

NORWALK CONSERVATION COMMISSION MINUTES

SEPTEMBER 10, 2002

ATTENDANCE: Gerard Sciabbarrasi, Chairman; Matthew Caputo, Vice

Chairman (6:04p.m.); Marny Smith, Karen
Destefanis (6:03 p.m.) Ed Holowinko,
Andrew Kydes, Chris Handrinos,

STAFF: Alexis Cherichetti, Senior Environmental Officer, Erin

Leonard, Zoning Department

OTHERS: Don Strait, Grumman Engineering; Attorney Waters;

Mathew J. Popp, Environmental Land
Solutions, LLC; Mr. Boccheta; Mr. Hogan;
Attorney Fuller; Mr. Jim Blair; Mr.
Linnartz, DPW Engineer; Ms. Grace
Lichtenstein; Mr. Joel Brodsky

The Chairman opened the meeting at 6:00 p.m.

RECEIPT

Cornerstone Development - 42 Old Rock Lane - #S02-116 - Construction of a single-family residence and associated landscaping adjacent to a wetland and watercourse.

MS. SMITH MOVED THE RECEIPT OF THE APPLICATION.

MR. HANDRINOS SECONDED.

MOTION PASSED UNANIMOUSLY.

Mr. Donald Strait of Grumman Engineering represented the applicant for Lot 5. It is a narrow lot with an easement for a driveway for the lot behind it.

Ms. Destefanis arrived at 6:03 p.m. and Mr. Caputo arrived at 6:04 p.m.

Mr. Strate showed the outline of the property and the planting plan using a storyboard of the site. There is a stream running through the property and the proposed plantings will buffer the stream. The front area of the lot is grass and ground cover. Two-thirds of the property to the rear is trees. The septic system is at the rear of the property. The stone lined pond with the stream going through it is up in the northern portion of the lot.

Cornerstone Development - 40 Old Rock Lane - #S02-118 - Construction of a single-family residence and associated landscaping adjacent to a wetland and watercourse.

MS. SMITH MOVED THE RECEIPT OF THE APPLICATION.

MR. CAPUTO SECONDED.

MOTION PASSED UNANIMOUSLY.

Mr. Strate showed the proposals on Lot 4 that is a steeper site than the adjoining Lot 5. The house is set back approximately 50 feet from the wetland. There is a buffer area at the bottom of the hill with trees and flowers. Walls have been built to make the site work for the house less impacting maximizing the use of the yard area. The turnaround is away from the wetlands up hill and away from the border. It has hay bales and silt fencing because of the steepness of the property. The sewage is handled by a gravity system, the other lot has a pump system.

William English Properties LLC – 20 Ells Street - #S02-119 – Construction of a single-family residence and associated landscaping adjacent to a watercourse.

MR. KYDES MOVED RECEIPT OF THE APPLICATION

MR. CAPUTO SECONDED.

MOTION PASSED UNANIMOUSLY.

Attorney Waters represented the applicant, William English Properties LLC. It is a rectangular piece of property on Ells Street with a man-made pond. The three-lot subdivision sought earlier was denied by the Conservation Commission, suggesting a two-lot division for the site. A subsequent filing was made and approved on March 26, 2002. Lots A & B had restrictions. Lot B is developed under a declaratory permit. Lot A is under discussion tonight. The house proposed will be supported by City sewage hookup. There are plantings and galleries to catch roof water. The footprint is smaller at 52 feet from the wetland buffer. There is a 36 foot distance from the wetland to the buffer itself. This is the final proposed footprint.

Mr. Kydes asked that the silt fencing be shored up on the lower lot.

Bocchetta – 15 Stonybrook Road – #S02-121 – Rear addition and regarding adjacent to a wetland and watercourse.

Mr. Bocchetta demonstrated from the drawing how he planned to add on to the rear of his home. It covers a 50-foot span. The fill will be placed beyond the vegetation near the pond with plantings to retain the soil. The leeching fields are in the front of the house. Ms. Smith commented that the pond is poor condition. Mr. Bocchetta said the pond is filled due to sand from the streets in the winter. Ms. Smith suggested removing the vegetation to allow flow in the pond. She suggested contacting the Conservation Officer to assist. There will be silt fencing on the lower level of the property before the oak tree as shown on the map.

The Chairman suggested that Mr. Bocchetta design a planting scheme before the next meeting for the Commission to review.

DECISIONS

Pepperidge Farms Inc. – 595 Westport Ave. - #S02-112 - Restoration work following re-mediation of diesel spill in and adjacent to a wetland and watercourse.

