

**CITY OF NORWALK
INLAND WETLAND AGENCY
APRIL 13, 2010**

PRESENT: D. Seeley Hubbard; Emily Wilson; Lou Bonsangue; Ed Holowinko; Anne Cagnina; Matthew Caputo (6:14 pm)

STAFF: Alexis Cherichetti, Senior Environmental Officer

CALL TO ORDER

Mr. Hubbard called the meeting to order at 6:10 pm.

ROLL CALL

Ms. Cherichetti took the roll call.

RECIEPT & DISCUSSION

- a) **#S10-369 - 73 Strawberry Hill Road - Maplewood at Strawberry Hill, LLC -** Renovation of existing building to construct assisted living housing complex with associated regulated activities adjacent to a watercourse and wetlands

Mr. Hubbard introduced the item. Attorney Arthur Miller, representative of the applicant, presented an overview of the proposed activities. Pointing to a site plan of the property, he indicated that there would be no proposed change to the existing footprint of the building. He explained the proposed use of the site and then listed proposed alterations and improvements to the site.

Jane Didona, the applicant's landscape architect and site planner, provided a more detailed overview of the proposed site improvements, focusing on the proposed improvements to the grounds.

Holt McChord, the applicant's engineer, discussed the proposed treatment of stormwater runoff. He noted that the impervious cover, and associated peak flow discharge generated, on the site would decrease with the proposed development. He described extant stormwater runoff conditions and described the proposed improvements to the moderately steep slope on the adjacent City parkland.

Ms. Cherichetti explained that the vicinity and amount of earth moving involved with the completion of the project warrants a Significant Regulated Activity Permit application. There was discussion regarding the scheduling of the public hearing.

A public hearing on the matter was scheduled to begin at the next regular meeting on April 27, 2010 at 7:00pm.

- b) **#S10-370 – 6 Kreiner Lane - Sarno -** Installation of public water supply line with associated watercourse crossing in and adjacent to a wetland and watercourse

Ms. Cherichetti provided a brief description of the proposed project. She distributed a map of the area and noted that the watercourse is a tributary of the Silvermine River. She noted that the proposal includes a temporary diversion of flow in the watercourse and the excavation of a trench perpendicular to the watercourse. The drinking water supply line would be placed below the bed of the channel.

Ms. Sarno, the applicant, provided additional information about the flow within the watercourse and the scope of the proposed activity.

Mr. Caputo noted that he would like to see the work done as soon as possible so that the applicant could connect to City water. He asked if staff would be able to craft conditions that allowed the work during the spring with minimal disturbance to the watercourse.

Ms. Cagnina noted that the activity could be delayed until summer when there would be no flow in the watercourse.

Mr. Bonsangue asked the applicant questions to clarify the nature and extent of the proposed work.

DISCUSSION &/OR DECISION

- a) **#S10-366 – 105 Richards Avenue - The Carriage House Association, Inc.** – Corrective Action landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the public hearing, which opened and closed at the last meeting on March 23, 2010.

**** MR. CAPUTO MADE A MOTION TO ADOPT THE RESOLUTION FOR APPROVAL WITHIN THE MEMORANDUM FROM MS. CHERICHETTI DATED APRIL 4, 2010.**
**** MS. WILSON SECONDED THE MOTION.**
**** MOTION CARRIED (4 IN FAVOR, 2 ABSTENTIONS - HOLOWINKO AND HUBBARD)**

- b) **#S10-368 – 30 Winfield Street – City of Norwalk DPW** – Removal and excavation of excess sediment within a watercourse

Ms. Cherichetti reviewed the proposed activities.

**** MR. CAPUTO MADE A MOTION TO ADOPT THE RESOLUTION FOR APPROVAL WITHIN THE MEMORANDUM FROM MS. CHERICHETTI DATED APRIL 4, 2010.**
**** MS. WILSON SECONDED THE MOTION.**
**** MOTION CARRIED UNANIMOUSLY.**

- c) **#S10-367 – 131 North Taylor Avenue – Department of Public Works** – Excavation of excess sediment within a watercourse

Ms. Cherichetti provided an overview of the proposed activities.

**** MS. CAGNINA MADE A MOTION TO ADOPT THE RESOLUTION FOR**

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**APPROVAL WITHIN THE MEMORANDUM FROM MS. CHERICHETTI
DATED APRIL 4, 2010.**

**** MR. CAPUTO SECONDED THE MOTION.
** MOTION CARRIED UNANIMOUSLY.**

Mr. Hubbard observed that there remained a little bit of time until the start of the public hearing.

**** MR. HUBBARD MADE A MOTION TO AMEND THE AGENDA AND
PROCEED TO THE MINUTES.
** MR. CAPUTO SECONDED THE MOTION.
** MOTION CARRIED UNANIMOUSLY.**

APPROVAL OF MINUTES

a) March 23, 2010

**** MR. CAPUTO MADE A MOTION TO APPROVE THE MINUTES FROM THE
MARCH 23, 2010 MEETING.
** MS. WILSON SECONDED THE MOTION.
** MOTION CARRIED UNANIMOUSLY.**

The Agency took a five (5) minute recess.

PUBLIC HEARINGS

a) **#S10-364 – 6 Styles Lane - Valadares** – Corrective Action landscaping, filling and piping in a wetland and a watercourse

Mr. Hubbard reopened the hearing.

Ms. Cherichetti took the roll call. She recalled that the hearing for this matter opened at the last meeting of March 23, 2010, but had immediately been tabled to the current meeting after determining that the applicant had failed to properly notice the abutting neighbors of the hearing. She noted that she confirmed that the applicant had properly noticed all neighbors of tonight's hearing.

