

**CITY OF NORWALK**  
**INLAND WETLAND AGENCY**  
1 2 5 E A S T A V E . , N O R W A L K , C T 0 6 8 5 6  
203-854-7744 phone / 203-854-7962 FAX

**MEMORANDUM**

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DATE: November 5, 2009  
TO: Norwalk Inland Wetland Agency  
FROM: Alexis Cherichetti, Senior Environmental Officer  
RE: **#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

You must render a decision within 35 days of the close of a hearing. Without a special meeting, you must render your decision at the upcoming meeting on **November 10, 2009**.

Based on comments by Agency members, the following possible resolution is provided for your consideration:

**Whereas**, the Conservation Commission has carefully considered all the information submitted and the factors for consideration for decision, as detailed in section 60A-8 of Norwalk's Inland Wetland and Watercourses Regulations; and

**Whereas**, the proposed wetland and watercourse mitigation activities, as modified and conditioned below, will likely fully mitigate the proposed impacts to wetlands and watercourses; and

**Now therefore be it Resolved:**

that Conservation Application #S09-350, for development of a multi-family residential building, four detached single-family buildings and associated parking, stormwater drainage, wetland & watercourse enhancement, and wetland creation in and adjacent to wetlands and watercourses, be **GRANTED** to Norden Place, LLC, for property located at 8 Norden Place, Norwalk, CT [3-17-144], with the following conditions:

1. PRIOR TO THE COMMENCEMENT OF ANY ON-SITE ACTIVITY the applicant shall provide photo documentation of the wetlands, watercourses and upland review areas on the site and cross-reference the photographs on a site plan. Photographs should represent wide-angle views.
2. PRIOR TO THE COMMENCEMENT OF ANY ON-SITE WORK, a \$124,000.00 Bond is to be posted in a form acceptable to the Agency. The portion of the bond held for any plantings, earthwork, or monitoring associated with the wetland creation or channel stabilization will become eligible for release following at least five (5) full growing seasons after the season of initial planting. The portion of the bond held for all other wetland and detention basin plantings will 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. The release or reduction of the bond shall be conditioned on compliance with the terms, conditions and limitations established in the permit.

3. PRIOR TO THE COMMENCEMENT OF ANY ON-SITE WORK, a mandatory pre-construction meeting shall be held with the contractor(s) responsible for implementing the wetland mitigation and invasive plant removal, the general contractor, site contractor, as appropriate as well as Wetland Scientists monitor and the Norwalk Inland Wetland Agency staff.
4. The applicant shall cause to hire an environmental monitor to inspect the site twice per month and to submit a written report to the Conservation Office once every month. The above inspection and reporting shall commence at the start of site work and continue while the site is under active construction and any portion of the site is not stabilized. The reports must describe the state of construction, the current effectiveness of the sedimentation and erosion controls, any required work to keep the activities in compliance with this permit, the state of the wetland mitigation areas and any observed impacts to the wetland or watercourse.
5. PRIOR TO COMMENCEMENT OF SITE WORK, the following revisions shall be made to the plans:
  - a) Sheet WM.01 – General Planting Notes, shall be revised to replace “environmental monitor” with “wetland scientist” for ...“under supervision of,” throughout the plans;
  - b) All plans shall indicate replacement of New England Roadside Matrix wet mix with New England Wet Mix for the wetland management areas;
  - c) Sheets C6.2 and LP-1 shall be revised to show the inclusion of aquatic emergent plants along the margin of the detention basins. Planting notes shall be revised to indicate the number and species of plugs or potted plants to be used. Final plant selection and placement shall be based on final basin hydrology. The planting plans shall be reviewed and approved by the Conservation staff prior to implementation;
  - d) The *Long-Term Habitat Management and Invasive Species Management Plan* shall be revised to include information on deer repellent and monitoring reports shall include comments on deer browse;
  - e) The *Long-Term Habitat Management and Invasive Species Management Plan* shall be revised to include the statement, “Tree removal is to be at the direction of environmental monitor/wetland scientist. The removal of dead/disease trees is proposed for safety and aesthetic purposes. If possible, at least 20’ of dead tree snag will be left in place to further act as habitat as long as it does not present a safety hazard.”
  - f) WM.01, WM.01A & WM.01B planting plans shall be revised to require the planting of tubers and plugs at a minimum spacing of two (2) feet on center within the wetland creation area;
  - g) General Notes 16 & 26 and Sheet C5.4 shall state that all dewatering wastewaters shall pass through a sediment control basin as per the 2002 CT E&S Guidelines;
  - h) The planting notes for wetland creation and long-term management shall specify a nurse seed to be used to temporarily stabilize disturbed areas;
  - i) The final plans for channel stabilization shall show the limits of disturbance as depicted in sketch plans prepared by Tighe-Bond. A construction sequence and stabilization measures shall be provided on the final plans for review and approval by the IWWA/Conservation staff;
  - j) Planting notes shall clarify that topsoil applied within wetland creation areas and adjacent upland areas will be certified weed and invasive free, to minimize the spread of invasive plants. In the event that manufactured topsoil is used, the total organic carbon (not organic matter) of the final manufactured topsoil should be 8-12% or alternatively, a 50:50 mix of aged leaf compost and sand or subsoil can be spread over the restoration area;

