

**CITY OF NORWALK
INLAND WETLAND AGENCY
June 9, 2009**

PRESENT: Seeley D. Hubbard; Elizabeth Ackerman (6:05pm); Emily Wilson; Anne Cagnina; Gwen Briggs

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

OTHERS: Elizabeth Suchy Esq., Sandak Hennessey & Greco LLP; John Block, Tighe and Bond Engineering; Bob Jontos, Land-Tech Consultants, Inc.; Brian Stobbie, Norden LLC; Clay Fowler, Norden LLC; Kim Morque, Norden LLC; Matt Popp, Environmental Land Solutions LLC; Rob Nute, Organic Designs, LLC; Pat Cutrone; Joe Cutrone; Chris Zackiewics; Geoffrey Allimant;

CALL TO ORDER

Mr. Hubbard called the meeting to order at 6:03pm.

ROLL CALL

Ms. Cherichetti called the roll.

RECEIPT & DISCUSSION

- a) **#S09-350- 8 Norden Place – Norden Place, LLC – Construction of a multi-family residential building, four detache single-family buildings and associated parking, drainage and other activities in and adjacent to wetlands and watercourses.**

Attorney Elizabeth Suchy, Sandak Hennessey & Greco LLP, began discussion by describing her client, Norden LLC's, proposed residential development. The project will consist of the construction of a 240 unit multi-family building as well as four single family dwellings. She stated that the project would also include 325 parking spaces, a pool, access driveways, utilities, lighting, landscaping and other site improvements. The site is 38.68 acres consisting of approximately 9 acres of wetlands and 3,000 linear feet of watercourses. She added that a portion of the site would be left as a conservation easement area and that certain wetland areas would be eliminated to construct a parking area and a portion of a building.

John Block, Tighe & Bond Engineering, described the 250 acres watershed drainage area. He described the draining to the south. He added that the analysis of the existing and proposed conditions would not be increasing the flood elevations during peak flow. He showed the Agency that two detention basins would be constructed where the drainage will be discharged. He stated that will work outside of the

wetland and watercourse areas would be constructed in a manner in which they would meet the city storm water quality goals.

Bob Jontos, Land-Tech Consultants, Inc, representing the applicant, described the wetland and watercourse areas on the site. He described each of the seven wetland areas located on the site and added that the sizes of the wetland ranged from approximately 300 square feet to the largest being 287,000 square feet. He depicted on a site map where access would be granted between the two different construction areas. He stated that based on the Army Corps of Engineers Highway Methodology supplement to determine for wetland functions and values. By using this method it was determined that wetland seven had the highest quality rating and that wetlands two and three held the lowest quality rating. He also added that wetlands two and three could no longer be classified as wetland areas.

Ms. Cagnina asked if the wet meadow would be the mitigation area. Mr. Jontos showed on the plans where the mitigation would take place. He added that the invasive plan for that area would be a 3 to 5 year project.

Mr. Hubbard asked Mr. Jontos to depict the wetlands that were to be destroyed. Mr. Jontos showed them on the plans.

Ms. Cagnina asked if access would be allowed through the proposed conservation area. Mr. Jontos replied that there is currently a road there to allow for maintenance of the property.

Ms. Cherichetti asked the Agency to discuss the possible retention of an outside consultant to assist the Agency with the application. She added that it would be important to get the process started as to allow time before the Public Hearing is held.

Mr. Hubbard stated that an outside expert would be beneficial to the Agency.

Ms. Cherichetti stated that she would begin the process with the Purchasing Department.

- b) #S09-351 – Rowayton Woods Drive – Rowayton Woods Condominium Assoc. – Corrective Action Pond rehabilitation and drainage improvements, with associated removal of vegetation, grading, discharge, and landscaping within and adjacent to a wetland and watercourse.**

Ms. Cherichetti began the discussion by stating the reasons the application has come before the Agency again.

Mr. Hubbard asked whether a bond had ever been received with the initial application. Ms. Cherichetti replied that it had not been.

Rob Nute, Organic Designs Inc., was present to describe the application. He stated that the initial reason for the application was to remediate flooding issues with a 4 acre pond located at Rowayton Woods Condominiums. He added that all work associated with the previous Inland Wetland Permit has been completed, except for a portion of the planting. Mr. Nute added that the after review of the work completed, there was no change to any of the previous plans. He stated that on September 23rd, 2008 work was being done on the basin elevations.

