

CITY OF NORWALK INLAND WETLAND AGENCY

CORRECTIVE ACTION (Significant Activity Application Form)

Permit # _____

Filing Fee _____

Date of Submission _____

Date of Acceptance _____

1. NAME OF OWNER: Jennifer Horvath

2. ADDRESS OF OWNER: 70 Witch Lane Phone: c/o Elizabeth A.B. Suchy, Esq. 203-252-2656
Norwalk, CT 06853 Other Phone or Fax: _____

3. NAME OF APPLICANT: Jennifer Horvath
(If applicant is not owner of property)

4. ADDRESS OF APPLICANT: 70 Witch Lane Phone: c/o Elizabeth A.B. Suchy, Esq. 203-252-2656
Norwalk, CT 06853 Other Phone or Fax: _____

5. Applicant interest in property: Owner

6. PROPERTY ADDRESS: 70 Witch Lane, Norwalk, CT 06853

7. Assessor's Map: 9SE Taxing District: 6 Block: 20D Tax Lot: 19

8. Purpose and description of proposed activity: Corrective action to address activities conducted in and near on-site wetlands and intermittent watercourse, and in upland review areas.

9. Present use of property in area of proposed activity: Lawn, intermittent watercourse.

10. Distance of closest disturbance to Wetlands/Watercourses: One (1) foot or less.

11. Wetland/ Watercourse area altered, if any (must be in acres or linear feet) 1,070± sq. ft. (0.024± ac.)

12. Upland Review Area altered (must be in acres) 7,250± sq. ft. (0.16± ac.)

13. Description & Name of Watercourse/Wetland: Unnamed intermittent watercourse flowing westerly flanked by lawned and forested sloped wetlands.

14. Site acreage: 0.79± ac Wetland acreage: 7,220 sq. ft. Linear feet of watercourse: 200± ft.

15. Is the property within 500 feet of a City boundary? NO YES* _____

*If the answer is yes, then the applicant is responsible for notifying the appropriate adjoining community's Inland Wetlands Department on the day of submission. Instructions for notification are available at the Conservation Office.

16. The applicant shall provide **fourteen (14) COLLATED copies*** of the following information:

- a) The first page of this Application Form.
- b) Site plans showing items indicated on attached **Map Checklist** (must be folded to 9" x 12" or smaller). Additional plans depicting the alternatives considered.
- c) A narrative description of: the intended project, the alternatives considered and reasons why they were rejected, impacts to the wetland or watercourse, and proposed mitigation measures.
- d) Calculate the amount (cubic yards) of material to be excavated and the specific destination of any fill to be used on site. Calculate the cubic yards of fill to be deposited on the site.
- e) Biological evaluation that provides a description of the ecological communities and functions of the wetlands, watercourses and/or regulated areas.
- f) Watershed information and storm drainage calculations. N/A
- g) Engineering reports and analyses to fully describe the proposed project and any filling, excavation, drainage or hydraulic modifications to wetland or watercourse areas. N/A

*Reports greater than four (4) pages in length must be **double-sided**.

17. Submit **one (1) copy** of the following information:

- a) One original, signed copy of this application form.
- b) Written consent of owner, if applicant is not the owner of the property.
- c) Copy of the deed of property.
- d) A list of all abutting and across the street property owners including name, address, and district, block and lot. A copy of the Assessor's Tax Map indicating the properties to be notified.
- e) A copy of the letter sent to all abutting and across the street neighbors regarding the scheduled public hearing (see attached sample Notification Letter). This letter must be mailed Certified Mail, Return Receipt Requested no later than ten (10) days prior to the hearing. The Certificates of Mailing must be submitted to the Commission **two (2) business days prior** to the commencement of the public hearing.
- f) Submission of the filing fee of \$_____.
- g) If required, final DEP and Army Corps of Engineering approvals.

See Section 60A-7 of the Norwalk Inland Wetland and Watercourses Regulations for a more detailed description of the application requirements.

No revisions may be made to the application following its submission prior to the meeting at which it is scheduled to be received, except when the application materials are not complete.

