

CITY OF NORWALK  
INLAND WETLAND AGENCY  
OCTOBER 27, 2009

PRESENT: Karen Destefanis, Chair; D. Seeley Hubbard; Matt Caputo; Gwen Briggs;  
Anne Cagnina; Ed Holowinko (6:02)

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

OTHERS: Tom Vorrio; Martha Lemmon; Roberto Amaya; Henry Moeller; Burton  
Laux; Wayne D'Avanzo; Pete DeLeo; Robert Jontos; Michael Stefan;  
Jake Szabo; Fred Bondi; Lynn Maltese; Rosemarie Couchea; Joe  
Iannaccone; Joan Iannaccone; Bernice Iannaccone; Jackie Liljejun; Jeffrey  
Allimant; Kevin Geitner; Diane Cece

**I. CALL TO ORDER**

Ms. Destafanis called the meeting to order at 6:00 pm.

**II. ROLL CALL**

Ms. Cherichetti took the roll call.

**III. DESIGNATION OF AGENT**

a) Yarifalia Bletsas, Environmental Compliance Officer

Ms. Cherichetti recommended the designation of Ms. Bletsas as a second authorized agent for the Agency. She described the requirements associated with the designation.

**\*\* MS. DESTAFANIS MADE A MOTION TO DESIGNATE MS. BLETSAS AS AN AGENT OF THE INLAND WETLAND AGENCY.**

**\*\* MR. HUBBARD SECONDED.**

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

**IV. RECEIPT AND DISCUSSION**

a) #S09-359 – City of Norwalk – Oak Hills Golf Course – Drainage improvements, with associated vegetation and sediment removal within and adjacent to a wetland and watercourse

Ms. Cherichetti described the property. Mr. Tom Vorio gave background about the area, pointing out the flooding problems on the 17th hole along Fillow Street. He said that the problem causes golf carts to get stuck in the area. He described plans to remove the weeds and sediment, which would be used for composting. He said the work would take about three to four days.

Ms. Cagnina asked how the work could be done without damaging the asphalt. Ms. Martha Lemmon discussed the bucket lining's design, adding that it would protect the asphalt from damage.

Ms. Briggs asked about the timing of the project. Ms. Lemmon discussed the necessary equipment and materials for the de-watering process.

Ms. Destafanis asked if a submersible pump would be put near Fillow Street. Ms. Lemmon discussed drainage in the area. Ms. Cherichetti confirmed that there was a culvert on Fillow Street.

Ms. Lemmon added that hay bales and sand bags would be used as a siltation barrier.

## **V. DISCUSSION &/or DECISION**

- a) #S09-356 – 45 Karen Drive – Mekanji/Amaya – Construction of a rear two-story garage, deck and sunroom adjacent to a watercourse.

Ms. Cherichetti said that the item had been received at the last meeting. She described the property, adding that questions remained regarding the silt fence and also grading requirements for the driveway.

Ms. Cagnina asked which way the driveway was pitched. Mr. Roberto Amaya stated that the proposed driveway was pitched to the side and rear, like the existing one and that it was pitched north/northeast.

Ms. Destafanis asked about the 30-inch oak tree on the property. Mr. Amaya said that it would remain in place.

- b) #S05-265A – 78 Cranbury Road/440 Newtown Avenue – CT Friends School Corp. – Modification of permit to allow phased construction and renovation with associated parking and stormwater drainage in and adjacent to wetlands and watercourses.

Mr. Hubbard recused himself and left the room.

Ms. Cherichetti reviewed the application, which was received at the last meeting. She discussed the phasing of the project and detailed the various elements of the project, including the White Barn conversion, the driveway changes, and the mitigation activity.

**\*\* MS. CAGNINA MADE A MOTION TO APPROVE THE PERMIT MODIFICATION.**

**\*\* MR. CAPUTO SECONDED.**

**\*\* MOTION CARRIED, 5-0**

- c) #S09-357 – 103 Dry Hill Road – Spielman – Two lot subdivision of land with a watercourse and wetland

Mr. Hubbard returned to the meeting.

Ms. Cherichetti briefly described the property and the watercourse in the corner of it.

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

d) #S09-358 – 16 Westview Lane – McKinley/Akroyd – Construction of a second story addition, rear and front porch and other minor additions to an existing residence adjacent to a wetland and watercourse

Ms. Cherichetti said that the item had also been received at the last meeting. She described the proposed back porch and additional bump-outs. She added that there had been no sedimentation or erosion controls in place, but that the property was flat and the stone wall was in place. She pointed out that the resolution included the installation of a silt fence during construction.

