirmed that Mr. Theall's soil report had been done in 1998. She added that it was difficult to make an informed decision about grading without a specific plan.

Mr. Danzer answered questions from the Commission about wetland function.

Ms. Cagnina asked how many inches of fill were necessary for a wetland to function. Mr. Danzer said that he would need to investigate the matter further. He said that he could propose an ideal number.

Ms. Destefanis confirmed that the applicant needed to provide by September 17, 2010 a grading plan, a wetland science report that supported the grading plan, and information about the amount of soil needed to reasonably restore the wetland.

Ms. Cherichetti added that Mr. Vallejo needed to put the granting of an extension in writing.

The Commission agreed to continue the hearing to the August 10, 2010 meeting.

VIII. DISCUSSION &/OR DECISION II

- 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 the Commission could not discuss the item, since the public hearing was still open.

IX. APPROVAL OF MINUTES

- a) July 13, 2010**

Ms. Cherichetti said that the minutes were completed, but that they were not in the packets.

X. COMMENTS OF STAFF

a) Compliance Summary

Ms. Cherichetti described enforcement actions at several properties

There was a discussion of a possible grant for completing engineering analysis for removal Flock Process Dam.

b) Review of by-laws

XI. COMMENTS OF COMMISSIONERS

a) Report of Commission Chair

There were none tonight.

XII. ADJOURNMENT

**** MS. CAGNINA MADE A MOTION TO ADJOURN.
** MR. BONSANGUE SECONDED.
** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:30 pm.

Respectfully submitted by Charlene Smith.