

**CITY OF NORWALK
MEETING OF THE CONSERVATION COMMISSION/INLAND
WETLAND AGENCY MINUTES
MAY 13, 2025**

PRESENT: Steve Klocke, Chair; Cheryl Brown; Paul Vinett; Kathryn Knight; Heather Breslin

STAFF: Alexis Cherichetti; Leigh Demarco

OTHERS: Lynn Shaak; Frank Murphy; Steven Danzer; Tracy Chalifoux; Diana Rowley; Andy Soumelidis; Tyler Hawes; Jay Dulberg

I. CALL TO ORDER

Mr. Klocke called the meeting to order at 6:02 p.m. It should be noted that this meeting was held on Zoom.com with all participants calling in, separately.

II. ROLL CALL

Ms. Cherichetti called the roll.

III. PUBLIC PARTICIPATION

No one spoke on this item.

IV. RECEIPT & DISCUSSION

A. #S25-654 - 26 Devil's Garden Road - Shaak - Corrective Action restoration of disturbed wetland and after-the-fact construction of structures adjacent to a wetland and watercourse

Ms. Cherichetti gave a brief history of the corrective action application which was in response to an enforcement order issued earlier in the year. All information that the applicant had provided was posted to the website, except for any received that same day.

Frank Murphy, the attorney for Lynn Shaak, continued the presentation with a brief history of the property. The applicant had purchased the property in 2015. He explained that they now had a plan for the Agency to consider.

Steven Danzer, the soil scientist on the project, then introduced the landscape architect, Tracy Chalifoux, who showed them the proposed landscape plan and oriented the Agency members with maps of the property. There were woodchips distributed in the disturbed area. They would address invasive species. She noted that there is skunk cabbage as well.

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She noted the native shrubs that were incorporated. She discussed the demarcation between the lawn and more natural wetlands. All the work will be done by hand since there is no access for trucks. She also discussed the seed mix.

There was a discussion about the depth of woodchips and whether covering up the soil with mulch was being used as a weed barrier. Steven Danzer explained some different uses of mulch. He then described the use of the mulch on the property and had noticed that skunk cabbage had emerged from it. They decided to leave the mulch. The mulch was from a tree that had been cut down by the applicant.

There was a discussion about the lawn that was wetlands. Ms. Knight had concerns about the lack of any wetland buffer. There was also a discussion about how long it had been maintained as a lawn. Mr. Danzer said it has been since 2010 and possibly as early as 2004, but he could not confirm it. When the applicant purchased the property in 2015, it was being maintained as a lawn. It was noted that the lawn should have come before the Agency to be permitted.

There was a discussion about the corrective action order and what it would require. One thing would be to restore the area since the disturbance of the wetlands had been done without a permit. The Agency could work with the applicant for the appropriate restoration of the area. There was concern about the lack of a buffer. There was also a discussion about further information that the Agency would like to receive from the applicant.

At this point, there was a discussion about the unpermitted structures in the upland review area. Atty Murphy gave a brief history of the house and the lawn which had been there since the applicant purchased. He asked the Agency members if they could keep the lawn since it does no harm to the wetlands. He then discussed the structures on the property.

Ms. Cherichetti noted that the shed and deck are not zoning compliant. They would have to be made compliant which may then bring the applicant back to this Agency. Atty Murphy noted that they may make an application to the Zoning Board of Appeals. They had spoken to the neighbors about encroachments. There was a discussion about the applicant obtaining zoning permits for the shed and deck. There was also a discussion about buffer, as well as the size of the trees and shrubs. He also asked for them to allow the applicant to maintain the shed as it currently is.

B. #S25-655 – 12 Riverwalk Lane – Rowley – Corrective Action restoration of disturbed wetland and designated buffer adjacent to a wetland and watercourse

Ms. Cherichetti noted that this application was in response to an order that the Agency had recently upheld. She gave a brief overview of the application.