By signing this application, the applicant or his/her agent certifies that he is familiar with the information provided in this application and is aware of the penalties for obtaining a permit through deception or by submission of inaccurate or misleading information.

By signing this application, permission is hereby given to necessary and proper inspection of the subject property by the Commissioners and designated agents of the Commission or consultants to the Commission, at reasonable times, both before and after a final decision has been rendered.

Applicant's Signature: _____ **DATE:** _____

Agent's Signature: *Carmody Torrance Sandak & Hennessey, LLP* **DATE:** 7/13/2021
(If agent for applicant, provide agent's name, address, & phone below)

MAP CHECKLIST

- 1. MAPS:** All maps must be drawn to scale and should be at 1"=40' or larger. Provide **14 copies** of plans with the following information:
- a. Location map of property (a street map superimposed onto corner of base map).
 - b. Entire property outline, as shown on Tax Assessor's map, with north arrow and scale.
 - c. A Site Plan with A-2 and T-2 accuracy, indicating existing and proposed contour lines at 2 foot intervals and existing and proposed conditions in relation to wetlands and watercourses and any further activities which may have an impact on wetlands and watercourses.
 - d. Depict all wetlands and watercourses on property as they exist on the site and on adjacent neighboring properties. **Include wetland soils report and field sketch by Certified Soil Scientist.** Wetland flag numbers must coordinate with those in the field and as shown on the site plan.
 - e. Depict all upland review areas on the property (fifty (50) feet from any wetland & one hundred (100) from any watercourse.
 - f. Indicate floodway and 100 year floodplain lines, if applicable. N/A
 - g. Indicate on map closest distance of **disturbance** from wetland/watercourse.
 - h. Location of all significant physical features, such as rock ledges, stone walls, vegetation, trees over **6" diameter** nearest the wetland or watercourse. The trees to be removed/affected must be clearly marked on the site plan and flagged in the field.
 - i. Identify vegetation that would be affected by proposal. Include a landscape plan.
 - j. Proposed building site and/or location of any other improvements, such as septic tank, leaching fields, utility lines, proposed fill or excavation areas, tennis court, pool, deck, landscaping and lawn areas. N/A
 - k. Septic system: test pit locations, percolation test results, and Health Department approval. N/A
 - l. Location of access routes any machinery will take to reach all areas of activity. Specify types of machinery. Sequence and timing of construction with proposed completion date or timetable. N/A
 - m. Sedimentation and erosion controls to stabilize site during and after construction. Provisions for any increase in runoff. Include measures to: prevent pollution or other environmental damage, enhance existing environmental quality, restore, enhance and/or create productive wetland or watercourse resources.
 - n. Name and signature of the individual who prepared map. Indicate date that map was prepared. Include professional seal with date that map/revisions were prepared.
- 2. FIELD WORK**
- a. Flag wetland boundaries and trees to be removed/affected.
 - b. Stake for identification: property lines, driveway & building corners. N/A

**JENNIFER HORVATH
70 WITCH LANE, NORWALK, CT
APPLICATION FOR SIGNIFICANT ACTIVITY CORRECTIVE ACTION
NARRATIVE
SCHEDULE A**

BACKGROUND

Jennifer Horvath (the “Applicant”) is the owner of real property with the improvements thereon located at 70 Witch Lane in the Rowayton section of Norwalk, Connecticut. Designated as Tax Lot 19 in Block 20D of the Sixth Taxing District (the “Property”), the Property is improved with a two-story, single-family dwelling construction around 1950. The Property is 0.79± acres and is zoned A Residence.

Along the southeastern section of the Property there is an intermittent watercourse, which flows in a westerly direction. In addition, off-site wetlands exist to the west and south, and upland review areas from those wetlands and the watercourse extend onto the Property.

The wetlands and watercourse were recently evaluated and flagged initially by Otto Theall, soil scientist of Soils & Wetland Science, and then by Steve Danzer, soil scientist of Steven Danzer, PhD & Associates, LLC. (See “Soil Report” dated June 1, 2021 by Steven Danzer attached hereto and made a part hereof).

