

**CITY OF NORWALK
INLAND WETLAND AGENCY
November 9, 2010**

PRESENT: Karen Destefanis (6:07 pm), Chair; D. Seeley Hubbard; Anne Cagnina; Lou Bonsangue; Matthew Caputo (7:03pm); Ed Holowinko; Robert Mercurio; Marybeth Sullivan

STAFF: Alexis Cherichetti, Senior Environmental Officer
Yarifalia Bletsas, Environmental Compliance Officer

OTHERS: Kurt Fielder; Luniewski; Harrison Gill, Gill & Gill Architects; George Childs; Mariana Andrade

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. PUBLIC COMMENTS

No public comment.

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

Ms. Cherichetti began the hearing by describing the nature of the Cease and Restore Order. She states that the applicant received a Notice of Violation on October 7th, 2010 due to visible site work observed from the street. She adds that the violation was issued prior to any site inspection. Following a staff site inspection it was evident that the scope of work exceeded what was cited on the initial Notice of Violation. Following further observation, staff had determined that the activities had warranted a Cease and Restore Order to be issued. She described the reasons why an order and directive for the applicant to apply for a Corrective Action Significant Regulated Activity Application was necessary. She stated that staff had observed removal of vegetation, deposition of material, filling, polluting, excavating and trenching of a watercourse, altering the hydrology & flow of a watercourse, failure to properly install soil and erosion controls, and otherwise changing the natural and indigenous character of the land in and adjacent to a watercourse and wetland area. She further added that the applicant had installed perforated piping, geotextile fabric, and deposited gravel that has resulted in the draining and diminution of flow of groundwater levels within the wetland area and watercourse area.

Ms. Cherichetti described the maps of record and Aerial photographs depicting the wetland condition since 2003.

Ms. Destefanis had concerns with the Corrective Action Intermediate Regulated Activity Application that had been submitted by the respondent.

Ms. Cherichetti explained that the respondent had submitted a Corrective Action Application before the Cease and Restore Order had been issued as a directive of the initial Notice of Violation. She explained that if the Agency were to uphold the order before them tonight it would require the respondent to submit and obtain approval of a Corrective Action Significant Regulated Activity Application.

Mr. Fielder, the property owner, described that he was just trying to clean buried debris from within the wetland. He stated that the previous owner had buried car parts, lumber and other debris within the backyard; which he deemed to contain hazardous chemicals and it would be necessary to remove them.

Ms. Destefanis inquired whether Mr. Fielder found proof of containers that held hazardous chemicals. Mr. Fielder responded that he did not but knew through personal experience that lumber was chemically treated and therefore hazardous.

Ms. Cherichetti asked if Mr. Fielder had any professional background that would justify his findings. Mr. Fielder stated that he was once a builder and that anyone could attain information on the internet regarding chemicals used to treat lumber.

Mr. Hubbard suggested that the applicant's concerns be looked at further during the Public Hearing process if the Agency were to indeed uphold the Cease and Restore Order. He also explained why a Public Hearing was necessary in this particular violation.

Mr. Cherichetti once again reviewed the conditions regarding the initial Notice of Violation and why a Cease and Restore Order was issued following the notice.

Ms. Destefanis asked if there were any further comments to be made.

**** MR. HUBBARD MADE A MOTION TO CLOSE THE SHOW-CAUSE HEARING.
** MS. CAGNINA SECONDED THE MOTION.
** MOTION CARRIED UNANIMOUSLY**

**** MS. CAGNINA MADE A MOTION TO UPHOLD THE CEASE AND RESTORE ORDER.
** MR. MERCURIO SECONDED THE MOTION.
** MOTION CARRIED UNANIMOUSLY**

Mr. Hubbard suggested that the respondent meet with staff to review the necessary information needed to supplement his application.

V. RECEIPT & DISCUSSION

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

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No discussion.