Ms. Ackerman asked where the pipe outlets were located. Mr. Nute depicted the outlets on the plans.

Mr. Nute continued his presentation by showing the Agency the remainder of the photographs taken during the construction phase of the project. He added that the spillways and elevations were surveyed. He stated that the vegetation left to be planted has increased by 100 plants. The only changes made to the plant list would be the removal of marsh marigold because of the deer predation. The overall planting plan would increase the amount of grasses and more flowering plants. He ended by showing the Agency the preliminary maintenance plan.

Mr. Hubbard suggested that the plan be given to staff to look over as a possible condition of an Inland Wetland Permit. Mr. Nute replied that he would get a copy to staff before the Public Hearing is held.

Ms. Ackerman asked what was the finished depth of the retention area. Mr. Nute replied that the retention area had held a depth of less than 3 feet.

Ms. Cagnina asked if the pond elevation had continued to be a problem. Mr. Nute replied that the pond elevation had since been stable.

**** MS. WILSON MADE A MOTION TO AMEND THE AGENDA TO INCLUDE INLAND WELTAND APPLICATION #S09-352 TO RECEIPT AND DISSCUSION.**
**** MS. BRIGGS SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

c) #S09-352 – 310 Ely Avenue – Cutrone – Corrective Action construction of an 8 unit building adjacent to a wetland and watercourse.

Ms. Cherichetti began by describing the application. She stated that the Agency had issued a previous Inland Wetland Permit to the Cutrone's but that permit had expired on October 28th, 2008.

Pat Cutrone, Cutrone Properties LLC, described the application for an 8 unit residential building. He added that the due to the economy the project had not started on time and that is why the project was not finished with in the 5 years given for a Inland Wetland Permit to be completed. He also added that he had been working closely with the Redevelopment Agency and had obtained all other proper permits. Mr. Cutrone asked the Agency for an extension of time versus needing to obtain a new Inland Wetland Permit.

Mr. Hubbard replied that the Agency follows the CT State Statutes which explain that a permit shall be valid for not less than two years and not more than five years. He added that staff would consult with Counsel to confirm.

Ms. Ackerman asked if the wetland area had already been filled. Mr. Cutrone replied yes, and that the drainage has been installed.

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

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 began by reviewing the previous hearing material and describing the updates.

Chris Zackiewicz, agent for the applicant, states that a new asphalt curb is being proposed at the start of the driveway. This should reduce run off coming down the driveway.

Mr. Ackerman asked if there were any galleries proposed. Mrs. Zackiewicz stated that there were. Ms. Cherichetti added that the galleries worked similarly to a septic system.

Ms. Cagnina asked if there would be any negative impacts from the galleries. Ms. Cherichetti said that there may be.

**** MS. CAGNINA MADE A MOTION TO CLOSE THE PUBLIC HEARING FOR APPLICATION #S09-341.**

**** MS. BRIGGS SECONDED.**

**** MOTION PASSED UNANIMOUSLY.**

A two minute break was taken.

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

The Public Hearing was tabled until the next meeting because the applicant had failed to provide the receipts of certified mailings to the abutting property owners.

DISCUSSION &/or DECISION I

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

Discussion was tabled until the next meeting.

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

**** MS. CAGNINA MADE A MOTION TO APPROVE THE APPLICATION WITH 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 ARE NOT LIKELY TO RESULT IN NEGATIVE IMPACTS TO ANY WETLAND OR WATERCOURSE;

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S09-346, FOR REMOVAL OF DEPOSITS IN AND ADJACENT TO A WETLAND AND WATERCOURSE., BE GRANTED TO THE CITY OF NORWALK DEPARTMENT OF PUBLIC WORKS, FOR WORK IN THE VICINITY OF, SHEFFIELD ROAD, NORWALK, CT [6-28C-7-0], WITH THE FOLLOWING CONDITIONS:

