

**CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
DECEMBER 19, 2023**

PRESENT: Steve Klocke, Chair; Cheryl Brown; Ed Holowinko; Kathryn Knight; Heather Breslin

STAFF: Alexis Cherichetti; Amelia Williams

OTHERS: Bill Kenny; Mr. Ritchey; William O'Connor; Brian Carey; Dean Martin; Michael Butts; Carlos Costa

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 COMMENT

There were no members of the public who spoke at this time.

IV. RECEIPT & DISCUSSION

a) #S23-630 – 5 Nathan Hale Drive – Ritchey – Corrective Action landscaping adjacent to a watercourse

Although the Ritchey's were on the call, their representative, Bill Kenny, was not. Ms. Williams was asked to send him the Zoom link again.

Alexis Cherichetti gave a quick overview of the application. She started by orienting the commissioners as to the location of the property on an aerial map of Wilson Point. She noted that there was a man-made wetland pond surrounded by wetland soils. She explained that this was a corrective action following a complaint by a neighbor. After an investigation, she noted that they could not verify all the complaints. One of them was that the vegetative buffer had decreased over the years which led to the notice of violation. The owners submitted a corrective action application for the area in front of the pond.

Bill Kenny, a professional wetlands scientist, joined the meeting and continued the application by explaining what had been done at the property. First, he mapped the wetlands, then he worked with the property owners and Ms. Cherichetti to develop a planting plan to revegetate an area of the buffer. There would be native plants along the buffer of the pond which had been there for many decades. The lawn in the area would be removed for native plantings. He also noted that the neighbor to the east had a view easement over this property so trees that would grow tall could not be planted. He showed them various photos of the current pond. He then showed them photos of plantings done at a home in Greenwich that had been in a similar situation. The property owners are proposing something similar on their property. He then showed them the planting plan with the plant list they were proposing.

Ms. Knight asked if there were any historical photos to show what had been taken away. She also asked for clarification of where the wetland area is. Mr. Kenny said that there is lawn in the wetland area and had been there for decades. They were shown a photo from 2015. They had based the violations on the aerial photos.

There was a discussion about the complaints which were about landscape management activities. Ms. Cherichetti had received photos but when she had reviewed aerial photos it was not clear what had changed. The loss of vegetation around the pond was the only thing that she could document.

There was a discussion about grandfathering of lawns and plantings done before the Inland/Wetlands Act took effect and what that meant for maintenance. Ms. Cherichetti explained permitted activities under the Act including pre-existing areas which can be maintained. They are allowed to maintain them as lawn.

There was a discussion about any wetlands functions that are currently present in the area. Mr. Kenny described groundwater discharge, and flood water storage during flooding events. The pond also serves as a water quality area as well as supporting wetland plants and animals.

Mr. Ritchey, the property owner, said that they had met with Ms. Cherichetti and that they are available and open to learning and advice.

Mr. Klocke asked Ms. Cherichetti to prepare a resolution for the commission's next meeting.

b) #S23-631 – 207 West Rocks Road – O'Connor – Corrective Action landscaping in and adjacent to a wetland and a watercourse

Ms. Cherichetti began the presentation by orienting the commissioners as to the location of the property on an aerial map. She explained that the applicant had hired a contractor to do work in the back of the property. She shared some photos, one dating to

March 2023. There are stone walls indicating the property lines. There is a large watercourse system off the property. The applicant had been working within the wetlands. She then shared the application with the commissioners. She said that the applicant had issues with the soil scientist that was hired, so she had to amend the directives. The applicant then hired another soil scientist, Bill Kenny. There are disturbed upland soils. She discussed the corrective action as well.

Mr. O'Connor explained that trees had been taken down because they were rotting and could fall on his house. They were also trying to correct the grade for drainage. There was a discussion about how much grading there would be, which Mr. O'Connor said would not be significant. He explained that the backyard had not been draining properly. He explained further about the trees that were removed from the property.

Mr. Klocke explained the purpose of this meeting, which was to receive Mr. O'Connor's application and discuss it further. If they need more information, the commissioners could request that as well. Mr. O'Connor said that they would not do any more work until the spring.

There was a discussion about erosion controls. Ms. Cherichetti shared photos of the current conditions but encouraged commissioners to visit the site as well. She showed them the accessway and stone walls, as well as the pile of logs from the trees. She then showed them aerial photos for reference. Mr. O'Connor explained that the middle of the yard was a bowl which caused pooling issues. Mr. Klocke noted that when the house was built, the wetlands were likely filled so they are not showing up on the delineation map. He then said he would like to see drawings from an engineer to show how the grade has changed. He believed that dirt had been pushed into the wetlands.

Mr. O'Connor explained that he had moved into the home a year ago and that some of what was there had been done by the previous homeowner. He said that they were trying to make the backyard safe but had stopped work once Ms. Cherichetti came to inspect. He would restore what had to be restored. Mr. Klocke explained the application process which Mr. O'Connor had submitted but Ms. Cherichetti had not reviewed it yet since she had been out.

Ms. Brown requested that erosion control be set up on the site immediately. Her concern was silt moving into the wetlands especially since there had been a lot of rain recently. Mr. O'Connor said that there was a silt fence around the property but that Ms. Cherichetti had not been able to take pictures of it. There was a request for a planting plan. There was also a discussion about the removal of the logs with a dump truck. There was a discussion about grubbing which Ms. Cherichetti said would require a permit. The commissioners agreed that Mr. O'Connor could remove the logs but not pull up any other stumps.

