

**CITY OF NORWALK  
INLAND WETLAND AGENCY  
February 10, 2009**

**PRESENT:** Elizabeth Ackerman; Gwen Briggs; Ann Cagnina; Matt Caputo; Karen Destefanis (6:40pm)

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

**OTHERS:** William Edgerton; Judith Conners; Thomas Sacco; Giovanni Cerra

**CALL TO ORDER**

Mr. Caputo called the meeting to order at 6:06pm.

**ROLL CALL**

Ms. Cherichetti called the roll.

**RECEIPT & DISCUSSION**

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

Ms. Cherichetti began discussion by describing the initial approval of Inland Wetland Permit #S08-318. She stated that the applicant requested a modification of Special Condition #8 of Permit #S08-318. She added that the applicant did not specify a time of extension and read the applicant's letter to the Agency.

Ms. Ackerman asked when the deadline of the application would be with out an extension and whether the bond was submitted. Ms. Cherichetti replied that the condition would require that all work should have been completed and that the bond was submitted in 2005 when the project commenced.

Ms. Cherichetti stated that a six month extension would allow the applicant to be able to plant in the spring season.

Ms. Ackerman and Ms. Cagnina agreed that a six month extension would allow the applicant ample amount of time.

**\*\*MS. ACKERMAN MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION:**

**WHEREAS, THE CONSERVATION COMMISSION HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND**

**WHEREAS, THE PROPOSED ACTIVITIES HAVE PREVIOUSLY BEEN APPROVED UNDER CONSERVATION PERMIT #S04-204 AND THIS PERMIT HAS EXPIRED; AND**

**WHEREAS, PERMIT #S04-204 WAS APPROVED WITH CONDITIONS AND SOME OF THESE REQUIRED CONDITIONS HAVE NOT YET BEEN IMPLEMENTED;**

**NOW THEREFORE BE IT RESOLVED:**

**THAT CONSERVATION PERMIT MODIFICATION APPLICATION #S08-318A TO ALLOW AN EXTENSION OF TIME TO COMPLETE CERTAIN CONDITIONS ADJACENT TO A WETLAND AND WATERCOURSE, BE GRANTED TO ANDREW JAMES FOR PROPERTY AT 349 WEST CEDAR STREET, NORWALK, CT, [DISTRICT 5, BLOCK 69, TAX LOT 12] WITH THE FOLLOWING MODIFICATIONS AND CONDITIONS:**

- 1. THE PREVIOUSLY POSTED \$3,000.00 BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING TWO (2) FULL GROWING SEASONS, AFTER THE SEASON OF INITIAL PLANTING. A GROWING SEASON EXTENDS FROM MAY 15 THROUGH OCTOBER 15 OF ANY GIVEN YEAR. ALL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.**
- 2. PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY, THE APPLICANT SHALL PROVIDE PHOTO DOCUMENTATION OF THE SITE AND CROSS-REFERENCE THE PHOTOGRAPHS ON A SITE PLAN. PHOTOGRAPHS SHOULD REPRESENT WIDE-ANGLE VIEWS.**
- 3. SILT FENCE OR HAY BALES SHALL BE INSTALLED IN THE LOCATIONS DEPICTED ON THE PLAN ENTITLED, "LOT B SITE PLAN", DATED 8-25-04 AND LAST REVISED 11-16-04 BY GRUMMAN ENGINEERING LLC. THE SILT FENCING IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF, PRIOR TO THE COMMENCEMENT OF ANY WORK ON SITE.**
- 4. NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE SILT FENCE, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.**
- 5. AS PREVIOUSLY DISCUSSED WITH THE PERMITTEE, THE DEPTH OF THE GARAGE SHALL BE REDUCED BY FIVE (5) FEET AND THE ENTIRE HOUSE FOOTPRINT SHALL BE PULLED NORTH (TOWARDS WEST CEDAR STREET AND AWAY FROM THE WETLAND LIMIT LINE) BY FIVE (5) FEET.**
- 6. THE TWENTY- THREE (23) SHRUBS THAT ARE PART OF THE WETLAND MITIGATION PLANTING PLAN SHALL BE A MINIMUM OF 36 INCHES IN HEIGHT. A DESIGNATED WETLAND BUFFER SHALL BE ESTABLISHED WITHIN THE FIRST TWENTY (20) FEET ADJACENT TO THE WETLAND LIMIT LINE. THE AREA WITHIN THE DESIGNATED WETLAND BUFFER SHALL BE MAINTAINED IN SUCH A MANNER THAT ALLOWS THIS AREA TO ESTABLISH A NATURAL VEGETATED STATE; THESE AREAS SHALL NOT BE MAINTAINED AS LAWN.**
- 7. PRIOR TO REMOVAL OF ANY INVASIVE SPECIES WITHIN THE WETLAND OR DESIGNATED WETLAND BUFFER, THE PERMITTEE OR REPRESENTATIVE SHALL MEET WITH CONSERVATION STAFF AT THE SITE TO FURTHER DEFINE THE LIMITS OF THIS ACTIVITY.**