- 1. PRIOR TO THE RECOMMENCEMENT OF ANY ON-SITE WORK, THE APPLICANT SHALL CONTACT THE CONSERVATION OFFICE TO SCHEDULE A SITE INSPECTION AND REVIEW THE TERMS AND LIMITATIONS OF THE PERMIT.**
- 2. ANY OTHER REGULATED ACTIVITIES WITHIN THE UPLAND REVIEW AREA SHALL REQUIRE CONSERVATION COMMISSION REVIEW PRIOR TO COMMENCEMENT.**
- 3. ANY CHANGE TO THE OVERALL PLAN, AS DEPICTED IN THE SUBMITTED PLANS AND NARRATIVES, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.**

**** MS. WILSON SECONDED.
** MOTION PASSED UNANIMOUSLY.**

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

**** MS. WILSON MADE A MOTION TO APPROVE THE APPLICATION WITH 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-10 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 WATERCOURSE; AND

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S09-348, FOR CONSTRUCTION OF THREE NEW BUILDINGS OF MULTI-FAMILY RESIDENCES AND ASSOCIATED ACTIVITIES ADJACENT TO A WATERCOURSE, BE GRANTED TO AUGUST LENHART, FOR WORK AT 38 & 40 FERRIS AVENUE, NORWALK, CT, [5-65-104 & 105] AND PAUL E. LENHART, WORK AT 36 FERRIS AVENUE, NORWALK, CT, [5-65-106] WITH THE FOLLOWING CONDITIONS:

1. PRIOR TO THE RECOMMENCEMENT OF ANY ON-SITE WORK, A \$800 BOND IS TO BE POSTED FOR THE PROPOSED AND CONDITIONED WORK. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. THE RELEASE OR REDUCTION OF THE BOND SHALL BE CONDITIONED ON COMPLIANCE WITH THE TERMS, CONDITIONS AND LIMITATIONS ESTABLISHED IN THE PERMIT.

2. SEDIMENTATION & EROSION CONTROLS, SUCH AS SILT FENCE, SHALL BE PROPERLY INSTALLED AND MAINTAINED A MINIMUM OF TEN (10) FEET FROM THE SOUTHERN AND EASTERN PROPERTY LINES OF THE PARCELS. THIS LINE SHALL ALSO BE CONSIDERED THE LIMIT OF DISTURBANCE.

3. THE APPLICANT SHALL CAUSE TO HAVE THE CONSERVATION OFFICE NOTIFIED NO LESS THAN 24 HOURS PRIOR TO STARTING EXCAVATION FOR THE INSTALLATION OF THE STORMWATER GALLERIES.

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

d) #S06-245A- 33-35 Glenwood Avenue – Lenhart – Modification of permit to allow changes in site conditions in and adjacent to a watercourse.

** MS. WILSON MADE A MOTION TO APPROVE THE APPLICATION WITH 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-10 OF NORWALK'S INLAND WETLAND AND WATERCOURSES REGULATIONS; AND

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

NOW THEREFORE BE IT RESOLVED:

THAT CONSERVATION APPLICATION #S06-245A, FOR MODIFICATION OF PERMIT #S06-245, FOR THE CONSTRUCTION OF TWO MULTI-FAMILY RESIDENCES AND ASSOCIATED ACTIVITIES ADJACENT TO A WATERCOURSE, BE GRANTED TO AUGUST LENHART, FOR WORK AT 33-35 GLENWOOD AVENUE, NORWALK, CT, [5-65-84 & 85] WITH THE FOLLOWING CONDITIONS:

4. A \$ 6,500.00 PERFORMANCE BOND IS TO BE POSTED PRIOR TO COMMENCEMENT OF ANY ON-SITE PERMIT RELATED ACTIVITY. THE PORTION OF THE BOND HELD FOR PLANTING (\$3,300.00) SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST 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. OTHER PORTIONS OF THE BOND ARE ELIGIBLE FOR RELEASE AS THE WORK IS COMPLETED AND THE SITE IS STABILIZED. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.

5. 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.

6. SILT FENCE OR HAY BALES SHALL BE INSTALLED IN THE LOCATION INDICATED ON THE SITE PLAN ENTITLED, "FERRISWOOD COMMONS; PROPOSED 24-UNIT

RESIDENTIAL PROJECT; GRADING & DRAINAGE PLAN”, DATED 4/22/2009 AND REVISED 4/29/2009 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.