Dainius Virbickas, of Artel Engineering, introduced himself as representative for the applicant. He provided an overview of the wetland report by Tom Pietras. He noted that he was a professional engineer and that the existing compost stockpile looked fairly stable.

Mr. Virbickas explained there were three areas of concern that his client sought to remedy. He explained that the berm that was established adjacent to the pond edge would remain, though they propose to seed and vegetate the berm with native plants. He described the piped section of watercourse and the proposed removal of a portion of the pipe.

He noted that portions of the compost stockpile would be removed by removing as much of the compost pile as possible from the top of the hill. He noted that the operation would be limited by the reach of the excavator. He explained that accessing the compost pile from the bottom would result in disturbance to the wetland area, which was unacceptable to his client.

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Mr. Hubbard invited all members of the public present to list their names on the public hearing sheet.

Mr. Carmine Ragosa, 174 Ponus Avenue, explained that he attended because he and his wife do not know what their neighbor is proposing. He noted that there was a lot of work going on at the property. He stated that his concern was that the owner was establishing a landscaping yard on the property.

Ms. Connie Ragosa, 174 Ponus Avenue, stated that there were always activities going on at the property, but it was difficult for her to see what was going on. She noted that she could frequently hear earthmoving equipment on the property, though with the leaf cover was often unable to see exactly where the work was located.

In response, Mr. Valadares, applicant and property owner, noted that he had 2 1/2 acres and that when he bought it, there was no landscaping, but he has been working on improving the property. He acknowledged that he runs a landscaping business, but that he was just working on his own personal property. He noted that there is machinery operating on the site because he has been grading his driveway, constructing stone walls, and other activities to beautify his property.

Ms. Cagnina inquired where the removed compost would be located on the property or removed off site. She noted that the locations where it is proposed to be deposited on site should be indicated on the site plan.

Mr. Virbickas responded that an exact location was not determined, but they could work with the Agency to determine that. Mr. Valadares responded he wished to keep the material on his property because it was nice organic compost. He added that he would spread it along his driveway, which is long and takes up a 1/2 acre of his property.

Ms. Cherichetti asked if the applicant could locate the area of driveway re-grading and proposed compost deposition on the site plan. Mr. Valadares pointed to the right-of-way to the south of his property.

Ms. Cherichetti clarified that the driveway area he pointed to was not his property but on his neighbors property. She inquired about the previous grading along eastern portion of his property and whether he considered this area his driveway as well. Mr. Valadares noted that the compost would also be placed on his property away from the wetland area.

Mr. Caputo asked where the material in the compost pile came from. Mr. Valadares stated that he collected it from years of working on his property.

Mr. Caputo asked about the noise previously noted by the neighbors. Mr. Valadares responded that it could be the machines used for the compost pile or the driveway grading. Mr. Virbickas offered that it could just be the beeping of trucks backing up.

Ms. Cherichetti clarified that the delineated wetland soils, though they are disturbed soils like the majority of the site, are still 'real' wetland soils and are regulated by the Agency.

Mr. Hubbard asked staff to review the cited activities in the Cease & Restore Order. Ms. Cherichetti reviewed the various activities that appear to have occurred without a permit.

Mr. Caputo noted that the order sought a restoration of the wetland and watercourse.

Mr. Bonsangue asked questions regarding the piped watercourse. He also noted that Mr. Pietras's letter suggested that planting of shrubs on either side of the pipe. Mr. Bonsangue inquired about how the material at the compost pile arrived there. Mr. Valadares responded that machines such as a backhoe were used.

Mr. Hubbard returned to public comment.

Ms. Lucia Brealt, expressed concerns about how the activities have impacted her ponds that are down stream of Mr. Valadares property. She stated that the whole pattern of the wetland and watercourse area had been changed as far as flow and wildlife. She noted that, from her observations, there was a nursery of some sort in operation at the property. She stated that for the past year and a half she could here rock crushing and other machinery, such as a backhoe and chipper, operating on the property.

Ms. Cherichetti noted that unless the activity was clearing within the wetland and watercourse, the running of a commercial business from a residence is a zoning issue.

Mr. Hubbard asked the applicant if they had any final rebuttal comments.

Mr. Virbickas reiterated the proposed activities. Mr. Valadares noted that he is working on his own property and that he is fixing it up. He reminded the Commission that he is proposing the best solution that would not involve further work in the wetland. He noted that he has been working on beautifying his 2 1/2 acre property for many years because it had no landscaping and now it is a park-like area. He noted that he intends to continue to do landscaping and maintain the park-like condition of the property.

Ms. Cherichetti noted that the Agency is concerned that the activities that he has performed to make his property park-like, especially those within and close to the wetland and watercourse, were regulated activities.

There was some discussion regarding whether the public hearing should be closed this evening.

**** MR. CAPUTO MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR PERMIT APPLICATION #S10-364.**
**** MS. WILSON SECONDED THE MOTION.**
**** MOTION CARRIED UNANIMOUSLY.**

COMMENTS OF STAFF

- a) Compliance Summary
- b) Report of Senior Environmental Officer

Ms. Cherichetti distributed copies of previously requested information about the City's Conservation Developments. She explained that there was a copy of the chapter of the Zoning Regulations, a list of the approved Conservation Developments, and maps indicating the location of the Conservation Developments.

VIII. COMMENTS OF COMMISSIONERS

a) Report of Commission Chair

There were none tonight.

IX. ADJOURNMENT

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

The meeting was adjourned at 8:00 pm.

