

CITY OF NORWALK
SPECIAL MEETING - CONSERVATION COMMISSION/INLAND WETLAND AGENCY
JANUARY 28, 2025

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

STAFF: Alexis Cherichetti; Amelia Williams

OTHERS: Jackie Aylward; Kate Throckmorton; Brian Carey; Atty Meaghan Miles; Peter Wilson; Marway Saidi; Piotr Suchocki

I. CALL TO ORDER

Mr. Klocke called the meeting to order at 7 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

There were no members of the public that spoke.

IV. RECEIPT & DISCUSSION

There were no items for this topic.

V. PUBLIC HEARINGS (BEGINS AT 7:00 P.M.)

A. #S24-650 - 292 Fillow Street - Brook Clark Landscape Architects - Corrective Action reconstruction of a retaining wall within a wetland and a watercourse

Amelia Williams began the presentation by noting that there is a draft resolution and updated plans from the previous meeting. Ms. Cherichetti said that the public hearing was properly noticed which included sending notification to the abutting neighbors.

Jackie Aylward, the landscape designer on the project, continued the presentation by showing them the site plan. She gave a brief presentation by noting that there was a wall that had to be rebuilt as well as showing them the silt fencing. These were the changes from the previous meeting.

There were no comments from the public.

Conservation Commission

January 28, 2025

Page 1 of 8

*** **MS. BROWN MADE A MOTION TO CLOSE THE PUBLIC HEARING.**

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

*** **MOTION PASSED WITH ONE ABSTENTION (KLOCKE).**

B. #S24-645 - 36 Range Road - Anderson - Corrective Action grading, filling and landscaping within and adjacent to a wetland and a watercourse

Mr. Klocke opened the public hearing. Ms. Cherichetti noted that it had been properly noticed as well as notifying the abutting neighbors.

Kate Throckmorton, the landscape architect on the project, continued the presentation by discussing her plans, since she had not been at previous meetings. She oriented the Agency members as to the location of the property on a site plan. She then explained the plans for mitigation. Some of the improvements would remain. She noted what types of shrubs would be planted, none of which would be invasive. She explained what they were requesting to remain including a gravel sloped walk which would have a metal edge so gravel did not migrate into the wetlands. They were also requesting that the stone walls, outside of the wetlands, remain. She also said that the plan included details on how the work should proceed. She discussed the native plantings. She mentioned what had previously been there, including bamboo. There were ornamental plantings that supported pollinators. She believed that this plan would restore the area for animals and plants.

There was a discussion about the collective activity which could impact the wetland. Ms. Throckmorton noted that one area had been maintained as a garden. Also, the reworking of the area had created level areas that are pervious and absorbing water. These areas are behind the house. Ms. Throckmorton discussed the recreation space which she did not think impacted the wetland areas. There was a discussion about the artificial turf area. Ms. Throckmorton did not think it would have an impact and she called it an "outdoor carpet." There were still concerns about the turf as well as the gravel going directly up to the wetland border. Ms. Throckmorton noted that this area had historically been a recreation area. There was also a discussion about the front lawn.

Ms. Cherichetti asked if there were any members of the public that would like to comment, but there were none. She asked Ms. Throckmorton about the proposed machinery access.

There was a discussion about creating a meadow wetland rather than a canopy wetland. There was also a discussion about the recreation area and the use of tick and lawn treatments. There was a discussion about the seed that had been suggested by Ms. Throckmorton.

There was a discussion about whether the Agency wanted more of a canopy than shrubs. Mr. Klocke explained what the concerns of the Agency were. There was no resolution prepared for this meeting.

There was a discussion about the turf which would degrade over time, as well as the importance of a vegetative buffer. Mr. Klocke discussed some compromises for the outdoor carpet, as well as whether they could ask for a third-party opinion. Ms. Cherichetti said it would be difficult to get a third party opinion on the artificial turf impacts.

*** **MR. KLOCKE MADE A MOTION TO CLOSE THE PUBLIC HEARING.**

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

*** **STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; KATHRYN KNIGHT APPROVED.**

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

*** **NO ONE ABSTAINED.**

**C. #S24-648 - 284 New Canaan Avenue - LandTech for Penna Construction -
Corrective Action clearing in and adjacent to wetlands and a watercourse**

Brian Carey reviewed responses to comments from the Conservation department staff. He discussed the planting plan which included how they would be seeding with a native ground seed mix. They would also submit a wetland restoration monitoring plan which was in draft until the staff reviewed it. He also noted that they had received comments from the neighbors which wanted an evergreen screening. He said that they could swap out plants, especially those that are wetland plants. He believed that the plan addressed all of the points in the cease and desist order.