- b) #S10-384 – 10 Indian Spring Road – Childs** – Construction of a rear porch, rear deck, side addition and front porch adjacent to a wetland and a watercourse

Ms. Cherichetti described that the applicant has applied to construct a side addition to a existing single family residence. She noted that the applicant and his agent were present at the meeting and that they would further explain the project and address any questions the Agency may have,

Harrison Gill, Gill and Gill Architects, described the proposed addition. He noted that the addition was going to be built where there is currently an existing screened porch and that the addition would be further from the wetland its self. He reviewed the proposed landscaping plan which showed the limit of disturbance at the silt fence line.

Mr. Hubbard asked if the applicant was proposing any site work or disturbance with in the wetland itself. Mr. Gill replied that it would not.

Ms. Cherichetti shared concerns that the proposed plan showed roof leaders draining into the wetland. She suggested that the applicant look at alternatives as to where the leaders would drain and a possible buffer to filter the stormwater. Mr. Gill replied that it would be possible to remove a portion of the leaders so they would daylight outside of the wetland and that he could provide additional plans depicting the alterations to the Conservation office before the next meeting.

**** MS. DESTEFANIS LEFT THE MEETING AT 8:00PM**

- c) #S10-385 – 11 North Seir Hill Road – Andrade** – Corrective Action construction of a rear deck & pool and expansion of driveway adjacent to a wetland

Ms. Cherichetti described that the application was a Corrective Action applicant as a result of a Notice of Permit Violation issued to the applicant. She noted that the initial 2005 approval to construct a new single family residence came with special conditions. She also added that recent inspection revealed that the applicant added a rear deck, above ground pool and an additional parking area that was not previously approved by the Agency.

Mariana Andrade, the property owner, stated that she was un aware she needed to obtain permits for the work completed.

Mr. Caputo asked if she had obtained any permits from any other City department. Ms. Andrade stated that she did not.

Mr. Caputo asked if her pool contractor had informed her of the permitting process in order to install a above ground pool. Ms. Andrade replied that she purchased the pool in store and then hired someone to assemble the pool. She added that her husband had constructed the deck and the parking area himself.

Ms. Cherichetti noted that the application had been referred to the Planning and Zoning Department in order to see if the improvements met current Zoning Regulations. She added that there maybe some setback requirements which will prohibit the proposed site work. She suggested that the applicant speak to Zoning as well to get a better understanding of what will be required and if necessary the proposed site plans be altered to reflect such changes.

VI. DISCUSSION &/OR DECISION

- a) **#S05-223B – 215 Dr. Martin Luther King, Jr. Drive – Kurylko** – Request for five (5) 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 described the applicant;s reasons for requesting an extension. She suggested that condition #11 be reworded in order for the mitigation portion of the Permit to be completed prior to the issuance of a Certificate of Occupancy

** **MR. HUBBARD MADE A MOTION TO A 5 YEAR EXTENSION FOR APPLICATION #S05-223B WITH CONDITIONS.**
** **MS. SULLIVAN SECONDED THE MOTION.**
** **MOTION CARRIED UNANIMOUSLY**

- b) **#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 stated that the applicant was not present at the meeting. She stated that she would send the applicant a memorandum noting the supplemental information the Agency has asked for. She recapped the information needed to be addressed by the applicant in their application including where the proposed relocation of the compost pile would be deposited. She further added that that although the applicant has a site plan referencing a survey, the actual survey was never submitted to the Agency.

The Agency confirmed that the supplemental information was needed in order for them to render any decision.

Ms Cherichetti discussed that the applicant has also submitted a request for fee waiver and that the Agency should address it prior to the start of the hearing.

Mr. Bonsangue read the conditions needed in order for the Agency to allow a waiver of fee. The Agency made the determination that the applicants request did not meet the conditions outlined in Section 60A-18 subsection H titled Waiver found in the City of Norwalk Inland Wetland and Watercourse Regulations.

** **MR. BONSAGUE MADE A MOTION ** TO DENY THE REQUEST FOR A FEE WAIVER.**
** **MR. CAPUTOSECONDED THE MOTION.**
** **MOTION CARRIED UNANIMOUSLY**

VII. PUBLIC HEARINGS (to begin at 7:00 p.m.)

- a) #S10-381 – 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

Ms. Cherichetti took the roll and read the legal notices. She showed the Agency the applicant's proof mailing to the abutting homeowners.

