

**CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
DECEMBER 10, 2024**

PRESENT: Steve Klocke, Chair; Heather Breslin; Paul Vinett; Kathryn Knight; Ed Holowinko; Cheryl Brown (after roll call)

STAFF: Alexis Cherichetti

OTHERS: Brian Carey; Steve DiNapoli; Atty Frank Murphy; Lynn Shaak; Mike Anderson

I. CALL TO ORDER

Mr. Klocke called the meeting to order at 6:01 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 that spoke.

IV. RECEIPT & DISCUSSION

No applications were received at this meeting.

V. DISCUSSION &/OR DECISION

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

Mr. Klocke noted that the applicant was not present but asked if they could come back to it when Mr. Anderson arrived. Ms. Cherichetti said could move through the remainder of the agenda and see when he arrived.

b) #S24-648 – 284 New Canaan Avenue – LandTech for Penna Construction – Correction Action clearing in and adjacent to wetlands and a watercourse AND c) #S16-499B – 284 New Canaan Avenue – LandTech for Penna Construction – Corrective Action permit modification to expand extent of previously approved contractor’s yard

Brian Carey, agentt for the applicant, began the presentation by stating that they were still working on the plans from the Agency's comments at a past meeting. He apologized for the delay.

Ms. Cherichetti confirmed that the applicant was granting the commission an extension of time since their next meeting is January 14, 2025. Mr. Carey said that he would send a letter to her the following day.

d) #S24-649 – 12 Brookhill Lane – Big East Environmental - Corrective Action reconstruction of a stone wall adjacent to a wetland and a watercourse

Ms. Cherichetti noted there was a draft resolution for the Agency's review. They had received the application at a previous meeting. She gave a brief overview of the application.

*** **MR. VINETT MADE A MOTION TO APPROVE THE DRAFT MEMORANDUM FOR #S24-649 – 12 - BROOKHILL LANE AS PRESENTED.**

*** **MR. HOLOWINKO SECONDED THE MOTION.**

*** **STEVE KLOCKE; HEATHER BRESLIN; PAUL VINETT; KATHRYN KNIGHT; ED HOLOWINKO APPROVED.**

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

*** **NO ONE ABSTAINED.**

Steve DiNapoli thanked the Agency members.

VI. ENFORCEMENT ACTIONS

a) #V24-1075 – 26 & 30 Devils Garden Road – Shaak – Show-Cause Hearing (continued) – Unauthorized site work in and adjacent to a wetland and watercourse

Mr. Klocke noted that some Agency members had gone to the site. Ms. Cherichetti gave a brief overview of the activities cited in the order. She shared aerial photos with the Agency members, the first dating back to 1934. She showed them the location of the wetlands and watercourses in these photos. In the staff memo, she discussed how wetlands are delineated. Ms. Cherichetti showed them the topography maps and explained that wetlands will follow the same elevation. She said that she had been to the property twice since the last meeting and explained her review. She also showed them aerial photos of the property from 2018, 2014 and 2022. She also showed them photos that had been taken while on the property. She confirmed that the activities on the property were in violation of the wetland regulations. She recommended upholding the order, as well as adding other unpermitted activities that also appear to have occurred within or near the wetland without permits.

Mr. Vinett thanked Ms. Cherichetti for arranging the site visit. He then described an area on the property that felt spongy, as well as noticing highwater on the property. He believed that the work on the property had destroyed wetlands. Ms. Knight noted that there was clear fill on the site. Mr. Vinett also noted that planks had been placed to walk across the swamp area.

Frank Murphy noted that during the inspection on the previous day, it was during a rain storm so that it would be expected to be wet. He also noted that the house had been constructed before 1940, although there is not an exact date in the tax records. He then explained the permit for a wood deck in 1994. He also discussed the shed which is covered for the winter. He also described where the wood chips came from, as well as allowed uses in wetlands that were found in the state statutes. He discussed several other points in Ms. Cherichetti's report.

Mr. Klocke suggested that the applicant hire a professional wetland scientist to tell them that what Atty Murphy was stating was accurate. He also discussed what work on the property would have needed a permit and what would not. He made some suggestions about how to restore the property.