**\*\* MS. CAGNINA MADE A MOTION TO APPROVE THE APPLICATION.  
\*\* MR. HUBBARD SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

e) #S09-349 – 10 Douglas Drive – Nenin - Corrective Action deposition of fill and removal of vegetation in and adjacent to a wetland and watercourse

Mr. Caputo recused himself and left the room.

Ms. Cherichetti stated that the public hearing had closed at the last meeting. She described the planting plan, which included shrubs. She added that the slope of the site was an issue.

Ms. Destafanis pointed out that the applicant had vastly underestimated the amount of fill. She asked if a surveyor could visit the site to verify the fill levels.

Ms. Cagnina suggested that a condition be added concerning the fill.

**\*\* MR. HUBBARD MADE A MOTION TO APPROVE THE ITEM WITH THE  
ADDED CONDITION.  
\*\* MS. CAGNINA SECONDED.  
\*\* MOTION CARRIED, 5-0.**

f) #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

Mr. Caputo returned to the meeting.

Ms. Destafanis recused herself and left the room.

Ms. Cherichetti described the item.

Mr. Caputo asked whether the wetland mitigation plans were part of the conditions of approval. Ms. Cherichetti discussed the conditions with regard to the impact on the

wetland and watercourse.

Mr. Caputo pointed out that this application was an improvement over the previous one for the site.

Ms. Cagnina agreed, adding that even though wetlands 2 and 3 would be lost, wetlands 4, 5, and 7 would be enhanced. She stated the importance of qualified monitoring of the area.

Mr. Hubbard said that wetlands 2 and 3 had been marginal at best and also that the property involved a disturbed site with invasive species. He said that the Agency's jurisdiction was limited, as far as the contamination, pointing out that such jurisdiction was in the hands of the DEP and the EPA. Mr. Hubbard said that the developer's ambitious plans for the site had made mitigation possible.

Mr. Caputo said that the experts and consultants had been credible and had held up well under questioning.

Ms. Cagnina said that the Commission had been shown a great deal of detail, between its own experts and those of the applicant.

## **VI. PUBLIC HEARINGS (TO BEGIN AT 7:00 PM)**

- a) #S09-355 – 282 Flax Hill Road – KRPX Holdings, LLC – Three-lot subdivision of land and diversion of a watercourse

Ms. Destafanis returned to the meeting.

Ms. Destafanis opened the public hearing. She took the roll call.

Ms. Cherichetti read the legal notice and went over the ground rules of a public hearing.

Atty. Elizabeth Suchy described the project, pointing out that all lots met or exceeded the minimum lot size. She indicated on a map the drainage ditch, the headwall, and the proposed culvert.

Mr. Henry Moeller explained that the soils had been altered due to construction and grading. He showed a map of Arbor Drive and Flax Hill Road and discussed the pipe that carried water past the property. He said that the pipe under Flax Hill Road was now more than two-thirds filled with sediment. He discussed the function of the man-made watercourse, saying that it had very low flow, was a source of mosquitoes, accumulated trash due to the busy road, and also contained vegetation that was in need of maintenance.

Mr. Burton Laux, a soil scientist, stated that he agreed with Mr. Moeller's soils report. Mr. Laux discussed the nature of urban hydrology.

Mr. Wayne D'Avanzo discussed the three different plans regarding the driveway crossing of the ditch.

Ms. Cagnina asked if DPW viewed the three plans equally.

Mr. Pete DeLeo said that DPW recommended the headwall plan specifically, but that all three plans had been approved. He said that the applicant had come up with the hybrid plan.

Mr. Robert Jontos explained that the applicant had identified the plans with limited impact. He discussed the ground water gradient and pointed out that the area was too narrow to store flood waters. He also said that there was no enough aquatic vegetation to act as a filter. Mr. Jontos stated that there were no endangered species in the area. He added that the principal function of the ditch was to move water.

Ms. Destafanis opened the hearing to public comment.

Mr. Michael Stefan, 8 Arbor Drive, gave background about his own proposal, which had been denied 20 years before. He said that he had been told that the homes needed to be built with a 50-foot setback. Mr. Stefan addressed the issue of waterflow in the open brook.

Mr. Jake Szabo, 10 Arbor Drive, said that the property contained one of the last open brooks in the area. He said that he supported the full length of the open brook, adding that it did contain fish, ducks, and other wildlife.

Mr. Fred Bondi opposed the project, stating that it would hinder the abutting property. He pointed out the difficulty of finding someone to maintain the six-inch pipe, when it overflowed. Mr. Bondi said that the brook was necessary to the area. He added that the two-family houses would impact the area negatively, discussing poor sight lines and traffic concerns.