Mr. Luniewski, the applicant and homeowner was present. He described the proposed project. He stated that he had wanted to keep the water coming onto his property from the brook off of his property. He stated that his proposed a two foot retaining wall would be constructed 10 feet from the center of the brook which would be located with in the wetland. Additionally he would place approximately 4 inches of top soil throughout his rear year and with in the wetland area enabling him to create a lawn area.

Ms. Cherichetti stated that Ms. Bletsas has performed a site inspection yesterday prior to tonight's meeting. She stated that Ms. Bletsas found that certain proposed site activities had already been completed. Ms. Cherichetti showed the Agency photographs of the inspection and pointed out where Mr. Luniewski had constructed a portion of the wall he was currently proposing under his application and newly added gulley.

Ms. Destefanis asked Mr. Luniewski if he had already began work related to the pending application. She further showed Mr. Luniewski of the photograph showing the constructed wall and asked him if this was in deed a newly constructed retaining wall on his property. Mr. Luniewski confirmed that he did indeed construct the wall and began site work.

Mr. Bonsangue inquired when Mr. Luniewski had constructed the retaining and the gulley. Mr. Luniewski stated that the work had been completed a month ago. He added that his intention with the gulley was to pump water away from the house.

Ms. Cagnina inquired on whether the proposed retaining wall would function to keep water off the property as the applicant intended or there were alternatives which would equally accomplish this task while proposing less impact to the watercourse and wetland. She added that the applicant look at possibly using wetland plantings as a mitigation effort. She added her concerns how drainage would be affected on neighboring by the proposed site work.

Mr. Bonsangue asked if te Public hearing should be open in order for the applicant to provide supplemental information to the Agency in the form of possible alternatives, a survey to better depict the proposed work and possible mitigation effort and/or a planting plan.

Mr. Hubbard stated to the applicant that during the public hearing process the Agency must make the determination that there are no feasible or prudent alternatives to the proposed application. He further added that the supplemental information would allow the Agency to make a more informed decision on Mr. Luniewski's application.

Mr. Destefanis suggested that the hearing be continued to allow Mr. Luniewski more time to submit the supplemental materials. She also told Mr. Luniewski that until a

decision was rendered by the Agency that no more site work was to occur on his property. Mr. Luniewski agreed.

**** PUBLIC HEARING CONTINUED TO THE DECEMBER 14TH, 2010 REGULAR MEETING OF THE INLAND WETLAND AGENCY**

VIII. BOND RELEASE/REDUCTION REQUESTS

- a) **#S08-306 – 384-404 Westport Avenue – 390 Westport Avenue LLC** – Release of bond held for construction of a rear commercial addition, parking and storm water drainage adjacent to a wetland and watercourse

Ms. Bletsas stated that following inspection staff recommended a release of the bond.

**** MR. CAPUTO MADE A MOTION TO RELEASE THE BOND FOR #S08-306.
** MR. BONSAGUE SECONDED THE MOTION.
** MOTION CARRIED UNANIMOUSLY**

IX. APPROVAL OF MINUTES

- a) **September 14, 2010**
b) **October 26, 2010**

Mr. Caputo points out some mistakes with in the minutes that must be changed.

**** MS. CAGNINA MADE A MOTION TO APPROVE THE MINUTES OF OCTOBER 26TH 2010 WITH CORRECTIONS.
** MR. MERCURIO SECONDED THE MOTION.
** MOTION CARRIED UNANIMOUSLY**

X. COMMENTS OF STAFF

- a) **Compliance Summary**
b) **Review of by-laws**

Mr. Caputo distributed some possible changes to be made to the Inland Wetland Agency by-laws.

Ms. Cherichetti suggested that they review them and discussion be placed on the next meetings agenda.

XI. COMMENTS OF COMMISSIONERS

- a) **Report of Commission Chair**

XII. ADJOURNMENT

Adjourned at 9:15pm