

**CITY OF NORWALK
INLAND WETLAND AGENCY
October 26, 2010**

PRESENT: Anne Cagnina; Matthew Caputo; MaryBeth Sullivan; Louis Bonsangue

STAFF: Alexis Cherichetti, Senior Environmental Officer

I. CALL TO ORDER

Ms. Destefanis called the meeting to order at 6:12 pm.

II. ROLL CALL

Ms. Cherichetti took the roll call.

III. PUBLIC COMMENTS

There were no public comments.

IV. ENFORCEMENT ACTIONS

- a) **Show-Cause Hearing – Cease & Restore Order #V10-868 – 11 Hill Street – Fiedler** – Notice of Violation for removal of vegetation, deposition of material, filling, polluting, excavating, and trenching of a wetland watercourse

Mr. Caputo announced that he would recuse himself. Without Mr. Caputo present, there was not a quorum and the item was tabled to the next meeting scheduled for November 9, 2010.

V. RECEIPT & DISCUSSION

- a) **#S10-382 – 6 Styles Lane – Valadares** – Corrective Action mitigation for deposition of material, removal of vegetation and piping of a watercourse in and adjacent to a wetland and watercourse

Ms. Cherichetti briefly summarized the application. She gave a brief recap of the initial enforcement action, the previous application that was denied, and the latest enforcement action.

Mr. Valadares, the applicant, gave a brief summary of the proposed work.

Ms. Cherichetti indicated that a copy of the original survey should be submitted.

Ms. Cherichetti noted that the applicant's request for a fee waiver would be added to the next agenda/

Mr. Caputo inquired about the location of the removed compost material. Mr. Valadares indicated that he had plenty of room to spread it within the right-of-way to his property. Mr. Caputo noted that this area was not depicted on any of the submitted maps and wondered if it was also within the upland review area.

Mr. Valadares assured that it would be away from the wetlands and watercourses.

Ms. Cherichetti stated that the applicant needed to provide a map depicting the distribution of the projected 500 cubic yards of material.

Ms. Cherichetti reviewed the proposed activities for each of the cited areas. There was discussion regarding the proposed vegetation and maintenance in the area now surrounded by the stockade fencing.

Ms. Sullivan asked for a review of the previous enforcement actions and information regarding the previous permit application. Ms. Cherichetti briefly reviewed the files.

Mr. Bonsangue asked the applicant whether he was proposing to install shrubs in the vicinity of the watercourse where the pipe is to be removed. Mr. Valadares responded that there were not shrubs proposed. Mr. Bonsangue recollected that they had been proposed in the previous application. Ms. Cherichetti noted that shrubs were recommended in Mr. Pietras's letter.

b) **#S10-383 – 11 Hill Street – Fiedler** – Corrective Action restoration in and adjacent to a wetland and watercourse

It was noted that Mr. Caputo would recuse himself on this matter, and there would not be a quorum left to discuss the matter. The item was tabled to the next meeting.

DISCUSSION &/OR DECISION

a) **#S05-223B - 215 Dr. Martin Luther King, Jr. Drive - Kurylko** - Request for a five year extension of Permit #S05-223A for construction of a warehouse and associated parking lot, stormwater drainage and wetland mitigation in and adjacent to a wetland and watercourse.

Ms. Cherichetti reiterated that she told Ms. Moch that a detailed description of the work that had been fully completed as per the plan, work that had been completed but not per the approved plan, and work that had not yet been started needed to be submitted in order for the agency to make a decision.

Ms. Cherichetti noted that she had not received any additional information to date. She also noted that, without an extension from the applicant, the Agency must render a decision at the next meeting.

Ms. Cherichetti stated that she would attempt to contact the applicant's agent, Ms. Moch.

b) #S10-380 – 214 Silvermine Avenue - Schaffer/Mills – New septic system to replace the existing failed septic system adjacent to a wetland and watercourse

Ms. Cherichetti displayed a site map of the property and discussed the location of the new septic system, the failed system, and the existing system for the cottage. She discussed the other limitations on septic system placement including soils that are too well drained, drinking water service location, and slope.

