

**CITY OF NORWALK
INLAND WETLAND AGENCY
APRIL 28, 2009**

I. CALL TO ORDER

Mr. Hubbard called the meeting to order at 6:07 pm.

II. ROLL CALL

Ms. Cherichetti took the roll call.

PRESENT: D. Seeley Hubbard, Chair; Gwen Briggs; Ed Holowinko; Emily Wilson; Anne Cagnina; Matthew Caputo (6:08 pm); Karen Destefanis (6:14pm)

STAFF: Alexis Cherichetti; Yari Bletsas

PRESENT: Alesandra Moch; Bruce Gall; Don Straight; Vasili Tchersak; Giovanni Cerra; Chris Zackiewicz; Alton Hall; Rick Wetzel; Maggie Wetzel; Ms. Singh; Mr. Lionetti

III. RECEIPT & DISCUSSION

a) #S09-345--11 Bumblebee Lane—Gall –Deposition of fill and grading adjacent to a wetland and watercourse

The Agency tabled the item until later in the meeting.

b) #S09-346—Sheffield Road—City of Norwalk DPW—Removal of deposits in and adjacent to a wetland and watercourse

Ms. Cherichetti showed the area on a map, indicating that it involved an isolated wetland and watercourse area. She said that the applicant was proposing to have a vacuum truck remove silt and road sand. She also described the area as a swamp with a channel running through it. Ms. Cherichetti said that the property was greatly improved from its previous situation. She added that it was a privately owned property, with no easement.

Mr. Hubbard asked if there were a septic system on the privately owned area. Ms. Cherichetti said no. She discussed the role of the DPW in maintaining pipes. She also said that because flooding was a problem, the resident on Meeker Court would be happy with the change. She also described the lot as “unbuildable,” adding that there was no drainage easement.

Mr. Hubbard asked what would happen if the property owner were to refuse the work. Ms. Cherichetti said that it would be a question for the Public Works Department.

c) #S09-347—34 Ferris Avenue—Lenhart—Corrective Action construction of a new multi-family residence and associated drainage adjacent to a watercourse

The Agency agreed to consider this item together with d) and e).

- d) **#S09-348—36-40 Ferris Avenue—Lenhart—Corrective Action construction of new multi-family residences and associated drainage adjacent to a watercourse**

The Agency agreed to consider this item together with c) and e).

- e) **#S06-245A—33-35 Glenwood Avenue—Lenhart—Modifications of permit to allow changes in site conditions in and adjacent to a watercourse**

The Agency agreed to hear this item together with c) and d).

Ms. Cherichetti explained that the applications involved a development plan spread out over 4 properties. Mr. Hubbard reiterated that a previously granted permit covered only the section involving 33-35 Glenwood Avenue. Ms. Cherichetti said that a watercourse on the property had been relocated. She said that item e) involved a modification of the permit and items c) and d) were applications to continue work. She also addressed drainage issues in the area. Ms. Cherichetti added that there was a stockpiling problem on Glenwood Avenue. She reiterated that foundations had been poured on all the properties. Mr. Hubbard confirmed that the improvement involved the whole development, not just the galleries.

Ms. Cagnina asked about areas close to the wetland on Glenwood Avenue. Mr. Don Straight, a landscape architect, addressed her question and showed the plan, explaining that drainage galleries were being moved to behind the building due to the grade.

Mr. Hubbard asked if there were a small pond on the property. Mr. Straight indicated the area on a map, stating that it was not a pond. He described the flow of water into the catch basins. Ms. Cherichetti confirmed that the water eventually went to Keeler's Brook. Mr. Straight showed photographs of the drainage course, describing the area as "the urban wetland." He added that there was nothing on the Glenwood Avenue site yet.

Mr. Holowinko asked where the street drains drained. Mr. Straight said that they were pumped up into the galleries and then into the stream. Mr. Holowinko asked what would happen if a neighbor were to discard paint into a dumpster. Mr. Straight explained the role of the filter inserts in the catch basins.

Ms. Cherichetti asked if percolation tests had been done. Mr. Straight said yes. There was a discussion of the 100 foot regulated area of the site.

Ms. Destefanis asked if the trash enclosure could be moved. Mr. Straight said that the catch basin could be moved further away to avoid close proximity between the two.

Ms. Cherichetti asked the Agency to consider whether the proposals involved a significant regulated activity. She gave background concerning the application, explaining that an order had been received in September 2008 to stop work after foundations had already been poured. There was a discussion of the superstructure permit.

Mr. Hubbard pointed out that the work could not be done piecemeal.