- k) The proposed monitoring in the *Long-Term Habitat Management and Invasive Species Management Plan* shall include monthly, during the growing season, water table elevations (referenced to ground surface) within each of the two wetland creations areas at Wetland # 4; and
  - l) Revised limits of the Conservation Easement area, as depicted on the sketch plan entitled, "Conservation Easement Plan", dated September 28, 2009 by Environmental Land Solutions, LLC.
6. PRIOR TO THE COMMENCEMENT OF ON-SITE ACTIVITY, the applicant shall develop and submit a Stormwater Maintenance Plan to the Conservation Office for review and approval. The plan must include a detailed action plan and schedule for the inspection, cleaning, replacement and general maintenance of the catch basins, catch basin inserts, hydrodynamic separators and detention basins on the property. The above detailed plan and schedule must meet or exceed the recommended schedule of maintenance recommended by manufacturer of each device or standard for each practice. The plan shall identify the entity responsible for adherence to the plan.
7. Prior to the initial discharge of water from any dewatering operation that discharges water within any wetland, watercourse or upland review area, water samples must be collected and tested to confirm that the discharge does not contain pollutant concentrations that are in excess of the compliance levels of the standards for all contaminants listed in the CT DEP General Permit *Groundwater Remediation Wastewater Directly to Surface Water* and the Connecticut Remediation Standard Regulations (RSRs), in accordance with sections 22a-133k-1 through 22a-133k-3, C.G. S. Results of the water testing must be submitted to the Conservation office for review and approval prior to release of any discharge.
- Sampling of the wastewater discharge, and report of the findings to the Conservation office, shall be repeated at a minimum of every thirty (30) days of dewatering. Additional sampling must occur immediately in the event that the wastewater has a visible sheen or noticeable odor.
- In the event that that pollutant concentrations are found to exceed the above standards, the applicant may not discharge any wastewater until a DEP General Permit for Groundwater Remediation Wastewater Directly to Surface Water is procured and a treatment procedure is installed to remove all pollutant concentrations in excess of the above standards prior to discharge to the City's natural waters.
8. The permittee shall cause to have a professional wetland scientist conduct daily inspections of the wetland creation area during construction of wetland areas to ensure that construction complies with final design plans. Inspection reports by the wetland scientist shall be submitted to the Conservation Office once per week during wetland area construction. Any deviations in the plan shall be coordinated with and approved by the Conservation Office prior to implementation.
9. Adjustments of species planted as part of the wetland mitigation plan shall be approved by the wetland scientist and the City of Norwalk Inland Wetland Agency staff. The number of plantings shall be at least as many as shown on the drawings, unless specific approval is granted by the Inland Wetland Agency staff.
10. Success of the created wetlands, channel stabilization, invasive plant removal, and wetland enhancements shall be monitored for five full growing seasons after wetland construction and

planting is completed. The monitoring and reporting work shall be performed by a qualified wetland scientist.