Diana Rowley began by noting that when she first bought the property the backyard was already cleared. She showed them a plan that she had drawn. She said that she had planted

trees and grass and was not aware that it was going to be a problem. It is not being mowed now. She described some of the plantings, however, some of them were eaten by deer. She had removed a diseased tree in January and one had fallen the previous September. She had concerns about some of the trees that she was being asked to plant because she did not want them falling on her house.

There was a request to add more red maple trees or other shade trees, as well as other trees that staff suggested. There was a discussion about some of the plantings which the deer were eating.

There was a discussion about future steps. There would be a draft resolution at the next meeting. Ms. Cherichetti asked the applicant to contact her so that they could go over what needed to be done. There was a further discussion about the types of trees to plant.

C. #S05-223B – 215 Dr. Martin Luther King Jr. Drive – LandTech –Modification to alter site development plan in and adjacent to a wetland

Ms. Cherichetti began the presentation about the permit from 2005 which had been transferred from one owner to another. She explained that the conditions of the permit had never been completed. The new owner would have to complete them.

Andy Soumelidis continued the presentation. He showed them the 2005 site plans, which included a retaining wall. He showed them where the wetlands were at that time. Some of them were filled in and some were created. The city still held the bond since the work was never completed and legalized a use that has been going on. He also discussed the drainage. He then explained the current situation on the site which included the storage of commercial vehicles. There was a discussion about the catch basins on the site. There was also a discussion about the impervious surfaces on the site.

Ms. Cherichetti explained the next steps for this application.

D. #S24-637A – 6 Range Road – Hawes –Modification to designated wetland/watercourse buffer and buffer demarcation adjacent to a wetland and a watercourse

Ms. Cherichetti began the presentation by orienting the Agency as to the location of the property on an aerial map.

Tyler Hawes, the owner of the property, said that they would like to change the demarcation of the wetland buffer from boulders to a fence. He said that they have three children and a dog and he needed them to remain safe and have room to play. He said they would maintain the planting plan. They would maintain the boulders outside of the fence.

There was a discussion about a recent application with a pool, boulders and the limit of lawn demarcation. There was a discussion about the applicant adding a pool to the property which would include a fence around it as well.

There was a discussion about the next steps for this application. Mr. Klocke said that he did not think they would approve the application at the next meeting since they had only approved the current demarcation with the past year. There was a discussion about inserting the fence along the boulder line. There was a discussion about what has been added already. Ms. Knight suggested putting a fence inside of the boulders, as well. Mr. Hawes said he would like to compromise so that they could get more space but was aware of the prior arrangements. He wanted the additional area for his children's play space. Ms. Cherichetti said that she would speak with the applicant later in the week.

V. DISCUSSION &/OR DECISION

A. #S16-499B – 284 New Canaan Avenue – LandTech for Penna Construction – Corrective Action permit modification for previously approved contractor's yard

Ms. Cherichetti noted that the public hearing had been closed at their prior meeting. She gave a brief overview of the corrective action application. They had 35 days to make a decision. She asked the commissioners whether they had watched any of the public hearings that they had missed. Ms. Knight confirmed that she had watched the public hearing.

At this point, there was a lengthy discussion of the application. There was a discussion about whether this was an expansion of the contractor's yard from what had been approved in 2016. They reviewed the 2018 modification of the site plan as well as the 2016 approved site plan. There was a discussion about a buffer zone and the swale. There was also a discussion about a third-party expert.

Ms. Cherichetti explained the options that the Agency had. She also discussed the point in the process where there was a request for a third-party review. The Agency would have liked to have known the impacts to the wetlands in the years that there had been no stormwater management on the property. There was a discussion about the aboveground versus underground retention systems. There was also a discussion of wetland buffers. There was a discussion about water management and green space. There was also a review of the originally approved site plan in 2016. There were concerns about the runoff because there had not been a catchment system in place for several years. There was a discussion about whether a portion of the Cultex system should be maintained as a natural space with seeding.