Ms. Cherichetti said that the planting plan was appropriate for the area that had been cleared but asked that no further ground cover be disturbed and that no machinery be in the area when the plants are being installed. She also said that the monitoring plan was adequate.

At this point, the public hearing was opened for comments. Ms. Cherichetti explained the procedure for members of the public to speak and reminded them that there are two separate applications that they could speak on. She also explained that the applicant would also have to make an application to the Planning & Zoning Commission.

Atty Meaghan Miles, the land use attorney for the owners of 178 Pocconock Trail, Karen and Peter Wilson, one of the abutting neighbors, began by noting that she had sent a letter addressing both applications. Her remarks would only be for this application. She also noted that her clients and the neighbors had concerns about the impacts on the wetlands as well as their quality of life. She said that the applicant was working to incorporate evergreen trees into the wetland area and upland review area. She also said that screening and noise mitigation was a big issue for the neighborhood. She hoped that the monitoring plans would help the evergreen trees to grow and thrive. She also asked whether there was an analysis of the impact to the wetlands from the clearing.

Peter Wilson asked a procedural question about which one of the applications he could speak on.

Mr. Carey thanked the staff for their help on this application. He would work with staff to include plantings that were evergreen.

Mr. Vinett asked whether they should keep the hearing open until it could be confirmed that stumps had been removed. The commissioners decided to leave it open for a final site inspection by staff. There was a discussion about the impact analysis which Mr. Carey said that they were mitigating the impacts.

***** MR. KLOCKE MADE A MOTION TO CONTINUE THE PUBLIC HEARING UNTIL FEBRUARY 11, 2025.**

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

***** STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; KATHRYN KNIGHT APPROVED.**

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

***** NO ONE ABSTAINED.**

D. #S16-499B - 284 New Canaan Avenue - LandTech for Penna Construction - Corrective Action permit modification to expand extent of previously approved contractor's yard

Ms. Cherichetti gave a brief background on this application which would permit modifications to the 2016 permit.

Brian Carey began the presentation by introducing Rick Constantini. He then said that he would like to extend the public hearing since they had received comments from neighbors as well as waiting for comments from the city's engineers. He addressed concerns of the Agency members that they had heard at the previous meeting. The updated plans will address the stormwater comments from the city. He said that they would be able to address the neighbors' concerns but would like to review them further.

There was a discussion about the noise and the impact on wetlands which included vibrations as well as the lights being on at night. There were concerns with impacts to nocturnal animals. There was concern about overflow spill of materials. There was also a discussion about the 2016 permit and what the conditions were from that original public hearing. Mr. Carey said they would address the Agency members' concerns.

There was also a discussion about the extent of the yard expansion and the silt fence. There was a further review of the site plan. The plan was approved in 2016 and in 2019 it was amended to allow the proposed expansion. There was a discussion about which area should

be left undisturbed. There was also a discussion about a survey of the trees in the area, which did not seem to be included in the applicant's materials. There was a discussion about the runoff and the infiltration system. Mr. Carey said they were working with the city's engineers on updating the plan. There was also a discussion about statements made at the 2016 public infiltration trenches. Ms. Cherichetti said she would add these plans to the website. In 2016, the plan had gone before the Conservation Commission as well as the Planning & Zoning Commission.

Marway Saidi, 46 Carter St., had concerns about the water runoff because there was now standing water on his property, as well as pollutants. He did have concerns about the noise because his house is one of two closest to the property. He said that he had sent an email to Ms. Cherichetti. They confirmed that he had the correct email address.

Meaghan Miles, land use attorney for the owner of 178 Pocconock Trail, Karen and Peter Wilson, one of the abutting neighbors, said that her clients could not use their outdoor space due to noise and vibrations during their operating hours. The applicant had said they would install a sound wall and berm but rather, the plans show a concrete wall. Her clients were requesting that a sound mitigation plan be implemented which would be installed in the regulated area. She also said that she had a video which would explain the sound issues. The commissioners were asked if they wanted to see it but Ms. Cherichetti said it's difficult to provide if there is a court case. Ms. Knight suggested having a decibel level. Mr. Carey said that he had an acoustical engineer on this as well so he would try to get a letter from them as expert testimony. He explained how the berm and the wall would work. He would also provide a permitting summary for the record.

