

**CITY OF NORWALK  
INLAND WETLAND AGENCY**

**Regular Meeting  
November 10, 2009**

PRESENT: D. Seeley Hubbard, Acting Chair; Emily Wilson; Elizabeth Ackerman; Gwen Briggs; Anne Cagnina; Ed Holowinko; Matthew Caputo (6:06 pm)

STAFF: Alexis Cherichetti, Senior Environmental Officer

**CALL TO ORDER**

Mr. Hubbard called the meeting to order at 6:02 pm.

**ROLL CALL**

Ms. Cherichetti took the roll call.

**RECEIPT AND DISCUSSION**

- a) **#S09-360 – 4 Little Fox Lane - Giapoutzis** – Corrective Action removal of vegetation, deposition of fill and construction of a wall and other stone structures in and adjacent to a wetland and watercourse

Ms. Cherichetti explained that this was a corrective action application. Attorney Randall Avery introduced himself as the applicant's counsel. He then introduced Katherine Throckmorton of Environmental Land Solutions, LLC.

Ms. Throckmorton described the existing conditions of the site and the proposed activities. Some discussion regarding the scope of the activities and the proposed landscaping between the Commissioners and Ms. Throckmorton followed.

Ms. Cherichetti distributed photographs showing the walls and the patio, as well as the boulders. She asked about the proposed method of fill removal.

Mr. Hubbard asked how long the wall had been on the site. Ms. Throckmorton said it had been there for about five years.

Mr. Hubbard asked if the patio had been built at the same time as the wall. Mr. Giapoutzis said yes.

Ms. Cherichetti said that the lack of flow in the summer remained a concern.

**\*\* MR. CAPUTO MADE A MOTION TO HOLD THE PUBLIC HEARING FOR THE APPLICATION DURING THE REGULAR MEETING OF JANUARY 12, 2009.  
\*\* MS. WILSON SECONDED THE MOTION.  
\*\* MOTION PASSED UNANIMOUSLY.**

- b) **#S09-361 – Silvermine Avenue at Silvermine Brook - City of Norwalk DPW** – Repair of a bridge footing and retaining wall adjacent to a watercourse

Ms. Cherichetti described the proposed project to repair the retaining wall above the brook. She explained that the newer, top portion of the retaining wall had been laid when the road was raised to accommodate First Taxing District drinking water pipes.

Ms. Cherichetti noted that she would bring photographs to the next meeting to better illustrate the scope of work.

#### **DISCUSSION &/or DECISION**

- a) **#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

The Commissioners made comments regarding the proposed plan and its impacts to the on-site wetlands and watercourses.

**\*\* MR. CAPUTO MADE A MOTION TO APPROVE PERMIT APPLICATION #S09-350 WITH GENERAL AND SPECIAL CONDITIONS.**  
**\*\* MS. WILSON SECONDED THE MOTION.**  
**\*\* THE MOTION PASSED 6-0, WITH ONE ABSTENTION (ACKERMAN).**

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

**\*\* MR. CAPUTO MADE A MOTION TO APPROVE CORRECTIVE ACTION PERMIT APPLICATION #S09-353 WITH GENERAL AND SPECIAL CONDITIONS.**  
**\*\* MS. CAGNINA SECONDED THE MOTION.**  
**\*\* THE MOTION PASSED 5-0, WITH TWO ABSTENTIONS (ACKERMAN AND WILSON).**

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

The Commissioners discussed the various proposed crossings of the watercourse.

**\*\* Mr. Caputo made a motion to approve Permit Application #S09-355, for a three lot subdivision and the installation of a culvert, with general and special conditions.**  
**\*\* Ms. Cagnina seconded the motion.**  
**\*\* The motion passed 5-0, with two abstentions (Ackerman and Wilson).**

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

**\*\* Mr. Caputo made a motion to approve Permit Application #S09-356 with general and special conditions.**  
**\*\* Ms. Cagnina seconded the motion.**  
**\*\* The motion passed 6-0, with one abstention (Ackerman).**

- e) **#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

\*\* Mr. Caputo made a motion to approve Permit Application #S09-359 with general and special conditions.

\*\* Ms. Cagnina seconded the motion.

\*\* The motion passed 5-0, with two abstentions (Ackerman and Wilson).