7. 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.

8. A DESIGNATED WETLAND & WATERCOURSE BUFFER SHALL BE ESTABLISHED ADJACENT TO THE RELOCATED WATERCOURSE, AS INDICATED ON PLANS ENTITLED, “FERRISWOOD COMMONS; PROPOSED 24-UNIT RESIDENTIAL PROJECT; GRADING & DRAINAGE PLAN”, DATED 4/22/2009 AND REVISED TO 4/29/2009 BY GRUMMAN ENGINEERING, LLC . THE DESIGNATED BUFFER SHALL BE A MINIMUM OF FIVE (5) FEET WIDE ON EITHER SIDE OF THE WATERCOURSE WHEN MEASURED FROM THE TOP OF BANK. 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.

9. THE ABOVE DESCRIBED WETLAND MITIGATION PLANTING PLAN SHALL BE FULLY IMPLEMENTED WITHIN SIX MONTHS OF RECEIVING A CERTIFICATE OF OCCUPANCY, EITHER TEMPORARY OR PERMANENT.

10. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE PROPOSED PLAN MUST BE COMPLETED WITHIN THREE (3) YEARS OF COMMENCEMENT.

11. ANY CHANGE TO THE OVERALL PLAN ENTITLED, “FERRISWOOD COMMONS; PROPOSED 24-UNIT RESIDENTIAL PROJECT; GRADING & DRAINAGE PLAN”, DATED 4/22/2009 AND REVISED TO 4/29/2009 BY GRUMMAN ENGINEERING, LLC, WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

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

DISCUSSION &/or DECISION I

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

There was none.

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

Discussion was tabled until the next meeting.

ENFORCEMENT ACTIONS/SHOW-CAUSE HEARINGS

**** MS. WILSON MADE A MOTION TO AMEND THE AGENDA TO INCLUDE INLAND WETLAND CEASE AND RESTORE ORDER #V09-832 TO ENFORCEMENT ACTIONS/SHOW-CAUSE HEARINGS.**
**** MS. ACKERMAN SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

a) Cease and Restore Order #V09-832 – 5 Driftwood Lane – Allimant – Deposition of fill and deposition adjacent to a wetland and watercourse.

Ms. Cherichetti described the reasons a Cease and Restore Order was issued. A field inspection revealed a large amount of fill and removal of vegetation in close proximity to a wetland and watercourse area.

Geoffrey Allimant, property owner, was present to discuss the violation. He described that the fill was brought in to level out the rear yard to make a less sloped backyard. He added that after having spoken to staff and getting a better understanding of the regulations, he was indeed in violation.

**** MS. BRIGGS MADE A MOTION TO CLOSE THE SHOW-CAUSE HEARING.**
**** MS. ACKERMAN SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

**** MS. CAGNINA MADE A MOTION TO UPHOLD THE CEASE AND RESTORE ORDER.**
**** MS. WILSON SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

b) Amendment of Permit Violation Order #V09-827 – 21 Knollwood – Cerra – Restoration of property to pre-activity condition.

Ms. Cherichetti began by describing the variety of activities which led to the initial Corrective Action application. She stated that the applicant has gone outside the scope of the permit and constructed a patio area as well as a shed. She added that the denial of the recent application included the removal of the patio area and shed.

Mr. Hubbard asked what the order included. Ms. Cherichetti read the directives from the order.

**** MS. WILSON MADE A MOTION TO AMEND ORDER #V09-827.**
**** MS. CAGNINA SECONDED.**
**** MOTION PASSED UNANIMOUSLY.**

MINUTES

- a) May 12th 2009 minutes**
- b) May 26th, 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

There was none.

b) Report of Senior Environmental Officer

Ms. Cherichetti described comments on the City's possible purchase of the Crossland Property.

COMMENTS OF COMMISSIONERS

a) Report of Commission Chair

Mr. Hubbard talked about the increase in state land use fees being put towards the open space fund. He described a recent State Bill that would impact Inland Wetland and Watercourse Regulations with regards to how vegetation is regulated with in the upland review area.

ADJOURNMENT

MEETING ADJOURNED AT 8:28PM.