Ms. Miles asked the applicant's team to contact her. She said she had spoken with their attorney to work out a solution to the sound wall that was acceptable to her clients. She did not believe a materials pile would be acceptable as a berm. She also asked the work that was supposed to have been done under the 2016 permit be completed, even though they were seeking permits for new work. She also noted that they were against further expansion since the current application was incomplete. She also encouraged the commissioners to visit the site. She noted that there seemed to be processing of materials. She did not think the application met the requirements for approval.

Piotr Suchocki, 11 May Drive, said he had concerns about the noise level and the pond on his property. He did not think this was the right location for this type of business.

Peter Wilson said he believed that the applicant closed a business in another part of Connecticut and opened it at this site. He noted that there were activities on the property which were prone to seepage and spillage. He explained how the property was used when the National Guard owned it. He asked if they should hire their own sound engineer.

Ms. Cherichetti suggested that the public hearing remain open.

Conservation Commission

January 28, 2025

Page 5 of 8

Ms. Brown asked if they could hire a third-party consultant to review wetland impacts for this application. There was also discussion about concrete debris on the site that were seen in some pictures.

***** MR. KLOCKE MADE A MOTION TO REQUIRE A THIRD-PARTY REVIEW**

***** MS. BROWN SECONDED THE MOTION.**

***** STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; KATHRYN KNIGHT APPROVED.**

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

***** NO ONE ABSTAINED.**

***** MR. KLOCKE MADE A MOTION TO CONTINUE THE PUBLIC HEARING UNTIL FEBRUARY 11, 2025.**

***** MS. KNIGHT SECONDED THE MOTION.**

***** STEVE KLOCKE; CHERYL BROWN; PAUL VINETT; KATHRYN KNIGHT APPROVED.**

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

***** NO ONE ABSTAINED.**

VI. DISCUSSION &/OR DECISION

A. #S24-650 - 292 Fillow Street - Brook Clark Landscape Architects - Corrective Action reconstruction of a retaining wall within a wetland and a watercourse

Ms. Williams discussed the resolution that she had drafted. Mr. Klocke said that he would abstain from voting on this.

***** MS. BROWN MADE A MOTION TO APPROVE THE DRAFT RESOLUTION FOR #S24-650 - 292 FILLow STREET, AS WRITTEN.**

***** MS. KNIGHT SECONDED THE MOTION.**

***** CHERYL BROWN; PAUL VINETT; KATHRYN KNIGHT APPROVED.**

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

***** STEVE KLOCKE ABSTAINED.**

B. #S24-645 - 36 Range Road - Anderson - Corrective Action grading, filling and landscaping within and adjacent to a wetland and a watercourse

Ms. Cherichetti said that they did not need to render a decision that evening, although the public hearing was closed.

The Agency members discussed the application. Ms. Knight had concerns about the minimal vegetative buffer, and the retaining walls that had been built. Ms. Cherichetti said that each application was reviewed on a case-by-case basis. Mr. Vinett said he was comfortable with what the applicant's representative had presented. Ms. Cherichetti showed them aerial photos of the trees on the property across multiple years.

There was a discussion about what would happen if the application was rejected. Ms. Cherichetti reviewed the enforcement process. She shared the site plans and discussed some alternatives for a buffer. The commissioners discussed proposals and suggestions for the resolution. Ms. Cherichetti said that they could also email her with suggestions.

C. #S24-648 - 284 New Canaan Avenue - LandTech for Penna Construction - Corrective Action clearing in and adjacent to wetlands and a watercourse

This item was continued to the commission's next meeting.

D. #S16-499B - 284 New Canaan Avenue - LandTech for Penna Construction - Corrective Action permit modification to expand extent of previously approved contractor's yard

This item was continued to the commission's next meeting.

VII. ACCEPTANCE OF MINUTES

A. January 14, 2025 meeting minutes

*** MS. BROWN MADE A MOTION TO APPROVE THE MINUTES OF JANUARY 14, 2025.

*** MR. VINETT SECONDED THE MOTION.

*** CHERYL BROWN; PAUL VINETT; KATHRYN KNIGHT APPROVED.

*** NO ONE OPPOSED THE MOTION.

*** STEVE KLOCKE ABSTAINED.

VIII. CONSERVATION INITIATIVES

Ms. Cherichetti noted that there had been a pause on some Federal grants that the department had received. Mr. Vinett noted that there was an injunction which could reverse it.

IX. REPORTS

Conservation Commission

January 28, 2025

Page 7 of 8

A. Commission Chair

There were no reports from the chair.

B. Senior Environmental Officer

There were no reports from the Senior Environmental Officer.

X. ADJOURNMENT

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

***** MS. BROWN SECONDED THE MOTION.**

***** MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 9:35 pm.

Respectfully submitted,

Diana Palmentiero