***** MR. KLOCKE MADE A MOTION TO APPROVE THE DRAFT RESOLUTION DATED MAY 8, 2025 FOR #S16-499B – 284 - CORRECTIVE ACTION PERMIT MODIFICATION, WITH CHANGES TO CONDITION #7, SHALL BE APPROVED AS AMENDED.**

*** MR. VINETT SECONDED THE MOTION.
*** STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; KATHRYN KNIGHT;
HEATHER BRESLIN APPROVED.
*** NO ONE OPPOSED THE MOTION.
*** NO ONE ABSTAINED.

*** MR. KLOCKE MADE A MOTION TO AMEND THE AGENDA TO SKIP TO
ENFORCEMENT.
*** MS. BROWN SECONDED THE MOTION.
*** STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; KATHRYN KNIGHT;
HEATHER BRESLIN APPROVED.
*** NO ONE OPPOSED THE MOTION.
*** NO ONE ABSTAINED.

VI. ENFORCEMENT ACTIONS

A. #V25-1081 – 19 Park Street – Somma – Show-Cause Hearing – Failure to follow directives in #V24-1074

Ms. Cherichetti gave a brief description of what a show-cause hearing process.

Leigh Demarco oriented the Agency as to the location of the property on an aerial map. She noted that a new retaining wall was noted at the back of 19 Park Street and shared pictures of it. She said that they had sent out a notice of violation in November 2024.

Jay Dulberg, attorney for the respondent, said that he was new to this matter and would meet with the owner in the following week. He said that no vegetation had been removed. He asked them for a continuation so that he could speak with his clients.

*** MR. KLOCKE MADE A MOTION TO UPHOLD THE ORDER FOR #V25-1081 – 19
PARK STREET.
*** MS. BRESLIN SECONDED THE MOTION.
*** STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; KATHRYN KNIGHT;
HEATHER BRESLIN APPROVED.
*** NO ONE OPPOSED THE MOTION.
*** NO ONE ABSTAINED.

Ms. Cherichetti asked if they could table the next 3 items due to technological difficulties.

VII. DETERMINATION OF PERMIT NEED

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A. 70 Witch Lane – Proposed shed adjacent to wetlands and watercourse

This item had been tabled to the next Agency meeting.

VI. FEE WAIVER/REDUCTION REQUEST

A. #S25-655 – 12 Riverwalk Lane – Rowley – Corrective Action restoration of disturbed wetland and designated buffer adjacent to a wetland and watercourse

This was tabled to the next Agency meeting.

VIII. BOND RELEASE/REDUCTION REQUESTS

A. #S23-631 – 207 West Rocks Road – O'Connor – Release of remaining bond (\$2,330) for Corrective Action landscaping in and adjacent to a wetland and a watercourse

This item was tabled to the next Agency meeting.

X. ACCEPTANCE OF MINUTES

A. April 22, 2025 Meeting Minutes

There was a discussion of a paragraph on page 2 of the minutes for 70 Toilsome Avenue. Since the resolution for the application reflected the end results of their discussions, the minutes were approved.

*** **MS. BRELIN MADE A MOTION TO APPROVE THE MINUTES OF THE APRIL 22, 2025 MEETING.**

*** **MR. VINETT SECONDED THE MOTION.**

*** **STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; HEATHER BRESLIN APPROVED.**

*** **NO ONE OPPOSED THE MOTION.**

*** **KATHRYN KNIGHT ABSTAINED.**

XI. CONSERVATION INITIATIVES

There were no conservation initiatives to report.

XII. REPORTS

A. Commission Chair

There was no report from Mr. Klocke.

B. Senior Environmental Officer

There was no report from Ms. Cherichetti.

Ms. Breslin said she would return materials from the Earth Day event.

Mr. Vinett said that he had seen a report that the city's Department of Recreation and Parks would be installing an artificial turf ball field at Broad River.

XIII. ADJOURNMENT

***** MR. KLOCKE MADE A MOTION TO ADJOURN.**

***** MS. BRESLIN SECONDED THE MOTION.**

***** MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 8:54 pm.

Respectfully submitted,

Diana Palmentiero