This application for corrective action is submitted in response to a cease and desist order #V21-1021 in which City of Norwalk Conservation staff claimed that regulated activities including removal of vegetation, construction of retaining walls, deposition of fill, grading, and construction adjacent to a wetlands/watercourse, were conducted on the Property without the prior review and permit issuance by the City of Norwalk Conservation Commission (“Commission”).

The Applicant undertook some work on the Property without prior permit approval, based upon lack of knowledge of the regulatory scheme for inland wetlands and watercourses in Norwalk, and in the belief that the actions would protect and improve her property, provide safety for humans and pets in the area of the watercourse, and benefit the on-site wetlands and watercourses and the upland review areas that extend onto the Property. As soon as the Applicant received the cease and desist order, all work was stopped, and none has been undertaken in the regulated areas since that date. As a result of the foregoing, the Applicant retained Mr. Theall to evaluate and flag the wetlands and watercourse on the Property along with the upland review areas and then Dr. Danzer, as well as Kate Throckmorton of Environmental Land Solutions, LLC, to evaluate the wetlands, watercourse and upland review areas, and devise a mitigation plan to address the issues raised in the cease and desist order.

WETLANDS AND WATERCOURSE EVALUATION

The Property is improved with an unnamed intermittent watercourse that flows in a westerly direction. It is flanked by a lawn area to the south and forested sloped wetlands to the north. (Refer to Soil Report).

MITIGATION PLAN

The Applicant proposes to undertake certain activities on the Property to mitigate the effect of the work undertaken without the benefit of prior approval. First, the Applicant proposes to remove

approximately 40 cubic yards of earth and rock near the watercourse. The earth material ranges in depth from about six (6") inches to about two (2') feet and is identified as "area of wetland disturbance" on "Wetland Site Plan (Drawing No.: LP.1)" dated July 8, 2021 prepared by Environmental Land Solutions, LLC, attached hereto and made a part here of ("Wetland Site Plan"). The depth of the removal proposed would be about one (1') foot on average over the affected area, and the removal will be reviewed by and under the supervision of the soil scientist. Once the rocks and earth have been removed, the area of disturbance will be returned to its historic condition as a wetland lawn. Further, the Applicant proposes to install more than 20 inkberry, three (3) clethra, and five (5) viburnum in the restored area of wetland disturbance, which will act as a natural, living barrier to prevent children and small pets from falling into the watercourse.

Various trees which are not particularly vibrant and/or healthy, are proposed to be removed along the property line, and either within the 50' or 100' upland review area. Specifically, three (3) existing white pines along the western property line are proposed to be removed and replaced with nine (9) new, 5-6' white pines. Along the eastern property line just north of the 50' wetland upland review line, the Applicant proposed to remove three (3) cedars and plant three (3) arbor vitae.

Lastly, the Applicant would like to remove two (2) tulip trees – one (1) in the southwest corner of the Property along the western edge of the mitigation area and one (1) to the south of the watercourse. Based upon an examination by a licensed arborist, both trees are of questionable health and present a hazard to the Applicant's property. (See attached report). In addition, the Applicant seeks approval to remove two (2) areas of landscape debris deposited by prior owners to the southeast of the wetland line, which area is also within the upland review area from the watercourse.

**JENNIFER HORVATH
70 WITCH LANE, NORWALK, CT
APPLICATION FOR SIGNIFICANT ACTIVITY CORRECTIVE ACTION
LIST OF ABUTTING PROPERTY OWNERS & THOSE DIRECTLY ACROSS THE STREET**

