

**CITY OF NORWALK  
INLAND WETLAND AGENCY  
FEBRUARY 24, 2009**

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Ms. Cherichetti took the roll call.

**PRESENT:** D. Seeley Hubbard, Chair; Anne Cagnina; Ed Holowinko; Gwen Briggs; Elizabeth Ackerman; Karen Destefanis (6:10); Matthew Caputo (6:11)

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

**OTHERS:** Bill Tarala; Otto Theall; Kate Throckmorton, Environmental Land Solutions; Bob O'Brien

**III. APPROVAL OF MINUTES**

A vote on approval of the minutes of February 10, 2009 was tabled until the next meeting.

**IV. PERMIT MODIFICATION OR EXTENSION**

**a) #S06-252 -25 Huckleberry Drive South – Tarala –Permit modification to allow alteration of the deadline to complete conditioned and regulated activities**

Ms. Cherichetti explained that the modification involved the construction of a buffer and a rain garden. She gave background concerning the property, stating that a permit for the construction of a rear addition had had conditions requiring the completion of work within a certain time frame. She added that the permitted time frame had elapsed.

Mr. Holowinko pointed out that the permit number had been listed incorrectly on some of the Commissioners' documents. Ms. Cherichetti clarified the correct permit number.

Mr. Hubbard asked how much of the work was completed. Ms. Cherichetti said that it was about 90% completed, adding that the house had been constructed, interior work was continuing, and that the applicant was close to requesting a Certificate of Occupancy. She said that the applicant needed a signoff from Conservation.

Ms. Cherichetti explained that the rain garden was still a concern. She showed the area

on a map, pointing out that the rain garden was actually a dangerously deep hole. She also described the complications due to the elevation of a particular pipe and the roof leaders which were going into a below ground pipe.

Mr. Hubbard asked the applicant about the reason for the permit modifications. Mr. Tarala explained that the rain garden was 4 to 4 1/2 feet deep and was the size of a “huge swimming pool.” He discussed run-off on the property, adding that soil had been added to the rain garden. There was a discussion of the below ground pipe.

Ms. Cherichetti detailed the plans of the applicant to the Commission.

- \*\* MR. HUBBARD MADE A MOTION TO AMEND THE PERMIT, SPECIFICALLY CONDITION #12, TO EXTEND THE DEADLINE FOR EIGHT MONTHS, UNTIL JULY 20, 2009.**
- \*\* MS. ACKERMAN SECONDED.**
- \*\* MOTION CARRIED, 6-1 (CAPUTO ABSTAINING).**

## **V. RECEIPT & DISCUSSION**

### **a)#S09-341– 147 ½ East Rocks Road –Zackiewicz– Corrective Action deposition of fill and removal of vegetation adjacent to a wetland and watercourse**

Ms. Cherichetti gave background concerning the item, explaining that in 2008, the Superior Court had granted a temporary injunction requiring the applicant to file a permit and rectify the situation. She stated that the applicant needed to complete several steps, including hiring a soil scientist, installing a silt fence, and submitting a Corrective Action. Ms. Cherichetti pointed out that the applicant had completed some steps, but that the application was still lacking.

She clarified that the wetlands were on an adjacent property and that the driveway was in the upland review area. Ms. Cherichetti said that the applicant’s calculations were accurate regarding the amount of fill (300 cubic yards) in the upland review area.

Ms. Cherichetti said that the item involved a significant regulated activity, which would require a public hearing. She added that the applicant had requested a waiver of the filing fee.

Mr. Hubbard asked what would be a fair reduction of the filing fee. Ms. Cherichetti said she would calculate costs for the next meeting.

- \*\* MR. CAPUTO MADE A MOTION THAT THE APPLICATION WARRANTED A SIGNIFICANT REGULATED ACTIVITY PERMIT APPLICATION AND THAT A PUBLIC HEARING WOULD BE SCHEDULED AT A FUTURE DATE.**
- \*\* MS. CAGNINA SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

The Commission adjourned the meeting to allow for a room dedication ceremony to take place (6:30 pm).

The Commission reconvened (6:55 pm).

## **VI. 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**

**\*\* MS. DESTEFANIS MADE A MOTION TO SEND THE ITEM TO PUBLIC HEARING ON MARCH 24, 2009 AT 7:00 PM.**

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

**\*\* MOTION CARRIED.**

**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**

Ms. Cherichetti said that the applicant had not contacted the office and that the application was determined to be incomplete during the last meeting. She reiterated the details of the proposal. Ms. Ackerman pointed out that many of the applicant's activities fell under the jurisdiction of the Agency and was done without permits. Ms. Cagnina said that the applicant had taken a lot of staff time and that the violation was serious enough to for a denial.

The Commission discussed a restorative plan to bring the property back to its previous condition.