***** MR. KLOCKE MADE A MOTION TO CHANGE THE AGENDA TO SKIP THE PUBLIC HEARING AND START WITH APPROVAL OF THE MINUTES.**

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

***** STEVE KLOCKE; CHERYL BROWN; ED HOLOWINKO; HEATHER BRESLIN; KATHRYN KNIGHT APPROVED.**

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

***** NO ONE ABSTAINED.**

VIII. APPROVAL OF MINUTES

a) November 28, 2023 meeting minutes

***** MS. BRESLIN MADE A MOTION TO APPROVE THE MINUTES OF NOVEMBER 14, 2023.**

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

***** STEVE KLOCKE; CHERYL BROWN; HEATHER BRESLIN; KATHRYN KNIGHT; ED HOLOWINKO APPROVED.**

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

***** NO ONE ABSTAINED.**

At this point, the commissioners waited until 7 pm to start the public hearing. Brian Carey then told the commissioners that he had another meeting at 7:30 pm. Ms. Cherichetti said that a decision would not be made at this meeting and that his application would be on the next agenda.

VI. PUBLIC HEARINGS (begins at 7:00 p.m.)

Prior to the public hearing, Ms. Cherichetti called the roll again.

a) #S23-626 – 199 Newtown Avenue – Petrucci – Construction of a new single-family residence adjacent to a wetland and a watercourse

Ms. Cherichetti noted that this was the second continuance of the public hearing. She said that the applicant had submitted revised plans the day prior to this meeting.

Dean Martin showed the commissioners what was on the new topographic map as opposed to the last one. He reviewed it with Ms. Cherichetti. He discussed the latest planting plan which increased the buffer and added additional plants. He also discussed the changes that the commission had requested. A swale had been added near the driveway.

There was a discussion about whether there would be lawn in the wetlands. There was a discussion of the drainage pipe running through the property. There was also a discussion about the debris pile.

At this point, members of the public were invited to comment on this application.

Michael Butts, 7 Stony Brook Road, said that his property was abutting this one. He said that he had measured the property and that his property is not level with the other one. He said it was lower. He believed that when there were heavy rains, the water would flow onto his property. He had made suggestions about how to mitigate the water. He thought that the applicant should be responsible for the water.

No other members of the public spoke on this matter.

Mr. Martin said that they had tried to alleviate any impact to Mr. Butts' property.

Carlos Costa, 3 Stony Brook Road, understood that Mr. Martin had said he had spoken to him about the drainage pipe, but Mr. Costa said that he had not spoken to Mr. Martin about the drainage issues.

Mr. Martin clarified that the only one he had spoken with about the pipe was the applicant.

There was a discussion about a part of the lot being in the upland review area. Mr. Martin said that they were not changing much but did explain what they were doing in this area. He also discussed the 72 contour.

Mr. Klocke said that this was the last time the commissioners could receive information and asked them if they had any further questions.

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

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

***** STEVE KLOCKE; CHERYL BROWN; HEATHER BRESLIN; KATHRYN KNIGHT; ED HOLOWINKO APPROVED.**

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

***** NO ONE ABSTAINED.**

VII. DISCUSSION &/OR DECISION II

a) #S23-626 – 199 Newtown Avenue – Petrucci – Construction of a new single-family residence adjacent to a wetland and a watercourse

Mr. Klocke asked if there was a draft resolution. Ms. Cherichetti said that she would include the usual conditions for single family homes.

V. DISCUSSION &/OR DECISION

a) #S23-629 – 284 New Canaan Avenue – LandTech – Expansion of parking lot for commercial use adjacent to a watercourse

Ms. Cherichetti said that an invasive plant management plan had been submitted. There were no changes to the proposed site plan. She discussed the mitigation for the front wetland/detention basin. She had not drafted a resolution.

There was a discussion about some items that the applicant had agreed to. Ms. Cherichetti said that she would remind them of those, including to improve the planting plan. There were concerns that the applicant needed more than six parking spaces on the site and the encroachment into the wetland watercourse. Ms. Cherichetti read from the regulations as to how decisions should be made. She explained that the commissioners could question the purpose of the activity. She made suggestions as to what the commissioners could request of the applicant.

IX. CONSERVATION INITIATIVES

Ms. Cherichetti said she was looking through her files for a red-line of the existing regulations. As soon as she had made changes to it, she would forward it to the commissioners.

X. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti said there would be a press conference at Veterans Park the following day since the city would be receiving two grants that she had applied for. She explained that the grants for Veteran's Park would be used to make it more flood resilient. She also explained the site designs including a boardwalk.

Ms. Cherichetti noted that the re-write of the zoning regulations had been adopted. She also said that most of their comments had been added to them.

XI. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

The commissioners thanked Ms. Cherichetti for her work on the grants.

XII. ADJOURNMENT

***** MS. BRESLIN MADE A MOTION TO ADJOURN.
*** MS. KNIGHT SECONDED THE MOTION.
*** MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 7:51 pm.

Respectfully submitted,

Diana Palmentiero