Mr. Hubbard said that the Agency would consider the item at the next meeting.

Ms. Cherichetti agreed to have staff conduct a more detailed review.

a) #S09-345--11 Bumblebee Lane—Gall –Deposition of fill and grading adjacent to a wetland and watercourse (continued)

Ms. Cherichetti gave background concerning the site, stating that there had been a notice of violation issued for the property. She discussed a permit to do grading closer to the wetland and watercourse.

Ms. Alexandra Moch, a landscape designer and wetland specialist, explained that the proposal was to create a gentler slope, to plant bushes in order to stabilize the slope, and to limit the fill to 10 truck loads.

Mr. Hubbard asked if the applicant owned the property to the west. Ms. Moch said no.

Mr. Bruce Gall explained that he had gotten permission from the neighbor to remove debris.

Ms. Cherichetti asked if a survey had been done for the property. Mr. Gall said no.

Ms. Moch reiterated that the truck capacity was 16 cubic yards.

Ms. Cherichetti asked how the property line had been determined. Ms. Moch showed the map and indicated a line of pine trees and a pole that was considered to be the edge of the property. Ms. Cherichetti asked about a field reckoning. Mr. Caputo asked why there had been no survey. Ms. Moch explained that the first improvement had been a small project and the property line was based on GIS approval. She also discussed the buffer on the property.

Ms. Cherichetti explained how photographic information from a topographical survey, when considered together with a tax map, could provide two divergent indications of a property line.

Ms. Moch said that the property line issue was a Zoning issue, rather than an Inland Wetland Agency issue. Mr. Caputo pointed out that a change in ownership could create a problem later on.

Ms. Destefanis asked if the proposal was to put a structure, or only debris, in the area. Ms. Moch said it would be only debris, explaining that this was for reasons of view and also of helping the wetland. Mr. Gall confirmed that while he was not certain that the debris came from his property, he was willing to pay for the removal. He also stated that he purchased the house in 2003 and that it was built in 1963.

Ms. Cherichetti addressed the issue of land trust, advising the applicant to remain with a minor permit for the removal of debris.

Ms. Destefanis asked about the elevation and grade indicated on the map. She asked where the applicant would consider the boundary to be, if fill were to be put across the property. Ms. Moch said that the stone wall would be considered the boundary.

Mr. Gall emphasized his willingness to be reasonable about where the work could take place, saying that he was willing to move the location of the work if the Agency saw fit.

There was a discussion of the quantity of fill proposed for the site. Mr. Gall indicated that he would be happy to adjust that quantity as necessary.

Mr. Caputo reiterated the importance of obtaining a survey. Mr. Gall said that he was trying to save money by not incurring the expense of a survey and that he would be glad to move the work in 10 or 15 feet as needed. Mr. Caputo discussed the idea of "shooting a line," rather than conducting an entire "A-2" survey. Ms. Mock indicated that they would shoot the line along the property line in question.

IV. DISCUSSION &/OR DECISION I

a) **#S09-343—252 Fillow Street—Sacco—Construction of a bridge and associated activities in and adjacent to a watercourse and wetland**

Ms. Cherichetti gave background on the site, stating that land records indicated an agreement on March 20, 2001 regarding driveway access and an easement. She added that Mr. Goven had appeared to understand the agreement. She said that she would meet again with Mr. Sacco.

b) **#S07-295b—21 Knollwood Road—Cerra—Modification of Corrective Action Permit #S07-295 to allow additional construction, filling and grading performed without benefit of a permit**

Ms. Briggs recused herself.

Ms. Cherichetti described the site, stating that the work involved a shed, a patio, and the deposit of fill.

Ms. Cagnina said that the patio should be removed.

Mr. Caputo added that the shed was also questionable.

Ms. Cherichetti agreed to create a draft resolution.

Mr. Cerra questioned the change with regard to the patio. Mr. Caputo said that several Commissioners had reconsidered it. Mr. Hubbard added that a permit should have been sought for the patio and the shed and that allowing them to remain did not support the Agency's upholding of regulations.

Ms. Cherichetti clarified that the Agency regulated activities, not structures per se.

Mr. Hubbard said that a decision would be made at the next meeting.

c) **#S09-344—7 Rising Road—Krupa—Corrective Action construction, deposition and landscaping in and adjacent to wetland and watercourse**

Ms. Cherichetti said that the application had been received at the April 14 meeting and that it included the demolition and removal of additions to the garage. She discussed modifications to the planting plan.