**\*\* MR. HUBBARD MADE A MOTION TO ADOPT THE FOLLOWING RESOLUTION:**

**Whereas, the applicant was issued an Order for causing the pollution and alteration of a wetland and watercourse by performing regulated activities, including construction of walls, removal of vegetation and deposition of fill, and alteration of water flow in and adjacent to the wetland and watercourse without benefit of a wetland permit; and**

**Whereas, the applicant is required to apply for a 'Corrective Action' wetland permit for these regulated activities that were performed without benefit of a permit; and**

**Whereas, these regulated activities have resulted in physical alteration of the wetland and watercourse and have diminished the capacity of the wetland provide functions that the wetland likely provided prior to the work, such as a productive habitat and flood water storage; and**

**Whereas, the Inland Wetland Agency has carefully considered all the information submitted and the factors for consideration of decision, as detailed in**

**section 60A-10 of Norwalk's Inland Wetland and Watercourses Regulations;  
and**

**Whereas, the application lacked completeness in regard to providing any plans for  
remediating or mitigating the cited activities in and adjacent to the wetland  
and watercourse; and**

**Whereas, the application provided no measures for ameliorating the negative  
impacts to the wetland that have resulted; and**

**Whereas, the application lacked completeness in regard to remittance of the full  
application filing fee; Now therefore be it Resolved: that Conservation  
Application #S08-337, for Corrective Action filling, construction of retaining  
walls, removal of vegetation and alteration of flow in and adjacent to a  
watercourse and wetland, be DENIED to Theodore Giapoutzis, for work at 4  
Little Fox Lane, Norwalk, CT, [5-55-2].**

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

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

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

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

At 7:00 pm, Mr. Caputo announced that he would have to leave the meeting.

Mr. Hubbard opened the public hearing.

Ms. Cherichetti took the roll call.

Ms. Cherichetti gave background concerning the property. She discussed the applicant's presentation at the previous meeting, stating that the applicant now had additional information requested by the Commission. She confirmed that the public hearing needed to be closed by March 10, 2009.

Mr. Otto Theall, a professional soil and wetland specialist, reviewed the main concerns involving the property. He gave details about wetland hydrology and the impact of both walls and fill on the property. Mr. Theall discussed various alternatives for the corrective action.

Ms. Kate Throckmorton, a landscape architect, discussed the preferred mitigation plan. She said that the plan involved leaving grades as they were, replanting grassy areas with trees and shrubs, leaving the shed in its place, and rebuilding the wall in place.

Mr. Hubbard asked if the primary goal were to remove the walls. Ms. Throckmorton discussed such a removal, pointing out that it would entail excavating and re-grading.

Ms. Ackerman asked about the details of removing fill from the property. Ms. Throckmorton explained that if walls were removed, it would necessitate re-grading.

The Commission discussed the applicant's preferred mitigation plan and its impact on the wetland.

Ms. Cagnina asked how long it would be before the wetland was viable and when it would provide more actual wetland than it did currently. Mr. Theall said it would be one or two years.

Ms. Cherichetti briefly discussed elements of the plan that did not appear to conform to Zoning.

Ms. Destefanis asked who would implement the headwall repair and what kind of oversight could be expected. Mr. Bob O'Brien, the applicant, said that the change to the headwall would not occur soon, due to financial constraints.

Ms. Cherichetti asked about plans for the stockpiled material on the site. Mr. O'Brien said that it would be removed if the wall were not approved.

Ms. Ackerman asked for photographs of the site. Ms. Cherichetti distributed photos from September 2008.

Ms. Briggs clarified that the Commission had concluded that the shed was not impacting the wetland.

Ms. Ackerman asked for opinions as to how leaving the walls intact would impact the wetland. Ms. Cherichetti pointed out that the hard edge of the wall (as opposed to a tapered edge) could replicate the impact of a no-wall situation.

Ms. Throckmorton said that the concern was with activity in the watercourse. She pointed out the idea of re-vegetating the area into a wooded habitat.

Ms. Cherichetti asked about the stones near the low retaining wall on the north side of the watercourse. Mr. O'Brien said that the stones would not be removed and had been there since before he owned the property.

**\*\* MS. CAGNINA MADE A MOTION TO CLOSE THE PUBLIC HEARING.**

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

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

## **VIII. DISCUSSION &/or 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**

The Commission decided to postpone a discussion and vote on the item until the next meeting.

## **IX.COMMENTS OF STAFF**

### **a) Compliance Summary**

Ms. Bletsas stated that one certificate of compliance had been issued for 292 Fallow Street.

She discussed enforcement actions for properties at 7 Rising Road, 78 Crooked Trail, 9 Boulder Circle, 291 Rowayton Avenue, and 213 West Rocks Road.

The Commission discussed the disregard for regulations, particularly the tendency of many applicants to do the work first and get the permit later. Ms. Bletsas addressed the notion of a remedy for the added work that enforcement actions places on staff. She presented a spreadsheet designed to keep track of permit expirations and enforcement actions.

### **b) Report of Senior Environmental Officer**

Ms. Cherichetti reported that she and Ms. Bletsas had attended a goose egg oiling workshop.

## **X. COMMENTS OF COMMISSIONERS**

### **a)Report of Commission Chair**

There was no report tonight.

## **XI. ADJOURNMENT**

**\*\* MS. ACKERMAN MADE A MOTION TO ADJOURN THE MEETING.  
\*\* MS. DESTEFANIS SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 8:22 pm.

Respectfully submitted by Charlene Smith.