There was a discussion about the deck and Ms. Cherichetti said that there was no deck prior to 2022. Since the deck had not been built until then the 1994 permit would have expired. There was also a discussion about a shed on the property which had been constructed in the wetland area.

Lynn Shaak explained about the deck and the shed which she said was there when she purchased the property. There was a discussion about the deck around the hot tub which Ms. Shaak said was an area to get in and out of the hot tub, and not a deck. There were further comments by the commissioners about the shed and deck around the hot tub.

Ms. Brown suggested that there should be a survey provided and also discussed the regulation of the fill on the property. Ms. Knight also requested that an expert delineate where the wetland boundary is.

Ms. Shaak said that she would comply with the Agency and explained why she had done what she had done to the property. There was also a discussion about how this would affect the surrounding properties which have changed the landscape. Ms. Cherichetti said that they are looking at them.

There was a review of the draft corrective action order which cited both properties. There was a discussion about next steps and what were regulated activities. For the resolution, there was a discussion about the timeline for the delineation and application which must be filed. The commissioners made changes to the enforcement order.

*** **MR. KLOCKE MADE A MOTION TO UPHOLD AND AMEND THE ENFORCEMENT ORDER FOR #V24-1075 – 26 & 30 DEVILS GARDEN ROAD; AMENDMENTS INCLUDE CITING OF ADDITIONAL REGULATED ACTIVITIES AND NEW DEADLINES TO MEET THE LISTED DIRECTIVES.**

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

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

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

*** **NO ONE ABSTAINED.**

Mr. Klocke thanked Ms. Shaak for allowing them to visit the property the previous day.

*** **MR. KLOCKE MADE A MOTION TO AMEND THE AGENDA TO RETURN TO V.(a).**

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

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

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

*** **NO ONE ABSTAINED.**

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

Ms. Cherichetti gave a brief overview of what had transpired since their last meeting. She noted that it would require a public hearing. The applicant had submitted revised plans the previous day. He had also hired a landscape architect to submit a site plan and narrative. She also discussed a revised survey done in 2024.

Mike Anderson, the homeowner, continued the presentation. There was a discussion about the site plan and the gravel area in the wetlands. There was also a discussion about the mix of plantings. There was a discussion about the proposed meadow as well as the demarcated buffer zone. Mr. Anderson also described an upper wall.

Ms. Cherichetti showed them some photos of the property. Mr. Klocke made suggestions as to what should be changed. There were concerns about artificial turf next to the wetlands. There was a concern about the bamboo that had been planted. Mr. Anderson explained that he had put in the artificial turf down for his children, instead of what the commissioners were requesting, stones or pavers. Ms. Knight said that there were other surfaces that could be used. Mr. Klocke suggested that they find a professional to give their opinion on the artificial turf. There was a discussion about when the public hearing should be held. Ms. Cherichetti suggested a timeline which included the applicant granting the Agency an extension for the public hearing. There was further discussion about the artificial turf and its effects on the wetlands.

Mr. Anderson granted an extension for the date of the public hearing commencement.

*** **MR. KLOCKE MADE A MOTION TO HOLD THE PUBLIC HEARING ON JANUARY 28, 2025.**

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

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

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

*** **NO ONE ABSTAINED.**

Ms. Cherichetti said that she would discuss the notice requirements with Mr. Anderson.

VII. APPROVAL OF MINUTES

a) November 26, 2024 meeting minutes

*** **MR. VINETT MADE A MOTION TO APPROVE THE MINUTES OF NOVEMBER 26, 2024.**

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

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

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

*** **HEATHER BRESLIN ABSTAINED.**

VIII. CONSERVATION INITIATIVES

There were no comments.

IX. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti said that she had no comments.

X. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

Mr. Vinett asked whether artificial turf had been approved in a wetland before. Ms. Cherichetti said there had been one other violation where turf had been placed within a

wetland. She then discussed the regulations with reference to situations where an application was denied. She encouraged documentation from professionals for the Agency to review. She suggested that the Agency review the state statutes on the section for considerations of making decisions.

Ms. Breslin made a comment about the materials that are removed from properties after the Agency renders decisions. Ms. Knight made comments about case law for the impacts of pollutants.

XI. ADJOURNMENT

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

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

***** MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 8:27 pm.

Respectfully submitted,

Diana Palmentiero