### **BOND RELEASE/REDUCTION**

- a) **#S07-303 – 246 West Norwalk Road – Edgerton** – Release of Bond held for the construction of a new single family residence adjacent to a wetland and watercourse.

Ms. Cherichetti noted that a recent site inspection showed that the conditions for bond release have been met.

\*\* Ms. Cagnina made a motion to release the bond held for work associated with Permit #S07-303.

\*\* Mr. Caputo seconded the motion.

\*\* The motion passed 7-0.

- b) **#S07-294 – 76 West Norwalk Road– Lato** – Release of Bond held for the Corrective Action restoration in and adjacent to a wetland and watercourse.

\*\* Mr. Caputo made a motion to release the bond held for work associated with Permit #S07-294.

\*\* Ms. Cagnina seconded the motion.

\*\* The motion passed 7-0.

- c) **#S07-296A – 20 Betmarlea Road – McGettigan** – Release of bond held for the construction of a garage addition adjacent to wetlands and watercourse.

\*\* Mr. Caputo made a motion to release the bond held for work associated with Permit #S07-296A.

\*\* Ms. Cagnina seconded the motion.

\*\* The motion passed 7-0.

Ms. Wilson announced that she needed to attend another meeting and departed at 7:28 pm.

### **INLAND WETLAND & WATERCOURSE REGULATION TEXT AND MAP AMENDMENTS**

- a) **Review of amendments and scheduling of public hearing**  
a. **#IWWR01-09– §60A-18 E) Fee Schedule** - Revision of fee schedule

Ms. Cherichetti reviewed the proposed revisions. She noted that the State of CT Land Use Fee levied on all land use permits issued by the City, doubled to \$60 per permit on October 1, 2009. She also noted that legal notice fees charged by the Hour newspaper

would go up January 1, 2010. Lastly, she reviewed the new application fee for a corrective action permit modification application.

- b. **#IWWR02-09 – §60A-9 C) Public Hearings** – Revision of notice requirements for public hearings

Ms. Cherichetti noted that the word 'abutting' would be replaced with 'adjacent' and would be more similar to the wording in the State Statutes.

- c. **#IWWR03-09 – §60A-7 K) & §60A-10 H & I) Applications Requirements & Considerations for Decision** - Addition of new text pertaining to Conservation and other Easements, as suggested in the CT DEP Model Municipal Regulations

Ms. Cherichetti noted that this revision was in response to recommendations by the CT DEP to include language that dealt with a 2007 Public Act.

- d. **#IWWM01-09 – Update of Inland Wetland Map** to reflect revisions made in 2009

Ms. Cherichetti noted that the map would be revised with the flagged wetland information gathered in 2009.

Ms. Cherichetti noted that the Agency must send copies of the proposed amendments to the CT DEP a minimum of 35 days prior to the commencement of the public hearing. Ms. Cherichetti suggested that, assuming the proposed amendments were adopted, the effective date would be February 1, 2010.

- \*\* Mr. Caputo made a motion to commence a public hearing on the amendments during the regular meeting of January 12, 2010.
- \*\* Ms. Briggs seconded the motion.
- \*\* The motion passed 6-0.

#### **APPROVAL OF MINUTES**

- a) **October 13, 2009**
  - \*\* Mr. Caputo made a motion approve the minutes of October 13, 2009.
  - \*\* Ms. Cagnina seconded the motion.
  - \*\* The motion passed 4-0, with two abstentions (Briggs and Ackerman).

- b) **October 27, 2009**

Discussion of these minutes was tabled to the next meeting.

#### **COMMENTS OF STAFF**

- a) **Compliance Summary**

Ms. Cherichetti noted that Ms. Bletsas had issued two Orders that week and reminder the Agency that a special meeting was scheduled for Monday the 16<sup>th</sup> of November to hold show-cause hearings.
- b) **Report of Senior Environmental Officer**

Ms. Cherichetti noted that she spend yesterday morning in Stamford Court pursuing a temporary injunction against the property owners at 4 Klim Lane, seeking remedy of the violations to the wetland regulations.

## **COMMENTS OF COMMISSIONERS**

a) Report of Commission Chair

There were none.

## **ADJOURNMENT**

\*\*\* Mr. Caputo made a motion to adjourn.

\*\*\* Motion passed unanimously.

The meeting ended at 7:35 p.m.