8. THE WETLAND MITIGATION PLANTING PLAN, INCLUDING THE PROPOSED MANAGEMENT OF INVASIVE SPECIES, SHALL BE FULLY IMPLEMENTED ON OR BEFORE MAY 27, 2009 OF THE ISSUANCE OF THIS CORRECTIVE ACTION PERMIT.

9. THE APPLICANT SHALL CAUSE TO BE PREPARED AN 'AS-BUILT' FOUNDATION SURVEY OF THE PROPERTY. THE 'AS-BUILT' SURVEY SHALL ALSO INCLUDE ALL WETLANDS AND THE AREA BETWEEN THE LIMIT OF DISTURBANCE AND THE WETLAND LIMIT LINE NOTED AS THE 'DESIGNATED WETLAND BUFFER AREA', THE LIMIT OF DISTURBANCE LINE NOTED AS THE 'LIMIT OF LAWN', AND A NOTE REFERRING THE READER TO THE CONSERVATION OFFICE FOR FURTHER INFORMATION ASSOCIATED WITH CONSERVATION PERMIT #S04-204. THE 'AS-BUILT' PLAN SHALL BE FILED ON THE NORWALK LAND RECORDS BY THE APPLICANT, WITH TWO COPIES OF THE FILED MAP SUBMITTED TO THE CONSERVATION OFFICE.

WHEN THE PROPERTY IS TRANSFERRED FROM THE DEVELOPER TO NEW OWNER, EITHER A REDUCED COPY OF THIS MAP SHALL BE ATTACHED TO THE WARRANTY DEED OR THE WARRANTY DEED SHALL REFER TO THE MAP NUMBER ASSIGNED BY THE TOWN CLERK TO THE ABOVE-DESCRIBED FILED SURVEY MAP.

IN THE EVENT THAT THE PROPERTY IS SOLD PRIOR TO THE "AS-BUILT" SURVEY BEING AVAILABLE, A REDUCED COPY OF THE APPROVED SITE PLAN, ENTITLED "LOT B SITE PLAN", DATED 8-25-04 AND LAST REVISED 11-16-04, BY GRUMMAN ENGINEERING LLC, SHALL BE ATTACHED, AS A REDUCED COPY, TO THE WARRANTY DEED.

NO PORTION OF THE PERFORMANCE BOND SHALL BE RELEASED UNTIL THIS CONDITION IS SATISFIED.

10. THIS CORRECTIVE ACTION PERMIT ALLOWS FOR THE CONTINUANCE OF ACTIVITIES PREVIOUSLY PERMITTED UNDER AN EXPIRED PERMIT. ALL REGULATED ACTIVITIES OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN ONE (1) YEAR OF THE ISSUANCE OF THIS PERMIT.

11. ANY CHANGE TO THE OVERALL PLAN, EXCLUDING CHANGES TO THE PLAN AS REQUIRED BY SPECIAL CONDITION # 5 ABOVE, AS DEPICTED IN A MAP ENTITLED "LOT B SITE PLAN", DATED 8-25-04 AND LAST REVISED 11-16-04, BY GRUMMAN ENGINEERING LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

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

## DISCUSSION &/or DECISION

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.

Discussion was tabled until the next meeting.

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

Ms. Cherichetti began by stating a resolution was drafted after comments at the previous meeting after the close of the public hearing.

