

**CITY OF NORWALK
INLAND WETLAND AGENCY
JANUARY 27, 2009**

PRESENT: D. Seeley Hubbard, Chair; Anne Cagnina; Elizabeth Ackerman;
Emily Wilson; Ed Holowinko; Matthew Caputo

STAFF: Alexis Cherichetti, Senior Environmental Officer

I. CALL TO ORDER

Mr. Hubbard called the meeting to order at 6:00 pm.

II. ROLL CALL

Ms. Cherichetti took the roll call.

III. PERMIT MODIFICATION OR EXTENSION

- a) **#S08-313A – 25 Noah’s Lane – City of Norwalk DPW – Permit Modification to allow work in a watercourse during the months of January and February**

The Agency agreed to discuss this item together with Item b.

- b) **#S08-314A – 7, 8 & 9 Meadowbrook Lane; 6, 8 & 11 Fullmar Lane; 9 & 18 Appletree Lane – City of Norwalk DPW – Permit Modification to allow work in the watercourse during the months of January and February**

The Agency considered Item a. together with this Item.

Ms. Cherichetti explained that the activities within the watercourse were allowed in the months of July, August, and September, when the groundwater and watercourse flow is typically low. She said that the applicant wanted to do work in the watercourse during January and February, because the ground was frozen, providing comparable conditions to the dry season. Mr. Hubbard added that neither property would be stabilized with vegetation at this time, so proper sedimentation & erosion control was essential.

The Agency discussed the details of the resolution.

**** MS. CAGNINA MADE A MOTION TO GRANT A PERMIT MODIFICATION, WHICH WOULD MODIFY CONDITION #1 TO INDICATE THAT THE CONSTRUCTION OF HEADWALLS AND CULVERTS MAY BE COMPLETED DURING THE MONTH OF FEBRUARY 2009 OR IN THE PERIOD BETWEEN JULY 1 AND SEPTEMBER 30, 2009.**

**** MR. CAPUTO SECONDED.**

The Agency discussed the wording of the resolution with regard to whether the work must be completed during the time period in which it began.

a. **#S08-313A – 25 Noah’s Lane – City of Norwalk DPW – Permit Modification to allow work in a watercourse during the months of January and February**

**** MS. CAGNINA MADE A MOTION TO AMEND HER MOTION AND PROPOSED THAT SPECIAL CONDITION #1 SHALL READ, “ACTIVITIES WITHIN THE WATERCOURSE, INCLUDING CONSTRUCTION OF THE HEADWALL AND CLEANING OF THE STONE-LINED CHANNEL, SHALL BE LIMITED TO OCCUR DURING THE GENERALLY LOW FLOW CONDITIONS BETWEEN JULY 1 THROUGH SEPTEMBER 30 OR JANUARY 1 THROUGH FEBRUARY 28 OF ANY GIVEN CALENDAR YEAR. WORK BEGUN WITHIN ONE OF THE PRECEDING TIME PERIODS SHALL CONCLUDE WITHIN SAME TIME PERIOD.”**

**** MR. CAPUTO SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b. **#S08-314A – 7, 8 & 9 Meadowbrook Lane; 6, 8 & 11 Fullmar Lane; 9 & 18 Appletree Lane – City of Norwalk DPW – Permit Modification to allow work in the watercourse during the months of January and February**

**** MS. CAGNINA MADE A MOTION TO GRANT A PERMIT MODIFICATION, WHICH WOULD MODIFY CONDITION #1 TO read, “ACTIVITIES WITHIN ANY WETLAND OR WATERCOURSE, INCLUDING CONSTRUCTION OF THE HEADWALLS AND CULVERTS, SHALL BE LIMITED TO OCCUR DURING THE GENERALLY LOW FLOW CONDITIONS BETWEEN JULY 1 THROUGH SEPTEMBER 30 OR JANUARY 1 THROUGH FEBRUARY 28 OF ANY GIVEN CALENDAR YEAR. WORK BEGUN WITHIN ONE OF THE PRECEDING TIME PERIODS SHALL CONCLUDE WITHIN THE SAME TIME PERIOD.**

**** MS. ACKERMAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

IV. RECEIPT & DISCUSSION

a. **#S09-339 – 9 Cross Brook Lane – Singh – Corrective Action landscaping, including removal of vegetation, filling and grading in and adjacent to a wetland and watercourse**

Ms. Cherichetti explained that the item was up for receipt as a corrective action application. She said that the applicant was not present tonight and that there were some deficiencies in the application. The Agency briefly reviewed the preliminary review letter than Ms. Cherichetti had sent to the applicant.

Ms. Cherichetti said that the Agency needed to decide whether the activity warranted an Intermediate or a Significant Activity application. She added that the applicant had proposed the removal of 20 to 25 cubic yards of fill, substantially less than the amount that staff had estimated was on the site.

Ms. Wilson pointed out that with that number, a lot of fill would be left on the site. Ms. Cherichetti showed the property on a map, indicating the activities in the Upland Review area. She also described the current nature of the area.

