

**CITY OF NORWALK**  
**INLAND WETLAND AGENCY**  
**JULY 14, 2009**

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**PRESENT:** D. Seeley Hubbard, Chair; Elizabeth Ackerman; Karen Destefanis; Gwen Briggs; Matt Caputo (6:10 pm); Ed Holowinko (6:50 pm)

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

**OTHERS:** Jeffrey Allimant; Thomas Sacco; Heath Duncan; Bruce Gall; Atty. Elizabeth Suchy; Atty. Richard Rowina; Pat Cutrone; Rob Nute

**I. CALL TO ORDER**

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

**II. ROLL CALL**

Ms. Cherichetti took the roll call.

**III. RECEIPT AND DISCUSSION**

a) **#S09-353 – 5 Driftwood Lane – Allimant**—Corrective Action deposition of fill, grading, and removal of vegetation adjacent to a wetland and watercourse

Ms. Cherichetti stated that the corrective action activities involved fill and grading on the property without permits.

Mr. Jeffrey Allimant, the property owner, explained that the work involved the creation of a back yard on a property with challenging topography. He provided documents indicating the proposed site, the existing site, and the wetland line on a detailed series of maps. He stated that he wanted to extend the deck as well and answered questions about the wetland and the slope of the property.

Ms. Ackerman asked about the calculation to the slope. Mr. Allimant said that it was 7%. Mr. Ackerman stated concern about the water picking up flow velocity down the steeper portions of the proposed slope.

Mr. Allimant explained that part of the property had been woods with no ground cover and that the wetland was basically a bed of rocks and pachysandra, which was now covered with fill.

Mr. Hubbard asked if there were standing water on the property. Mr. Allimant said no, stating that this was the case only after very heavy rainfall. Ms. Cherichetti clarified that there was frequent inundation within the wetland at the rear of the property, but not within the small wetland closer to the house.

Ms. Ackerman asked if there were a lot of erosion since the fill had been added. Mr. Allimant said no. Ms. Cherichetti observed that much of the fill was rock and other course-grained material.

Ms. Destefanis asked about placing the silt fence at the disturbance line. Mr. Allimant said that he could arrange that, but that fill needed to be removed first.

Mr. Caputo asked how much fill had been brought in. Mr. Allimant said 400 cubic yards had been brought in and clarified that another 300 cubic yards was being proposed.

Mr. Caputo asked whether the contractor had discussed the possibility of a violation with the applicant. Mr. Allimant said that the contractor was FGB Construction and that he had had no conversation about a violation. He clarified that he had lived on the property for two years.

Mr. Hubbard asked about oak trees that had been taken down. Mr. Allimant said that they were infested with carpenter ants and were very close to the house.

Ms. Ackerman asked if the issue of the quantity of fill necessitated a public hearing. Mr. Hubbard said yes.

Ms. Destefanis asked about alternatives, including taking the fill further from the wetland. Mr. Allimant stated that he had explored other options, but had wanted to maintain certain levels of land and also maximize the aesthetic potential of the property.

There was a discussion of the property's effect on neighbors.

Ms. Cherichetti clarified that the watercourse was called Woods Pond and that it flowed perennially.

Mr. Hubbard asked if there had been flooding on the property during the very rainy month of June. Mr. Allimant said no, adding that the wetland was not visible from his house.

Ms. Ackerman stated concern about the overall flow of water, after the work was completed.

Mr. Hubbard said that the surveyor should provide expert testimony concerning wetland boundaries and proposed topography.

Ms. Cherichetti added that the date of the information on the survey should be confirmed.

Ms. Destefanis said that there was concern about who was checking the survey. She also suggested that the applicant provide a drainage report.

Mr. Caputo discussed the usual procedure with regard to determining the accuracy of plans. He suggested that Mr. Allimant have experts' stamps placed on the documents provided.

Ms. Cherichetti discussed statutory deadlines.

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

**b) #S06-244A - 22 Bonnybrook Road – Duncan** – Corrective Action permit modification to allow an extension of time to complete work and to allow other work performed beyond the scope of the permit

Ms. Cherichetti stated that a permit violation had been issued in November 2008 for work done beyond the scope of the current permit.

Mr. Heath Duncan, property owner, apologized for his oversight in letting the permit's deadlines expire, stating that he had applied to re-open the application. He explained that the contractor had deposited far more fill than the applicant expected and that he wanted to remedy the mistake by removing the fill.

Ms. Cherichetti asked about tree removal.

There was a discussion of Special Condition #5 concerning plantings. Ms. Cherichetti said that the plantings were not in yet and that the wetland was not flagged. She added that there were two watercourses on the property.

Ms. Briggs asked about the logs on the site. Mr. Duncan said that they were for future firewood and agreed to make sure that they were at least 50 feet away from the watercourse.

The Commission agreed to make a decision on the item in two weeks.