**\*\*MS. CAGNINA MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION:**

**WHEREAS, THE INLAND WETLAND AGENCY HAS CAREFULLY CONSIDERED ALL THE INFORMATION SUBMITTED AND THE FACTORS FOR CONSIDERATION OF DECISION, AS DETAILED IN SECTION 60A-8 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND**

**WHEREAS, THE IMPACTS OF THE PROPOSED ACTIVITIES, AS CONDITIONED BELOW, WILL NOT LIKELY RESULT IN ANY NEGATIVE IMPACT ON THE WETLAND OR WATERCOURSE; AND**

**NOW THEREFORE BE IT RESOLVED:**

**THAT INLAND WETLAND APPLICATION #S09-340, FOR CONSTRUCTION OF A GARAGE ADDITION TO AN EXISTING RESIDENCE ADJACENT TO A WETLAND AND WATERCOURSE, BE GRANTED TO ROBERT LEWANDOWSKI, 44 WINDING LANE, NORWALK, CT [5-32-207], WITH THE FOLLOWING CONDITIONS:**

1. **PRIOR TO THE COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY THE APPLICANT SHALL PROVIDE PHOTO DOCUMENTATION OF THE SITE AND CROSS-REFERENCE THE PHOTOGRAPHS ON A SITE PLAN. PHOTOGRAPHS SHOULD REPRESENT WIDE-ANGLE VIEWS.**
2. **PRIOR TO THE COMMENCEMENT OF ANY ON-SITE WORK THE SILT FENCING IS TO BE PROPERLY INSTALLED, AND THEN CHECKED BY THE CONSERVATION STAFF. SILT FENCE OR HAY BALES SHALL BE INSTALLED IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED, "PLOT PLAN PREPARED FOR ROBERT LEWANDOWSKI", DATED JULY 15, 2003, BY LAND SURVEYING SERVICES, LLC.**
3. **NO CONSTRUCTION-RELATED ACTIVITY, INCLUDING, BUT NOT LIMITED TO, STOCKPILING, CONSTRUCTION ACCESS, GRADING OR VEGETATION REMOVAL MAY OCCUR BEYOND THE SILT FENCING, WHICH SHALL BE CONSIDERED THE LIMIT OF DISTURBANCE UNLESS SPECIFICALLY EXEMPTED BY CONDITIONS OF THIS PERMIT.**
4. **THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED AND CONDITIONED WORK MUST BE COMPLETED WITHIN ONE (1) YEAR OF COMMENCEMENT OF ANY REGULATED ACTIVITY.**
5. **ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN PLANS ENTITLED, "PLOT PLAN PREPARED FOR ROBERT LEWANDOWSKI", DATED JULY 15, 2003, BY LAND SURVEYING SERVICES, LLC, WILL REQUIRE A RETURN TO THE INLAND WETLAND AGENCY FOR REVIEW.**

**ENFORCEMENT ACTIONS**

- a) **SHOW-CAUSE HEARING – Cease & Restore Order #V09-826 – 63 Cranbury Road – Corello – Construction of a front walkway, grading and**

**excavation, installation of a drainage system, and stockpiling in and adjacent to a wetland and watercourse.**

Ms. Cherichetti explained the reasons why a Cease and Restore Order was issued. She added that regulated activities had occurred twenty feet from the watercourse and associated wetland area. Photographs of the site were distributed.

Judith Connors, representing her mother (the property owner), stated that all the electrical lines were installed and the walkway was completed. She added that the building permit for the work was also updated.

Ms. Cherichetti advised that proper soil and erosion controls be installed along the edge of the watercourse.

Mr. Caputo asked what level permits the work would require. Ms. Cherichetti stated that it can not be determined until the respondent completed the directives of the Order and has a soil scientist completed a field delineation of wetland on the property.

Ms. Ackerman suggested that the respondent work with Conservation Staff to complete an application to the Agency.

**\*\* MS. ACKERMAN MADE A MOTION TO CLOSE THE SHOW – CAUSE HEARING.**

**\*\* MS. DESTEFANIS SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* MS. DESTEFANIS MADE A MOTION TO UPHOLD TO AMEND CEASE & RESTORE ORDER #V09-826 WITH A MODIFICATION.**

**\*\* MS. ACKERMAN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY.**

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

- a) #S08-331 – 16 Scott Street – O’Brien – Corrective Action construction of retaining walls, shed and deposition of fill and removal of vegetation within a wetland and watercourse**

**Public Hearing commenced at 7:00pm**

Ms. Cherichetti called the roll.