Ms. Ackerman asked if the activity were in the wetland. Ms. Cherichetti said yes, explaining the areas where the fill remained. Ms. Cherichetti distributed photographs of the site and pointed out the location of the wetland flags in relation to the fill material. She also discussed the claim that illegal dumping of fill had occurred on the property.

Mr. Caputo asked that the Agency review the guidelines for determining whether an activity was deemed Intermediate or Significant. To clarify, Mr. Caputo asked that Ms. Cherichetti go over the factors that the Agency has always considered when the determination. Ms. Cherichetti emphasized the importance of the proximity to the watercourse or wetland in making the determination. She said that other important factors included the scope and extent of the activity, as well as whether it involved substantial or minimal earth disturbance.

There was a brief discussion of how to set up a public hearing for an application that was so lacking.

**** MR. CAPUTO MADE A MOTION TO TO FIND THAT WORK PROPOSED WITHIN THE APPLICATION LIKELY INVOLVES A SIGNIFICANT REGULATED ACTIVITY AND THAT THE TIMING OF THE PUBLIC HEARING WOULD BE SCHEDULED AT A LATER MEETING.**

**** MS. ACKERMAN SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

b. #S09-340 – 44 Winding Lane – Lewandowski – Construction of a garage addition to an existing residence adjacent to a wetland and watercourse

Ms. Cherichetti said that the applicant was not present tonight. She explained that the applicant proposed to construct a garage addition and to remove the existing driveway and install another one on the opposite side of the house. She said that there were wetlands on both sides of the watercourse and indicated that there had been an historical disturbance on the west side of the property.

Ms. Ackerman asked if it were a flat lot. Ms. Cherichetti explained that there was a terraced slope and that material would be used to level the lot in the front. She added that the applicant needed to clarify where that fill was being deposited.

Ms. Ackerman asked if there were a substantial brook on the property. Ms. Cherichetti said that it was not a named watercourse and that it was a natural watercourse with perennial flow. She also pointed out that the application would involve an increase in impervious surface.

Ms. Cagnina stated that the application seemed unproblematic. Ms. Cherichetti agreed to clarify the location of the fill and to create a draft resolution for the Agency to consider at their next meeting.

Mr. Hubbard asked if there were a functional wetland on the other side of the property. Ms. Cherichetti said yes, clarifying that the western disturbance had predated Inland Wetland regulations.

The Agency agreed to take action on the item at the next meeting.

V. DISCUSSION &/or DECISION

a. #S08-318A – 349 West Cedar Street – Elias – Permit Modification to allow an extension of time to complete certain conditions

Ms. Cherichetti said that the construction on the property had not been completed and that she had not heard back from the applicant.

Mr. Hubbard commented that the property looked as if it were abandoned.

Ms. Cherichetti said that the statutory deadline for action was February 10, 2009.

VI. MINUTES

a) January 13, 2009 minutes

Ms. Cherichetti said that the minutes were not in the packets tonight. It was suggested that paper copies of the minutes would not be necessary if they are posted as a draft on the City's website.

VII. COMMENTS OF STAFF

a) Compliance Summary

Ms. Cherichetti discussed two minor permits that had been issued since the last meeting.

Ms. Cherichetti said that there were a number of enforcement actions underway, pointing out items that were scheduled for Show-Cause hearings for the February 10, 2009 meeting.

There was a discussion of the Arcamone application. Ms. Cherichetti pointed out the likelihood of an increase in applications in which the work could not continue due to financial difficulties. There was a discussion of a possible lis pendens and potential ownership changes. Mr. Hubbard agreed to consult Corporation Counsel as to how to advise the applicant.

Mr. Holowinko pointed out that the applicant had posted a bond. There was a discussion of the pros and cons of calling the bond.

Ms. Cherichetti discussed a letter written to another applicant, at 379 Chestnut Hill Road with regard to a grazing plan and its conditions. She said that a "horse manure management plan" still needed to be submitted and that an Inland Wetland Quality Evaluation would need to be performed during the upcoming spring.

Ms. Cherichetti also discussed a request for permit modification for the permit for work at 246 West Norwalk Road, stating that the applicant was seeking an extension of time and that all regulated activity would be completed by March 21, 2009. The Agency asked to look at the extension request.

Ms. Cherichetti also discussed a referral from Zoning, involving the allowance of special events on a particular piece of property.

b) **Report of Senior Environmental Officer**

VIII. COMMENTS OF COMMISSIONERS

Ms. Ackerman suggested that the Agency consider viewing agendas and minutes online, in order to eliminate the necessity of providing hard copies of these documents.

- a) **POCD implementation priorities**
- c) **Report of Commission Chair**
- d)

IX. ADJOURNMENT

- ** **MR. CAPUTO MADE A MOTION TO ADJOURN.**
- ** **MS. ACKERMAN SECONDED.**
- ** **MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 7:32 pm.

Respectfully submitted by Charlene Smith.