#### **IV. DISCUSSION &/or DECISION I**

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

Ms. Destefanis asked if this was the property that abutted a Land Trust property where there may or may not be a landscaping debris pile to be removed. Ms. Cherichetti said yes, explaining that the Land Trust owned the property to the southwest of this one.

Ms. Cherichetti said that the proposal was to reduce the slope of fill placed on the property. She said that there were concerns with the proposed grading along the southern property line and with the removal of landscaping debris on someone else's property. She gave suggestions for the property, including the creation of a woody planted buffer on the proposed slope.

Mr. Bruce Gall reiterated that he was willing to make the necessary changes to the property.

\*\* **MR. CAPUTO MADE A MOTION TO APPROVE THE ITEM.**  
\*\* **MS. DESTEFANIS SECONDED.**  
\*\* **MOTION PASSED UNANIMOUSLY.**

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

Ms. Destefanis recused herself.

Ms. Cherichetti said that the application was received in June and that an outside consultant had been requested to evaluate the wetland. She said that a public hearing would be need to be scheduled.

Atty. Liz Suchy offered to answer questions from the Commission.

Ms. Cherichetti said that the area was very overgrown and that the wetland flags were not visible from the access road. Atty. Suchy said that the flags would be put in place soon.

The Commission tentatively scheduled a public hearing for September 8, 2009.

Ms. Destefanis returned to the meeting.

c) **#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 said that the item had been received at the June 9 meeting and that additional information would be added to the file.

Rob Nute requested that the public hearing be held at the next possible opening.

The Commission agreed to hold the public hearing during the July 28, 2009 meeting.

Mr. Caputo requested that the Commission acknowledge Ms. Bletsas' birthday. The Commission obliged.

d) **#S09-352 – 310 Ely Avenue – Cutrone**– Construction of a multi-unit residential building with associated drainage, parking, and watercourse relocation in and adjacent to a wetland and watercourse

Ms. Cherichetti said that the applicant wanted to continue the work on the property and needed to reapply because of expiration of their previous permit.

Atty. Richard Rowina explained that the work was substantially completed, that the drainage was in, and that the work would be completed in accordance with the original permit. He described the progress of the work.

Mr. Hubbard asked if the whole process needed to be repeated. Ms. Cherichetti said yes.

Pat Cutrone said that it was an oversight that the permit had expired, pointing out that work on the property had ceased when the Commission ordered. He added that there was a \$20,000 bond with the Redevelopment Agency.

Ms. Cherichetti said that this was a significant regulated activity.

Mr. Hubbard said that there was no change in the applicant's plan.

The Commission agreed to schedule a public hearing for August 11, 2009.

#### **V. PUBLIC HEARING continuation (to begin at 7:00 p.m.)**

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

Mr. Hubbard opened the public hearing.

Ms. Cherichetti took the roll call. She stated that this public hearing was being continued from June 9 due to a lack of notice to neighbors. She clarified that the notice had since been given.

Mr. Thomas Sacco explained that an access bridge would be built over a pond to connect to his rear lot, adding that he currently utilized a shared driveway. He discussed the arrangement with the two sets of neighbors concerning the shared driveway. He described the hardship with regard to the existing access, particularly with relation to the CL&P easement, because of which the water company would not allow the applicant to run a water line to his property.

There was a discussion of the previously existing bridge and the manner in which the property had been subdivided in 1982.

Mr. Sacco stated that when the other lots had been sold, his property became landlocked. Mr. Caputo noted that describing the property as 'landlocked' did not make any sense.

Mr. Hubbard asked if the applicant had a legal right of way. Mr. Sacco said that Mr. Carbonell, the neighbor, had given him an easement access.

Mr. Sacco clarified that he first learned two years ago that the water company would not run a water line to the property. He added that there was a hardship concerning the real estate value of the property, because he believed that no one would buy the property without direct access. Mr. Caputo stated that purchasers did so all the time.

Mr. Hubbard raised the issue of title searches for the properties. Mr. Caputo reiterated that he had asked the applicant to obtain title searches. Mr. Caputo noted that the applicant just stated that he did have an easement to enter his property across lot 4, but

at previous meetings had stated that there was no access easement. Mr. Caputo reiterated that a title search would clarify the existence of such easement – which may or may not prove to be a prudent and feasible alternative to the proposed bridge. Mr. Hubbard stated that the applicant appeared to have access to his property but that the Commission could not fairly discuss the access any further without the information that would be provided with a title search.

Mr. Caputo emphasized that the applicant had an alternate way to access the property without affecting the wetland, adding that the property was not landlocked, strictly speaking.

There was a discussion of alternatives.

Mr. Caputo said that the application was not complete without the title searches, adding that Mr. Sacco needed to get them for his own property, as well as that of the Giapoutzis and the Carbonella properties.

Ms. Cherichetti stated that she did not believe the situation with the water company had anything to do with the subject application.