MS. DESTEFANIS MOVED RECEIPT OF THE APPLICATION.

MS. SMITH SECONDED.

MOTION PASSED UNANIMOUSLY.

Mr. Hogan represented Pepperidge Farm. He said there had been no change since his last meeting before the Commission. He is awaiting documentation to proceed with the restoration.

MR. CAPTUAO MOVED TO APPROVE THE APPLICATION WITH THE FOLLOWING FOUR CONDITIONS.

- 1. A \$5,500.00 PERFORMANCE BOND IS TO BE SUBMITTED BY TUESDAY, SEPTEMBER 17, 2002. THE BOND SHALL BECOME ELIGIBLE FOR RELEASE FOLLOWING AT LEAST ONE FULL YEAR AFTER THE SEASON OF INITIAL PLANTING. ALL SPECIAL CONDITIONS OF THE PERMIT MUST BE SATISFIED PRIOR TO RELEASE OF THE BOND.**

THE PERFORMANCE BOND MUST BE IN THE FORM OF A SAVINGS PASSBOOK.

2. A REVISION OF THE MAP ENTITLED "WETLAND SAMPLE LOCATIONS AND APPROXIMATE EXTENT OF DIESEL RELEASE AREA; FIGURE 4", DATED 8/02, AS PREPARED BY ENSR INTERNATIONAL, MUST BE SUBMITTED TO THE CONSERVATION OFFICE IMMEDIATELY FOLLOWING ANY CHANGE IN THE APPROXIMATE EXTENT OF THE CONTAMINATED AREA.
3. THOUGH THIS PERMIT EXPIRES IN 5 YEARS, ALL PORTIONS OF THE RESTORATION PLANTING PLAN MUST BE IMPLEMENTED BY MAY 15, 2003.
4. ANY CHANGE TO THE OVERALL PLAN, "WETLAND/RIPARIAN HABITAT ENHANCEMENT PLAN; PEPPERIDGE FARM PROPERTY", DATED AUGUST 2002 AND LAST REVISED 8/1/02, PREPARED BY ENSR INTERNATIONAL, AS APPROVED WILL REQUIRE A RETURN TO THE CONSERVATION COMMISSION FOR REVIEW.

MS. DESTEFANIS SECONDED.

MOTION PASSED WITH ONE ABSTENTION (MR. HANDRINOS)

MODIFICATION OF PERMIT

Sweeney – 29 Burchard Lane - #736b.S00 – Re-location of house closer to wetland and watercourse and filling and grading within designated buffer area.

Mr. Caputo noted that the applicant was not present and any questions by the Commissioners could not be answered.

MR. CAPUTO MOVED TO TABLE THE ITEM.

MR. KYDES SECONDED.

MOTION PASSED UNANIMOUSLY.

MR. CAPUTO MOVED TO SUSPEND THE RULES TO CONSIDER THE

ACCEPTANCE OF MINUTES, COMMENTS OF STAFF AND COMMISSIONERS COMMENTS PRIOR TO THE PUBLIC HEARING.

MS. SMITH SECONDED.

MOTION PASSED UNANIMOUSLY.

ACCEPTANCE OF MINUTES

July 8, 2002

The following corrections were made:

Page 2, paragraph 2 chairman's name is spelled incorrectly should read Sciabbarrasi.

**MR. CAPUTO MOVED ACCEPTANCE OF THE MINUTES WITH
CORRECTIONS.**

MS. SMITH SECONDED.

**MOTION PASSED WITH THREE ABSTENTIONS (MR. HANDRINOS,
MS. DESTEFANIS, MR. HOLOWINKO)**

August 13, 2002

MR. CAPUTO APPROVED THE MINUTES AS SUBMITTED.

MS. SMITH SECONDED.

**MOTION PASSED WITH TWO ABSTENTIONS (MR. HANDRINOS,
MR. KYDES).**

August 27, 2002

The following corrections were made:

Page 2, paragraph 1, trees should read "silt fence"

Paragraph 3, line 2 add "in this location" after shrubs

Paragraph 5, motion should include "with 7 conditions with item 4 spelled

out

Page 4, paragraph 7, muck should read "a mess"

Page 5, paragraph 7, to first line "along the channel link"

Page 7, paragraph 2, should be before "14 Purdy Road" as part of previous discussion

**MS. DESTEFANIS MOVED TO ACCEPT THE MINUTES WITH
CORRECTIONS.**

MR. KYDES SECONDED.