- ** **MR. CAPUTO MADE A MOTION TO APPROVE THE DRAFT RESOLUTION FROM APRIL 23, 2009, INCLUDING CONDITIONS #1 THROUGH #8.**
- ** **MS. WILSON SECONDED.**
- ** **MOTION PASSED UNANIMOUSLY.**

- d) **#S07-302A—213 West Rocks Road—Lionetti—Request extension of deadline to implement planting plan required by Corrective Action Permit #S07-302**

Ms. Cherichetti said that item involved a request for modification of the original permit. She said that the plan should be completed by July 1, 2009 and also that a waiver of the filing fee had been requested. She also confirmed that no bond had been posted. She reiterated that the approved plan was for 45 plants and needed to include seeding and stabilization. She said that woodchips had already been removed from the area.

There was a discussion of the application fee and the bond. Mr. Lionetti said that he was not in a position to do the work with the bond, due to the high cost of the plantings.

Ms. Destefanis asked if the applicant would need to bring in machines to do the work. Mr. Lionetti said no.

- ** **MR. CAPUTO MADE A MOTION TO APPROVE THE MODIFICATIONS CHANGING CONDITION #4 REGARDING THE JULY 1, 2009 DEADLINE AND ALSO CHANGING CONDITION #2 FOR A \$1600 BOND INSTEAD OF A \$4800 BOND, AND ALSO NOT PLACING A WAIVER ON THE APPLICATION FEE**
- ** **MS. WILSON SECONDED.**
- ** **MOTION PASSED UNANIMOUSLY.**

V. **PUBLIC HEARING continuations (to begin at 7:00 pm)**

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

Mr. Hubbard opened the public hearing. He went over the ground rules of a public hearing. Ms. Cherichetti took the roll call.

Ms. Cherichetti gave background concerning the site. She said that the hearing had been opened on April 14. She added that the applicant had not informed two of the neighbors and that the green cards had lacked proper addresses.

Mr. Hubbard pointed out that this was the second time the applicant had not appeared for the public hearing.

Ms. Cherichetti agreed to give a brief explanation of the application.

Ms. Bletsas said that the applicant turned in the green cards on April 22 and was told to appear at the public hearing.

Ms. Cherichetti described the property, stating that it was a rear flag-shaped lot and that the proposal involved construction of a single-family lot. She pointed out that the southernmost area of the property was in the Upland Review area.

Mr. Chris Zackiewicz, the applicant's brother, appeared at approximately 7:25 p.m. and said that no work would be done on the site right away.

There was a discussion of the fill proposed for the site. Mr. Zackiewicz commented that the applicant was not aware of wetlands when he applied for a permit.

There was a discussion of erosion controls.

Ms. Cagnina asked if the application were complete. Ms. Cherichetti described it as "quite thin."

Mr. Hubbard asked if the intent were to keep the property as is for now. Mr. Zackiewicz said yes, adding that eventually it would be built on or sold.

Mr. Alton Hall, 22 Brook Hill, said that he was fact-finding and wanted to know what impact the work might have on his property. He stated that he was concerned about drainage and that there was a gully between the two properties.

Mr. Rick Wetzel, 147 ½ East Rocks Road, stated that there was a substantial amount of water running onto his property. He showed a photograph of a new silt fence.

Ms. Maggie Wetzel, 147 ½ East Rocks Road, described the difference in the level of the property due to the work done by the applicant. Mr. Zackiewicz said that the applicant had bermed up the property, but pointed out that Ms. Wetzel's property had always been lower.

Mr. Wetzel said that the driveway was brown due to runoff and that although building plans had indicated a stone wall, there seemed to be no controls presently.

Ms. Cagnina pointed out that the Agency's concern was with the applicant's impact on the wetland.

Mr. Wetzel said that a 60-year old tree had been killed due to the excess water and that he expected more plants would die off soon.

There was a discussion of the extent of the wetland and the possible impact of the work upon the wetland.

Mr. Zackiewicz stated that all of the fill brought onto the property was done so with an approved permit. Mr. Hubbard said that the amount exceeded that allowed under Inland Wetland regulations. Mr. Zackiewicz pointed out that the Building Department had not told this to the applicant.

There was a discussion of how to bring more information to the application. Ms. Cherichetti said that an original survey plan could help. Mr. Zackiewicz said that he could provide one, adding that the grading plan had indicated elevations as well.

Mr. Hubbard asked if Zoning had required a drainage report. Mr. Zackiewicz said yes, but added that it had not been implemented yet.

Ms. Cherichetti advised the applicant to provide a survey and a grading plan.

The Agency agreed to keep the hearing open.

- b) **#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**

Mr. Hubbard opened the public hearing. Ms. Cherichetti took the roll call.