The Commission agreed to continue the hearing until its August 11, 2009 meeting.

## **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

Ms. Cherichetti said that the applicant never paid the filing fee and that the Commission could declare that no permit would be issued until the fee was paid. She addressed the issue of costs as far as outright costs for legal notices and certified mailings.

The Commission discussed costs and the timeline of the project.

Mr. Caputo suggested that condition #8 include the payment of the fee.

Ms. Cherichetti said that condition #1 could be altered to include an October 1 deadline.

**\*\* MR. CAPUTO MADE A MOTION TO APPROVE AND ADOPT THE RESOLUTION WITH CHANGES INCLUDING THAT THE COMMISSION FOUND THAT THE AMOUNT OF THE FEE WAS EXCESSIVE IN RELATION TO THE COST TO THE CITY AND THAT \$400 SHALL BE PAID IN FULL BEFORE OCTOBER 1, 2009.**

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

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

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

The Commission agreed to table the item until the public hearing was closed.

- \*\* MR. CAPUTO MADE A MOTION TO AMEND THE AGENDA TO CONSIDER REFERRALS.
- \*\* MS. ACKERMAN SECONDED.
- \*\* MOTION PASSED UNANIMOUSLY.

### VIII. REFERRALS

- a) **Zoning Commission -#7-09R/#7-09SP - Norden Place, LLC - 8 Norden Place -**  
Proposed amendments to Section 118-711 to permit multifamily and single family dwellings by special permit in Restricted Industrial Zone.

Ms. Destefanis recused herself.

Ms. Cherichetti stated that these were referrals from the Zoning Commission regarding the Special Permit and Regulation Text amendment applications before them.

Atty. Suchy explained that the idea is to allow residential uses in the Restricted Industrial zone at the density of the B residence zone. She added that 10% of the dwellings would be affordable housing at 80% of the state median income levels. She addressed the issue of density requirements and setbacks.

She discussed the adaptive re-use of the property, if it were deemed appropriate by the necessary agencies, since manufacturing uses were not presently coming to Norwalk.

Ms. Cherichetti asked about the existing and proposed zoning requirements for coverage. Atty. Suchy acknowledged that the chart provided was unclear with regard to coverage of a mixed-use facility. She agreed to work with zoning staff to clarify the issue.

Ms. Destefanis returned to the meeting.

### VII. BOND RELEASE/REDUCTION

- a) **#S05-224 – 7 Renzulli Road – Torre**—Release of bond held for Corrective Action restoration, with associated grading and planting in and adjacent to a wetland and watercourse

- \*\* **MS. ACKERMAN MADE A MOTION TO RELEASE THE BOND.**
- \*\* **MR. HOLOWINKO SECONDED.**
- \*\* **MOTION PASSED UNANIMOUSLY.**

- b) **#S05-243 – 5 Blue Mountain Road – LaRusso**— Release of bond held for Corrective Action grading, filling, and construction adjacent to a wetland and watercourse

- \*\* **MS. ACKERMAN MADE A MOTION TO RELEASE THE BOND.**
- \*\* **MR. HOLOWINKO SECONDED.**
- \*\* **MOTION PASSED UNANIMOUSLY.**

- c) **#S06-258 – 60 Crooked Trail – Sequenzia/Convey**— Release of bond held for Corrective Inland Wetland Agency, July 14, 2009

Action landscaping and construction in and adjacent to a wetland

- \*\* MS. ACKERMAN MADE A MOTION TO RELEASE THE BOND.**
- \*\* MS. DESTEFANIS SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

d) **#S08-315 – 74 Cranbury Road – Tarzia**– Reduction of bond held for construction of a single-family residence adjacent to a wetland and watercourse due to Permit Expiration of #S05-315

Ms. Bletsas stated that the applicant had requested a full release, but that the staff recommended a reduction of the bond.

- \*\* MS. ACKERMAN MADE A MOTION TO REDUCE THE BOND FROM \$5600 TO \$2850.**
- \*\* MS. DESTEFANIS SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

#### IX. APPROVAL OF MINUTES

a) **June 9, 2009**

- \*\* MR. CAPUTO MADE A MOTION TO APPROVE THE MINUTES.**
- \*\* MS. BRIGGS SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

#### X. COMMENTS OF STAFF

The Commission discussed the election of officers.

- \*\* MR. HUBBARD MADE A MOTION TO NOMINATE MS. DESTEFANIS AS CHAIR.**
- \*\* MR. CAPUTO SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**
  
- \*\* MS. DESTEFANIS MADE A MOTION TO NOMINATE MR. HUBBARD AS VICE-CHAIR.**
- \*\* MR. CAPUTO SECONDED.**
- \*\* MOTION PASSED UNANIMOUSLY.**

#### XI. ADJOURNMENT

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

The meeting was adjourned at 9:11 pm.

Respectfully submitted by Charlene Smith.

Inland Wetland Agency, July 14, 2009