Ms. Destafanis clarified that the Commission did not focus on traffic.

Ms. Lynn Maltese, 7 Arbor Drive, discussed the history of her own family on the property. She said that the property became flooded during heavy rains and that she was concerned about where the water would go, once the new project was in place. She said that the drainage system needed to be maintained, adding that part of the system may have collapsed underground.

Ms. Rosemarie Couchea said that her home frequently had water in the front yard and that it already had pumps in the basement. She expressed concern about whether the new homes proposed would be rented out.

Mr. Joe Iannaccone said that his family had been the first on the street and that water flooded the basements and garages during storms. He emphasized that many types of wildlife were around the brook and that the brook should not be closed. He also pointed out that traffic accidents on the corner were commonplace.

Ms. Joan Iannaccone, 294 Flax Hill Road, stated that the Commission should consider the area residents, not the developers. She said that the residents did not want the brook closed and that Norwalk did not need any more houses that are not even lived in. She added that the applicant had deceived the residents at the outset by stating only that the application involved a subdivision of the lot and never mentioning the closing of

the brook.

Ms. Bernice Ianaccone, 3 Arbor Drive, said that she had lived in her home for 45 years and that water problems, while always a concern, were far worse since the nearby condos had been built. She said that the City had not solved the problem, although it had tried to do so by installing two pipes.

Ms. Jackie Liljejun, of the Flax Hill Road Association, explained that the area had its own set of water problems. She said that it was important to protect the brook and that she opposed the new dwelling.

Atty. Suchy said that the public's comments seemed to fall into two categories—the brook as a viable habitat and the impact of the project on the neighborhood. She pointed out that even if the area involved an attractive pastoral scene, it was in fact private property that the developer was considering.

Mr. Jontos said that the habitat-support capacity of the brook was limited. He added that the applicant was not proposing to fill the entire brook, only that section in front of the house. He said that the applicant could not address the pre-existing flooding conditions in the area, since it was not working on the entire watershed. Mr. Jontos pointed out that the proposal would divert flow sooner rather than later in the brook, which would actually represent an improvement in the area.

Mr. D'Avanzo discussed the specifics of the pipes involved in the system. He reiterated that the only section of the brook that would be filled in was the section in front of the house.

Atty. Suchy pointed out that the area did allow for two-family homes, because, partly because they traffic could allow for them.

Mr. Caputo requested that neighbors' concerns regarding water and the brook be addressed as simply and clearly as possible by the applicant.

Mr. DeLeo indicated the area on a map and described the head wall plan recommended by DPW. He also showed how flooding problems could be solved by a cap at a certain point on the pipe. He reiterated that the brook had an intermittent, not a continuous flow.

Mr. Caputo asked if an open brook were still visible on the property. Mr. DeLeo said yes.

Mr. Caputo asked what would change, as far as the visibility of the watercourse. Mr. DeLeo said that it would be backfilled with no five-foot ditch in front of the property. He also described the proposed culvert.

The Commission asked the applicant about the details of the three proposed plans.

Mr. Holowinko said that since the Commission was leaning toward the first option, involving the culvert, it would like to see what types of plants were intended for the area.

Ms. Cherichetti recommended that the Commission keep all options open for the planting plan and base tonight's decision upon the information currently being supplied

by the applicant.

Ms. Destafanis asked if the five-foot diameter pipe would accommodate all the water that needed to be taken out. Mr. D'Avanzo said yes, emphasizing that DPW had recommended that plan.

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

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

Ms. Destafanis opened the public hearing.

Ms. Cherichetti took the roll call and read the legal notice.

Mr. Allimant described the project, reiterating that he learned that the property contained wetlands, after he had put fill on it. He reviewed the plans with the Commission, showing the line of disturbance and addressing concerns about the silt fence and vegetation on the site.

Ms. Cherichetti discussed the concern about the regraded slope, but stated that it was not causing harm to the wetland at this point.

**\*\* MR. CAPUTO MADE A MOTION TO CLOSE THE HEARING.  
\*\* MR. HUBBARD SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

## **VII. DISCUSSION &/or DECISION**

- a) #S09-355 – 282 Flax Hill Road – KRPX Holdings, LLC – Three-lot subdivision of land and diversion of a watercourse

Discussion on the item was tabled.

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

Discussion on the item was tabled.

## **VIII. BOND RELEASE/REDUCTION**

- a) #S09-345 – 11 Bumblebee Lane – Gall – Reduction of bond held for site work stabilization.

