

**CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
NOVEMBER 26, 2024**

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

STAFF: Alexis Cherichetti

OTHERS: Steve DiNapoli; Atty Frank Murphy; Lynn Shaak; Steve Russo

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

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

Ms. Cherichetti gave a presentation about this corrective action application. They had received a complaint about a retaining wall on the applicant's property, which was being reconstructed. It is in the same place as the previous one. She oriented the Agency members as to the location of the property on an aerial map.

Steve DiNapoli, an environmental consultant, continued the presentation by discussing what was proposed to be done to the retaining wall. The work would be done by hand, with no heavy machinery. He also described the vegetation that would be added.

Mr. Klocke noted that the Agency was receiving the application at this meeting. Staff would prepare a resolution for the next one.

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

Ms. Cherichetti noted that the application is still incomplete and the applicant is not in attendance. Although the applicant has a landscape architect and surveyor, their revised materials are not complete. The applicant has given the commission an extension of time. The public hearing could be at the Agency's first meeting in January.

b) #S24-648 – 284 New Canaan Avenue – LandTech for Penna Construction – Correction Action clearing in and adjacent to wetlands and a watercourse

c) #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 suggested the Agency also table discussion on these applications. The agent for the applicant is continuing to update and revise the submitted site plans.

VI. ENFORCEMENT ACTIONS

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

Ms. Cherichetti began the presentation by explaining that an order was issued on November 7, 2024 for work that had started in a wetland area on the property. She described the next steps under the order.

Ms. Cherichetti explained that the staff had gone to a neighbor's house in August to discuss their shed was in a wetland area. At this point, they looked at the surrounding properties and noticed the changes at 26 Devil Garden Road. Ms. Cherichetti noted that a Notice of Violation was sent to the property owner conducting the work. She oriented the Agency members as to the location of the property on an aerial map. She then described their investigation of the property which included older aerial photos. The photos showed areas that had been cleared of vegetation. Ms. Cherichetti said that she had never been permitted on the property to see the conditions in person. She also showed them photos from the adjacent property, as well as noting that the clearing also occurred on the neighbor's property. There was a discussion as to whether the neighbor was aware of it. Ms. Cherichetti said that they may not have been aware that it was their property. She also explained why they were part of the violation notice.

Atty Frank Murphy, the attorney for the owner of 26 Devils Garden Road, continued the presentation with background information. He said that a tract of land behind the property was owned by the Norwalk Land Trust. He also noted that there are drainage easements at 30 Devils Garden Road. He said that the additional water on the property was not coming from his clients' property but rather from water being dumped by the city onto the Norwalk Land Trust property. He explained that one of the trees that had been removed was damaged in a storm. He explained that the aerial photos did not tell the whole story. The applicant had met with Ms. Cherichetti in October when they provided photos to her, which she shared with the

commissioners. Atty Murphy discussed each photo as they were shown. He claimed that the area had never been a swamp area, or filled or graded. He said that the perimeter fence had been on the property since his client had purchased the property in 2015. He also believed that the orders were unreasonable.

There was a discussion as to how the applicant concluded this was not a swamp area, since there had been no wetland delineation completed by a soil scientist. Mr. Klocke noted that since none of the commissioners have expertise in this, they rely on experts to give advice about the property. He also suggested that a survey would be necessary to confirm the property lines. There was a discussion about whether the property owner should be required to do this work when they believe that the wetness on a neighbor's property has nothing to do with their property. Atty Murphy requested that the notice be rescinded. Ms. Cherichetti said that she could show them other topographic maps and overlays. There was also a discussion about Ms. Cherichetti inspecting the site.

Lynn Shaak, the owner of the property, gave a brief statement about the property. Steve Russo said that there is a pipe at the back of the property which causes water to be there. There was a discussion about Ms. Cherichetti and the commissioners being allowed to inspect the property. Mr. Klocke said that the Show-Cause Hearing would be continued until the Conservation Commission's next meeting on December 10, 2024. Ms. Cherichetti would set up an inspection time with the property owner as well as let the commissioners know when, in case they would like to attend.

VII. APPROVAL OF MINUTES

a) November 12, 2024 meeting minutes

***** MR. VINETT MADE A MOTION TO APPROVE THE MINUTES OF NOVEMBER 12, 2024.**

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

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

***** OPPOSED THE MOTION.**

***** NO ONE ABSTAINED.**

VIII. CONSERVATION INITIATIVES

Mr. Klocke did not have any comments.

IX. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti that the Common Council, at their meeting that evening, was confirming a new commission member to fill their vacancy. She also said that she had notified the Mayor's

office that Mr. Klocke was interested in being reappointed as the Conservation Commission's chair. It would be approved at the Common Council's January meeting.

X. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

Mr. Klocke did not have any comments.

XIII. ADJOURNMENT

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

Meeting adjourned at 7:16 pm.

Respectfully submitted,

Diana Palmentiero