Ms. Cherichetti said that a revised mitigation plan had been received at the last meeting, indicating certain changes.

Mr. Singh stated that he had spoken to the president of the neighborhood association, who had approved the project. He submitted a letter from the association president.

Ms. Destefanis asked if the Town of Westport had commented on the proposal. Ms. Cherichetti said that the packet contained a letter written two weeks ago, indicating that the plan was acceptable but that certain adjustments should be made as far as planting plans. There was a brief discussion of which trees were intended for the Westport and the Norwalk sides of the property.

Ms. Cagnina indicated a letter regarding the environmental Land Solution.

** **MR. CAPUTO MADE A MOTION TO CLOSE THE HEARING.**
** **MS. CAGNINA SECONDED.**
** **MOTION PASSED UNANIMOUSLY.**

VI. DISCUSSION &/OR DECISION II

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

The item was tabled until the next meeting.

- b) **#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**

The Agency agreed to consider comments from the Town of Westport and to draft a resolution.

VII. ENFORCEMENT ACTIONS/ SHOW-CAUSE HEARINGS

- a) **Cease & Correct Order #V09-840—187 Rowayton Woods Drive—Rowayton Woods Condominium Association—Operation of various regulated activities without a permit, as a result of permit revocation**

Ms. Cherichetti stated that the item involved three directives: the stabilization of the disturbed area, the removal of debris, and the submission of the application by May 26, 2009. She said that the applicants were not present. She added that staff would need to draft a narrative regarding the impact on the watercourse and wetland.

**** MR. CAPUTO MADE A MOTION TO CLOSE THE SHOW-CAUSE HEARING.
** MS. DESTEFANIS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

**** MR. CAPUTO MADE A MOTION TO UPHOLD THE CEASE AND CORRECT ORDER
** MS. WILSON SECONDED.
** MOTION PASSED UNANIMOUSLY.**

VIII. RELEASE OR REDUCTION OF BOND

- a) **#S06-257—200 Rowayton Avenue—200 Rowayton Avenue, LLC—release of bond (\$3,300) held for construction of a new residence and associated activities adjacent to a wetland and watercourse**

**** MS. CAGNINA MADE A MOTION TO RELEASE THE BOND.
** MS. WILSON SECONDED.
** MOTION PASSED UNANIMOUSLY.**

- b) **#S08-311—8 Wilson Avenue—Roton Investment Partners, LLC—release of bond (\$750) held for renovations & additions to existing residence adjacent to a wetland**

**** MS. DESTEFANIS MADE A MOTION TO RELEASE THE BOND.
** MS. CAGNINA SECONDED.
** MOTION PASSED UNANIMOUSLY.**

- c) **#S01-058—901 Main Avenue—35 Glover Partners LLC—release of bond (\$10,000) held for construction of new office building, parking and associated activities adjacent to a wetland**

**** MS. WILSON MADE A MOTION TO RELEASE THE BOND.
** MS. CAGNINA SECONDED.
** MOTION PASSED UNANIMOUSLY.**

- d) 27 Ferris Avenue

**** MR. CAPUTO MADE A MOTION TO AMEND THE AGENDA.
** MS. DESTEFANIS SECONDED.
** MOTION PASSED UNANIMOUSLY.**

Ms. Bletsas stated that the request was to reduce the bond from \$2800 to \$800.

** MR. CAPUTO MADE A MOTION TO REDUCE THE BOND.
** MS. DESTEFANIS SECONDED.
** MOTION PASSED UNANIMOUSLY.

IX. REFERRALS

- a) **Zoning Commission--#3-09SP/#7-09CAM—124 East Avenue—Construction of a new mixed-use development**

Ms. Cherichetti said that the proposal involved a development on East Avenue directly across from City Hall. She said that the applicant wanted to use a Copper Beech as a focal point, pointing out that it was surrounded by asphalt and was sensitive to root damage. She suggested that the tree be either saved or replaced.

X. APPROVAL OF MINUTES

- a) **March 24, 2009 minutes**

The item was tabled until the next meeting.

- b) **April 14, 2009 minutes**

The item was tabled until the next meeting.

XI. COMMENTS OF STAFF

- a) **Compliance Summary**

Ms. Bletsas discussed a corrective action involving 145 Dry Hill Road and another at 310 Ely Avenue.

Ms. Cherichetti discussed the annual goose-egg oiling.

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

XII. COMMENTS OF COMMISSIONERS

- a) **Report of Commission Chair**

XIII. ADJOURNMENT

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

The meeting was adjourned at 9:12 pm.

Respectfully submitted by Charlene Smith