**MOTION PASSED WITH THREE ABSTENTIONS (MR. CAPUTO,
MS. SMITH, MR. HANDRINOS).**

COMMENTS OF STAFF

Ms. Cherichetti had new violations on record, but letters had not been sent out as of this meeting. The 14 Purdy Road property has not decided what they want in the front yard. Thirty-one Genova Road will be considered at the next meeting.

COMMENTS OF COMMISSIONERS

Ms. Smith discussed the condition of the man-made ponds. She said there seems to be a need for code enforcement and regulations to care for these ponds as they are health hazards. The pond at the Bochetts is owned by the residents, not by the City. She suggested a notice to the residents that hazards to the ponds include the surrounding septic systems which may need to be pumped regularly and the leeching fields checked. She said that many of the neighbors may not be aware of the need to keep the septic systems functioning properly around the pond.

The Chairman commented that the letters would be a good idea.

Ms. Destefanis noted that there is no power of the Commission to enforce the cleaning of the ponds that are privately owned, but the letter would be helpful.

The Chairman commented that he would sign a letter, but he would like to verify that it is doable by the Commission.

Ms. Cherichetti said that it would have to be an informational letter as an educational piece of documentation for the neighbors.

Ms. Smith said these conditions could affect their property and keeping them up would be to their advantage.

Ms. Cherichetti stated that she would have to investigate how many pond owners there are and how many have septic systems. The budget would have to be checked for funds to mail out the letter. The Chairman stated that funds would be made available for the mailing.

Ms. Smith suggested 14 Acre Pond and Woods Pond as a pilot for the letter.

MR. CAPUTO MOVED TO RECESS THE REGULAR MEETING UNTIL

THE PUBLIC HEARING BEGAN AT 7 P.M.

MR. HOLOWINKO SECONDED.

MOTION PASSED UNANIMOUSLY.

PUBLIC HEARING

28 Yew Street – DiScala- #S02-104 – Construction of a single-family house adjacent to a wetland and watercourse

Attorney Fuller introduced Mr. Popp, Environmental Landscape Solutions, LLC. Mr. Popp submitted his resume as a part of the record representing DiScala for the design of the site plan on this project.

Mr. Popp used a storyboard to show where the wetland is on the Yew Street property. The wetland drains through the fence at the lower end of the property at an electrical easement. A single-family house is proposed in the southeastern portion of the property. A retaining wall is proposed due to the steepness of the slope to retain the soil. The house is right at the setback line, 17 feet from the front setback line. The wetland is adjacent to the house and rain water drains into that area supporting some wildlife. The function of the wetland is limited. The impact of this project to the wetland is minimal. Erosion will be minimized by hay bales and silt fencing. Four alternatives were prepared. Two show the driveway entering the site on the top at the steep slope. The problem is a site line onto the street is blocked of on-coming traffic due to a curve at that point. The third alternative was denied in May by the Conservation Commission. The fourth alternative is what was presented tonight. Mr. Bennett, an engineer, suggested that two dry wells be placed on the property and Mr. Popp pointed them out on the drawing. Mr. Popp submitted the change in the house location, retaining wall and proposed plantings. He stated that he felt that there would be no impact on the on-site and off-site wetlands. Upon completion of

the project all the wildlife that is currently using the wetland would be using the area once again.

Attorney Fuller stated that the plan had been revised to meet the application requirements of the Commission. He restated that the project would have no major impact on the wetlands. He spoke to legal references that support the project being constructed near a wetland. He expressed that he hoped the information would satisfy the Commission so that a wetland permit would not be denied. He stated that this is an isolated lot and the owner should be able to make use of this lot that is a difficult piece to develop. He stated that there is an appeal in place and should the application be approved, that appeal would be withdrawn.

The Chairman asked if there was anyone wishing to speak in favor of the application. He asked further if there was anyone wishing to speak in opposition to the application.

Mr. Jim Blair, of 69 North Seir Hill Road, stated that his property abutts the property at the wetlands. He was concerned about the wetland affecting his property near the spring when blasting occurs. He wanted to know whether blasting was the only way of removing the rock. He did not want to incur a wetland on his property or have the spring change direction and flood is land.

Mr. Popp stated that the major blasting would occur on Yew Street. There is no blasting near Mr. Blair's property. He did not anticipate the blasting affecting Mr. Blair's property. The water will flow down hill away from the site. He said Mr. Blair's property is at a higher elevation and the blasting will not have an effect on the wetland or the spring according to the professional engineer.

There being no more comments, the Chairman closed the public hearing at 7:35 p.m.

Ms. Destefanis said that blasting will expose fresh rock and she did not hear that there were any conditions in that regard.