Monitoring of the wetland construction, Wetlands # 1, 4 & 5, and other mitigation areas shall be conducted as stipulated in the *Long-Term Habitat Management and Invasive Species Management Plan* dated May 21, 2009, revised to September 10, 2009 and as modified below. Written reports of the monitoring observations and analysis shall be submitted to the Conservation Office no later than June 15 and October 15 of any given calendar year.

Should the performance standards outlined in the *Long-Term Habitat Management and Invasive Species Management Plan* not be met at any time during the initial five year monitoring period, the permittee shall provide the Conservation Office with a proposal detailing correction actions proposed and an implementation schedule for such actions.

The fifth (5<sup>th</sup>) year monitoring shall include an assessment of the overall success of the mitigation program by a third party wetland scientist (not firm that designed the plan or prepared the twice annual monitoring reports). The assessment shall include a summary of the mitigation goals and a discussion of the level of goal attainment, a qualitative assessment of functions and values performed by the created area, photographs of the area taken from the same locations as the monitoring photographs, the continued threat (if any) from invasive species, a description of any significant problems and any solutions. In the event that assessment concludes that the plan has not been successful, recommended remedial measures shall be implemented by the permittee. If substantial remedial measures are required, the 3rd party wetland scientist shall recommend additional monitoring and appropriate success standards.

11. The permittee shall cause to have an as-built survey prepared with six (6) inch elevation contours of the area including the wetland creation area. In the event the survey indicates deviation from the approved final design, the Agency will rule whether the permittee shall either re-grade the wetland creation area as approved, or for minor deviations, submit a narrative documenting the reasons for any deviations from the approved plans and any implications on the hydrology and long-term success of the wetland creation. The as-built shall be submitted to the Conservation Office no later than six (6) months following completion of the grading associated with the wetland creation.
12. All proposed wetland mitigation activities, including the filing of the conservation easement and the work associated with wetland creation and wetland enhancement, as depicted and described on plans entitled "Wetland Creation and Enhancement Plan [WM.01, WM.01A, WM.01B]", dated May 21, 2009 and last revised September 10, 2009 by Land-Tech Consultants, LLC, and as modified by Special Conditions below, shall be completed within twenty-four (24) months of commencement of any on-site regulated activity.
13. A conservation easement or similar instrument shall be recorded on the Norwalk Land Records regarding the subject property. Such instrument shall provide the preservation of certain land, as further described below, in its predominately natural and open condition for the protection of natural resources. The exact language of such instrument shall be revised as recommended by Conservation Office staff and Corporation Counsel, to better meet the needs of the City and to better reflect the goals and objectives expressed in the *Long-Term Habitat Management and Invasive Species Management Plan* dated May 21, 2009, revised to September 10, 2009 and as modified below.
14. The Conservation Easement or similar instrument shall have the revised limits as depicted on the sketch plan entitled, "Conservation Easement Plan", dated September 28, 2009 by

Environmental Land Solutions, LLC. A revised map indicated the limits of the Easement shall be filed on the Norwalk Land Records.

15. Unless specifically modified by this permit, all sedimentation & erosion controls shall be installed in the locations indicated on the plans entitled "Sedimentation and Erosion Control Plan", dated May 21, 2009 and last revised September 10, 2009 by Tighe&Bond for each phase of construction. Controls are to be properly installed prior to the commencement of each phase of construction.
16. Once work on the project commences, all activity under this permit is to be completed within three (3) years.
17. Unless so modified by any of the above conditions, any change to the overall plan, as depicted in a plans entitled "8 Norden Place, Norwalk, CT, Proposed Residential Community; Sheets C1.0, C1.1, C2.0-C2.3, C3.0-C3.3, C4.0-4.4, C5.0-C5.5, C6.0-C6.3, and WM.01-WM.01B", dated May 21, 2009 and last revised September 10, 2009 by Tighe & Bond or Land-Tech Consultants, LLC, will require a return to the Inland Wetland Agency for review.