** MR. BONSANGUE MADE A MOTION TO APPROVE THE APPLICATION.
** MS. CAGNINA SECONDED THE MOTION.
** MOTION CARRIED UNANIMOUSLY

d) #S01-381 - 7 Hunters Lane - Luniewski - Construction of a low retaining-wall and deposition of fill in rear yard in and adjacent to a wetland and watercourse

There was discussion regarding the new site map at 1"=15' scale. The plan more clearly depicted the location of the proposed wall in relation to the existing stockade fence. The plan also shows the approximate location of the drainage easement to DPW.

Mr. Bonsangue discussed earlier concerns regarding the impacts that the proposed solid wall will have on the hydraulics of the watercourse. It was noted that the hydraulics would be accurately assessed by an engineer.

Mr. Caputo stated that he felt that a public hearing was warranted.

Ms. Cagnina disagreed, noting that the wall would be just outside of the drainage easement.

Ms. Sullivan requested a review of the pertinent language in the regulations. A discussion regarding public hearings ensued.

Mr. Lunieski described the project and his purpose for the project again. There was some confusion whether he was proposing the wall and a new fence as well.

** **MR. BONSANGUE MADE A MOTION TO FIND THAT THE PROPOSED ACTIVITIES ARE A SIGNIFICANT REGULATED ACTIVITY AND TO HOLD A PUBLIC HEARING AT THE NEXT REGULARLY SCHEDULED MEETING.**
** **MS. SULLIVAN SECONDED THE MOTION.**
** **THE MOTION PASSED WITH THREE (3) IN FAVOR AND ONE (1) IN OPPOSITION [CAGNINA].**

VI. BOND RELEASE/REDUCTION REQUESTS

a) **#S05-238 – 203 Silver Creek Lane – Slapin** – Release of bond held for construction of new residence adjacent to a wetland and watercourse

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**** MR. BONSANGUE MADE A MOTION TO APPROVE THE RELEASE OF THE BOND.**

**** MS. CAGNINA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- b) **#S07-279 – 15 Cranbury Woods Road – McCarthy/Sanchez** – Release of bond held for filling, grading, landscaping, and drainage improvements in and adjacent to a wetland and watercourse

Ms. Cherichetti indicated that the work had been satisfactorily completed. She concurred that the bond was eligible for release.

**** MS. CAGNINA MADE A MOTION TO APPROVE THE RELEASE OF THE BOND.**

**** MS. SULLIVAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- c) **#S07-285 - 33 Witch Lane – Kerschner Development Company, LLC** – Release of bond held for construction of a new single family residence in and adjacent to a wetland and watercourse

Ms. Cherichetti indicated that the work had been satisfactorily completed. She concurred that the bond was eligible for release.

**** MS. SULLIVAN MADE A MOTION TO APPROVE THE RELEASE OF THE BOND.**

**** MR. BONSANGUE SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

- d) **#S07-286 – 33 Witch Lane – Kerschner Development Company, LLC** – Release of bond held for construction of a new single family residence in and adjacent to a wetland and watercourse

Ms. Cherichetti indicated that the work had been satisfactorily completed. She concurred that the bond was eligible for release.

**** MR. BONSANGUE MADE A MOTION TO APPROVE THE RELEASE OF THE BOND.**

**** MS. CAGNINA SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

IX. APPROVAL OF MINUTES

- a) **September 14, 2010**

Action on these minutes was tabled to the next meeting.

b) October 12, 2010

- ** MS. SULLIVAN MADE A MOTION TO APPROVE THE MINUTES.**
- ** MS. CAGNINA SECONDED THE MOTION.**
- ** MOTION PASSED UNANIMOUSLY WITH ONE (1) ABSTENTION [BONSANGUE].**

X. COMMENTS OF STAFF

a) Compliance Summary

Ms. Cherichetti stated that she had none.

b) Review of by-laws

Mr. Caputo explained the need for the consideration of a revision of the by-laws to provide a manner to hold special elections, other than during the first meeting of July, to fill any officer vacancies arising from the term expirations of any members serving as officers.

XI. COMMENTS OF COMMISSIONERS

a) Report of Commission Chair

XII. ADJOURNMENT

- ** THERE WAS A MOTION TO ADJOURN.**
- ** MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:00 pm.