Ms. Cherichetti began the hearing by stating that the Public Hearing had been continued from the last meeting in order for the applicant to complete his application.

Ms. Destefanis inquired whether or not the applicant had contacted an Environmental Consultant to draft plans. Ms. Cherichetti responded that the applicant had been in contact with Environmental Land Solutions and that he would have a plan together by the next meeting on February 24<sup>th</sup>, 2008.

**\*\* MS. DESTEFANIS MADE A MOTION TO CONTINUE THE PUBLIC HEARING.  
\*\* MS. CAGNINA SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

**\*\* THE PUBLIC HEARING ISS CONTINUED TO THE FEBRUARY 24<sup>TH</sup>, 2009  
MEETING.**

**b) #S08-337 – 4 Little Fox Lane – Giapoutzis – Corrective Action filling,  
construction of retaining walls, removal of vegetation and alteration of flow  
in and adjacent to a watercourse and wetland.**

**Public Hearing commenced at 7:25pm.**

Ms. Cherichetti called the roll.

Ms. Cherichetti began the hearing by stating that the Public Hearing had been continued from the last meeting in order for the applicant to notice the abutting homeowners and to complete an application. She also noted that the applicant was not present at the meeting.

Mr. Caputo inquired about the deadlines for the Agency to close the Public Hearing. Ms. Cherichetti stated that the January 13, 2009 meeting was the deadline to close the hearing, but that during that meeting the applicant had given the Agency an extension of four weeks to close the hearing, which brought the deadline to tonight's meeting of February 10<sup>th</sup>, 2009. Ms. Cherichetti concluded that the Agency had reached their statutory deadline to close the Public Hearing.

**\*\* MS. DESTEFANIS MADE A MOTION TO CLOSE THE PUBLIC HEARING.  
\*\* MS. ACKERMAN SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

*\*Five minute recess followed\**

**\*\* MS. DESTEFANIS MADE A MOTION TO RECIND THE EARLIER MOTION TO  
CLOSE THE PUBLIC HEARING.  
\*\* MS. CAGNINA SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

Ms, Cherichetti stated that an abutting homeowner was present and would like to present information to the Agency in regards to the work done at 4 Little Fox Road.

Thomas Sacco, 252 Fallow Street, began by stating that he had written a letter to the Agency that outlined his concern for the work done at 4 Little Fox Rd without permits. He presented photographs of the site that he had taken from his yard. He also added that he had witnessed the applicant install a new septic tank, on his own, without permits in the summer of 2008. Mr. Sacco also described that it would set the wrong example to grant permits after the fact and deter others from adhering to the permitting process. He added that he too had applied to the Agency before and would like to see everyone held to the same standard. He also stated that the applicant at 4 Little Fox

has been continuously doing site work at his residence with out prior approval. Mr. Sacco recalled that work on the stone walls along the pond perimeter had begun in 2003.

Ms. Cherichetti stated that although Mr. Sacco stated that a new septic tank was installed; staff could not find any proof of this occurring. The Health Department did not have any file for the new septic.

Mr. Caputo inquired to Mr. Sacco who was conducting the site work at 4 Little Fox Rd. Mr. Sacco stated that the applicant had completed all the work himself.

Mr. Caputo confirmed that the applicant was still not present.

**\*\* MS. DESTEFANIS MADE A MOTION TO CLOSE THE PUBLIC HEARING.  
\*\* MS. CAGNINA SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

## **DISCUSSION &/ DECISION II**

- a) #S08-331 – 16 Scott Street – O’Brien – Corrective Action construction of retaining walls, shed and deposition of fill and removal of vegetation within a wetland and watercourse**

No discussion followed; Public Hearing remains open.

- c) #S08-337 – 4 Little Fox Lane – Giapoutzis – Corrective Action filling, construction of retaining walls, removal of vegetation and alteration of flow in and adjacent to a watercourse and wetland.**

No discussion followed.