**\*\* MR. CAPUTO MADE A MOTION TO REDUCE THE BOND.  
\*\* MR. HUBBARD SECONDED.  
\*\* MOTION PASSED UNANIMOUSLY.**

- b) #S05-233 – 4 May Drive – Boga – Bond release of the bond held for the

Corrective Action restoration and landscaping, and construction of a rear deck, in and adjacent to a wetland and watercourse.

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\*\* **MR. CAPUTO MADE A MOTION TO RELEASE THE BOND.**  
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\*\* **MS. CAGNINA SECONDED.**  
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\*\* **MOTION PASSED UNANIMOUSLY.**

c) #S07-297 – 32 Stonecrop Road – Mecca – Release of bond held for the corrective action filling and restoration of a wetland and watercourse.

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\*\* **MR. HUBBARD MADE A MOTION TO RELEASE THE BOND.**  
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\*\* **MS. BRIGGS SECONDED.**  
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\*\* **MOTION PASSED UNANIMOUSLY.**

d) #S03-174A – 332 Chestnut Hill Road – Release of bond held for the corrective action permit to allow closer limit of disturbance and additional fill adjacent to a wetland and watercourse.

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\*\* **MR. CAPUTO MADE A MOTION TO RELEASE THE BOND.**  
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\*\* **MR. HUBBARD SECONDED.**  
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\*\* **MOTION PASSED UNANIMOUSLY.**

e) #S07-270 – 121 Keeler Avenue – Royce – Release of Bond Held for the corrective action driveway expansion adjacent to a wetland.

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\*\* **MR. CAPUTO MADE A MOTION TO RELEASE THE BOND.**  
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\*\* **MS. BRIGGS SECONDED.**  
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\*\* **MOTION PASSED UNANIMOUSLY.**

f) #S07-280 – 18 Cloverly Circle – Viggiano – Release of bond held for the restoration, landscaping, and grading in and adjacent to a wetland and watercourse.

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\*\* **MR. CAPUTO MADE A MOTION TO RELEASE THE BOND.**  
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\*\* **MS. CAGNINA SECONDED.**  
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\*\* **MOTION PASSED UNANIMOUSLY.**

## **IX. COMMENTS OF STAFF**

a) Compliance Summary

Ms. Cherichetti discussed Fitch School Pond at Strawberry Hill Avenue.

Ms. Diane Cece, speaking on behalf of neighbors, stated that the conditions of approval had included nothing about continuing maintenance. She called the area a “weed-infested dump” and expressed concern about property values. She said that the neighbors felt misled by the applicant and pointed out that the Commission may also have been misled. Ms. Cece said that there had been no maintenance after the school was closed. She presented photographs indicating conditions at the site. She asked the Commission if there were any way to revisit the project, adding that no neighbor had been in favor of it.



Ms. Cagnina asked if flooding remained a problem at the site. Ms. Cece said that the property had not flooded since 2006, but that it would flood again when the pipe became clogged. She said that there was no cover on the trash trap.

Ms. Cherichetti explained that water came from the watercourse across I-95 and that the area was a wet meadow. She said that it was not manicured, but that annual mowing was being considered in order to maintain the wet meadow. She said that by not mowing, a forest condition would result and that invasive species would be invited to the area.

Ms. Cece reiterated that the neighborhood was seeking relief from the current conditions, even if the applicant had complied with the letter of the law.

Ms. Destafanis said that Ms. Cherichetti would inspect the area in the spring and noted that if an applicant is in compliance, the Agency has no reason to issue a corrective order.

Ms. Cherichetti discussed a possible violation at 6 Styles Lane.

Ms. Cherichetti described the status of 7 Crossbrook Lane, pointing out that the majority of the violation was actually in Westport.

- b) IWW map Amendment and possible IWW Regulation amendments (fee schedule & public hearing notice)

Ms. Cherichetti announced the annual update of the map, pointing out the improvements due to the digitized data added by Ms. Bletsas. Ms. Cherichetti discussed the new fees and the corrective action portion of the fees. She also noted the adjustment in wording of notices to neighbors, which now would include "adjacent", not merely "abutting" neighbors.

- c) Report of Senior Environmental Officer

Ms. Cherichetti mentioned her selection as the Municipal Official of the Year by the Southwest Conservation District.

## **X. COMMENTS OF COMMISSIONERS**

There were none tonight.

- a) Report of Commission Chair

## **XI. ADJOURNMENT**

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

The meeting was adjourned at 9:59 pm.  
Respectfully submitted by Charlene Smith.