MS. SMITH MOVED TO APPROVE THE APPLICATION WITH THE 13

**CONDITIONS PLUS ONE ADDITIONAL CONDITION
CREATING NO. 14 AS FOLLOWS:**

1. PROPERLY MITIGATE ANY EFFECTS OF BLASTING ROCK

**WITH LIME TREATMENT OR NECESSARY
MEASURES TO PREVENT ACID INCREASE IN
THE WETLANDS.**

MR. CAPUTO SECONDED.

MOTION PASSED WITH ONE ABSTENTION (MR. HOLOWINKO)

City of Norwalk, DPW – Crooked Trail - #S02-117 – Installation of sewer line in and adjacent to a wetland and watercourse

Mr. Linnartz of DPW submitted his credentials for the record.

Mr. Linnartz made a presentation stating that the sewage change will start at McKinley Street and go up to Crooked Trail to connect to the Rowayton Woods pump station. The project is approved by the Common Council, funded in the capital budget and has been petitioned by the neighbors. The line will run through City property and CL&P property and underneath the railroad tracks along the watercourse.

The desire of the DPW is to start the bidding process in October and complete the project in early 2003 weather permitting. The sewer line will run through the wetland commencing at Crooked Trail. The piping will be encased to create a tight sanitary sewer pipe. There will be temporary disruption of the area during construction.

An alternative was shown which would impact the wetlands less, but cause destruction of many trees along the edge of the wetland. This is considered a major disadvantage.

Mr. Kydes inquired whether there would be any blasting. Mr. Linnartz stated that borings have not been performed as yet and could not give a definite answer to the question.

Ms. Smith inquired if the rock is very large, how is the earth handled around it. Mr. Linnartz stated that a steel box is used to support the trench for safety and contains the area where the large rock is being removed. He also commented that large rocks were encountered before and no blasting was needed.

Ms. Smith inquired why this project was needed. Mr. Linnartz stated there is a cost of maintaining the current pump station. The station needs major work due to age and it would cost less to put in a new line and connect to the sewer line further up Highland Avenue. This will avoid having the system fail completely and cause serious problems.

Mr. Holowinko asked about the sewer lines being raised to get a smaller backhoe into the area causing less disturbance. Mr. Linnartz stated that the existing force main has to be gone under and the railroad tracks. It is at minimum grade.

The Chairman asked whether there was anyone wishing to speak in favor of or in opposition to the application.

There was no one wishing to speak in favor of the application.

Ms. Grace Lichtenstein asked if there was an alternative so that the project would not have to go through the wetlands. She was concerned that trees would be felled in the project. She hoped that there was something that might be done to minimize the impact.

Mr. Joel Brodsky said his property abutts the project. He purchased his property in March and asked that a decision not be made until he has an opportunity to review the documents. The trees overhang his property and did not want the trees removed. There are large stones. He stated he did not receive notification, but had received a hand written envelope in his door prior to the meeting. Ms. Cherichetti said she would investigate why he did not get an official "green card" notification in the mail sooner .

The Chairman asked if there were any other comments. There being none the Chairman closed the public hearing at 8:00 p.m.

Ms. Smith commented that there had been no indication that there had been an investigation to go through the school property which seemed more direct.

Mr. Linnartz said that going into the school property would require having the surveyor look into that as an alternative.

The Chairman inquired when a decision had to be made by the Commission.

Ms. Cherichetti stated that the Commission had 35 days to make a decision.

Mr. Kydes asked if there was an urgency on the part of DPW to Mr. Linnartz.

Mr. Linnartz stated that DPW would like to work on this during the winter for good pricing and hopefully the weather holds out to complete the project in early 2003.

The Chairman asked that Mr. Linnartz come back to the Commission with an alternative if possible. Ms. Cherichetti would have to have the documentation in hand by Friday, September 13, in order to put it on the next schedule and in the package for the Commission's review.

Mr. Linnartz stated the existing maps could be used to make a preliminary determination.

Mr. Caputo stated that an oral presentation would be acceptable and if something can be done to avoid going into the wetlands.

The Chairman said that the Commission is requesting additional information and felt that this would be critical to the decision of the Commission.

Ms. Cherichetti will check into whether another public hearing is required with the submission of new information by the applicant at the request of the Commission.

A special meeting would be called if necessary and a second hearing would be held.

ADJOURNMENT

MS. SMITH MOVED TO ADJOURN.

MR. HOLOWINKO SECONDED

MOTION PASSED UNANIMOUSLY.

The Chairman closed the meeting at 8:15 p.m.

Respectfully submitted,

Alvina L. Richardson Decker

Telesco Secretarial Services