- b) SHOW-CAUSE HEARING – Cease & Restore Order #V09-827 – 21 Knollwood Road – Cerra – Regulated activities in non-compliance with Wetland Permit #S07-295, including deposition, grading, construction of a shed, and failure to establish the required watercourse buffers in and adjacent to a wetland and watercourse.**

**\*\* MS BRIGGS RECUSED HERSELF.**

Ms. Cherichetti began the Show-Cause Hearing by stating the reasons why the Cease and Restore Order was issued to the respondent. She stated that the current Corrective Action Inland Wetland Permit #S07-295 was issued after the applicant had illegally piped a watercourse with out prior approval of the Agency. Ms. Cherichetti stated that she had initially met with the applicant at his property and had explained Norwalk’s Inland Wetland Regulations to the applicant. She had also explained that the work he was proposing would require an approval from the Norwalk Inland Wetland Agency. After having spoken to the applicant about the

process a field inspection had revealed that the applicant had completed the piping of the watercourse and filling of wetlands without the necessary approvals. The applicant was issued a Cease and Restore Order and required to apply for the work that was done. As a result the applicant obtained the Inland Wetland Permit that is currently active. Ms. Cherichetti stated that the applicant had failed to meet the directives of Inland Wetland Permit #S07-295, including not completing the required mitigation plantings to rectify the violation, failure to remit a Performance Bond and that he has also completed site work outside the scope of the issued permit. The additional work included bringing a large amount of fill on site to construct a new patio area in close proximity to the wetland area.

Giovanni Cerra, property owner and permit holder, was present at the meeting. He presented the Performance Bond that he had failed to submit. Ms. Cherichetti stated that it would be best if he were to submit the Bond the next day during office hours instead of at the Agency Meeting.

Mr. Cerra continued by stating that he was sorry and was unaware that he needed Agency approval for the work he had done. He also added that since he was at the meeting he wanted to ask the Agency if he could modify the plant species required by his Inland Wetland Permit. He said that they attracted a lot of deer and consequently many ticks.

Ms. Ackerman stated that she was frustrated with the complete disregard of the law and it might be feasible to require the respondent to remove all the work done in violation of the issued Wetland Permit.

Mr. Cerra stated that he was unaware of any need for a permit of the work done and that he was also unaware that there was an Upland Review Area associated with the Norwalk Inland Wetland Regulations.

Ms. Cagnina noted that she believed that the applicant had learned his lesson and that the shed and deposited fill be allowed to be kept on site.

**\*\* MS. DESTEFANIS MADE A MOTION TO CLOSE THE SHOW-CAUSE HEARING.**

**\*\* MS. CAGNINA SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MS. BRIGGS RECUSED).**

**\*\* MS. CAGNINA MADE A MOTION TO UPHOLD AND AMEND CEASE & RESTORE ORDER #V09-826.**

**\*\* MS. ACKERMAN SECONDED.**

**\*\* MOTION PASSED UNANIMOUSLY (MS. BRIGGS RECUSED).**

## **MINUTES**

- a) January 13<sup>th</sup> 2009 minutes**
- b) January 27<sup>th</sup>, 2009 minutes**



**\*\* MS. BRIGSS MADE A MOTION TO APPROVE THE MINUTES WITH AMENDMENTS.**  
**\*\* MS. ACKERMAN SECONDED.**  
**\*\* MOTION PASSED UNANIMOUSLY.**

#### **COMMENTS OF STAFF**

**a) Compliance Summary**

The Compliance Summary was reviewed. Ms. Cherichetti described the projects that have commenced including the Norwalk's DPW work at Olmstead Pond and drainage improvements at Meadowbrook Lane, Fullmar Lane, and Appletree Lane. She also described the recent violations noted at 47 Hunt Street and 213 West Rocks Road.

**b) Report of Senior Environmental Officer**

*None.*

#### **COMMENTS OF COMMISSIONERS**

**a) POCD implementation priorities**

*There were none discussed.*

**b) Report of Commission Chair**

*There were none discussed.*

#### **ADJOURNMENT**

**\*\*\* MS. DESTEFANIS MOVED TO ADJOURN.**

**MEETING ADJOURNED AT 8:45PM.**