1.
6/20D/2
Christine S. Penberthy
72 Witch Lane
Norwalk, CT 06853

2.
6/20D/1
Madeline Borgia
68 Witch Lane
Norwalk, CT 06853

3.
6/20D/26
Anne & Christopher Hussey
24 Indian Spring Road
Norwalk, CT 06853

4.
6/20D/11
Brian & Sally Walshe
22 Indian Spring Road
Norwalk, CT 06853

5.
6/20D/7
Judith S. Hallock
20 Indian Spring Road
Norwalk, CT 06853

6.
6/20D/4
John Page Robinson
74 Witch Lane
Norwalk, CT 06853

7.
6/32B/2A
Constance Stellato
1 Range Road
Norwalk, CT 06853

RECORD & RETURN TO:
Atty Daniel R. Hamad
131 Dwight Street
New Haven, CT 06511

INSTR # 2021003986
VOL 9205 PG 223
RECORDED 04/01/2021 10:43:17 AM
RICHARD A. MCQUAID
TOWN CLERK NORWALK CT
TOWN CONVEYANCE TAX \$2,875.00
STATE CONVEYANCE TAX \$4,312.50

WARRANTY DEED - STATUTORY FORM

TO ALL PERSONS TO WHOM THESE PRESENTS SHALL COME, KNOW YE THAT **Christopher E. Hussey and Anne E. Hussey** both of 24 Indian Spring Road, Norwalk, CT 06853, for consideration of FIVE HUNDRED SEVENTY FIVE THOUSAND & 00/100 DOLLARS (**\$575,000.00**), grant to **Jennifer Horvath** of 11 Murvon Court, Westport, CT 06880, with WARRANTY COVENANTS, all that certain real property known as **70 Witch Lane, Norwalk, CT 06853**, being more particularly described in *Schedule A* attached hereto and made a part hereof.

Said Premises are conveyed subject to:

1. Any and all provisions of any municipal, ordinance or regulation or public or private law with special reference to the provisions of any zoning regulations and regulations governing the said Premises.
2. Real property taxes on the current Grand List and any municipal liens or assessments becoming due and payable on or after the delivery of this Deed.
3. Such additional encumbrances, if any, as more particularly set forth in Schedule A attached hereto.

In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

IN WITNESS WHEREOF, the Grantors have caused these presents to be executed on this 31st day of March, 2021.



Christopher E. Hussey, Grantor



Anne E. Hussey, Grantor

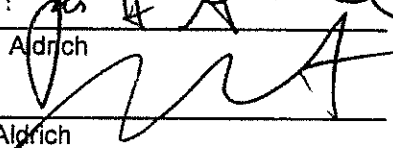
Signed, sealed and delivered in the presence of or attested by:

Witness:



John H. Aldrich

Witness:



Nancy Aldrich

STATE OF CONNECTICUT

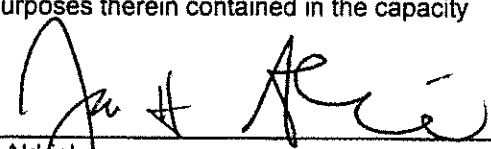
}

} ss. Westport

COUNTY OF FAIRFIELD

}

Personally appeared Christopher E. Hussey and Anne E. Hussey, signers and sealers of the foregoing instrument, known to me (or satisfactorily proven) to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained in the capacity therein stated, before me, on this 31st day of March, 2021.



John H. Aldrich
Notary Public/Commissioner of the Superior Court

SCHEDULE "A"

ALL THAT CERTAIN piece or parcel of land, together with the buildings and improvements thereon, situated in City of Norwalk, County of Fairfield and State of Connecticut, known and designated as Plot A on that certain map entitled, 'Map of Plots A and B Prepared for Charles J. Wilson and Joan S. Wilson at Rowayton, Norwalk, Conn. Scale 1"=30', Jan. 7, 1972', certified 'Substantially Correct' by Harry E. Bryan, P.E. & L.S., Conn. Reg. No. 2379, Bryan Associates, Engineers & Land Surveyors, Rowayton and Norwalk, Conn., which map is on file in the Office of the Norwalk Town Clerk as Map No. 7638, reference to such map being hereby made and had for a more particular description hereof.

TOGETHER WITH such right, title and interest, as may exist, in and to that area between Plot B and Witch Lane, so-called, as shown on said map.