

**CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
NOVEMBER 14, 2023**

PRESENT: Steve Klocke, Chair; Cheryl Brown; Matt Pentz; Heather Breslin; Kathryn Knight

STAFF: Alexis Cherichetti; Amelia Williams

OTHERS: Diane Lauricella; Brian Carey; Mike Pasquarella; Dean Martin; Michael Butts;
Oksana Cline; Carlos Costa

I. CALL TO ORDER

Mr. Klocke called the meeting to order at 6:03 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

Diane Lauricella said she was pleased that the Conservation Commission presented ideas for the Planning & Zoning Commission proposed zoning regulations. She said she was also preparing comments on the drinking water which she would send to the commission.

IV. RECEIPT & DISCUSSION

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

Ms. Cherichetti introduced Brian Carey who spoke on behalf of the applicant. Mr. Carey began by showing an aerial map of the property. He noted that there are traffic issues outside of the property due to the entrance of the Merritt Parkway. The applicant would like to add parking to the front of the building. There is a wetland area used as a detention basin. The property was previously a garage. He noted that the drainage is compliant with the city's requirements. He also noted that there had been buffering added to the property. He showed them pictures of the property where the parking lot would be added. He also showed them existing conditions which included the parking. Some of the staff must park along an access way, which is why they would like to provide parking for them.

There was a discussion about whether parking could be provided in another area that is not the upland review area. Mr. Carey noted that most of the property is in an upland review area. There are trees on a good portion of it. He also explained that there are buried utilities. There was also a discussion about the number of proposed and number of current parking spaces on the lot. There was a discussion about a planting bed nearby.

At this point in the meeting, the commissioners decided to make changes to the agenda since it was not yet 7 pm.

***** MR. KLOCKE MADE A MOTION TO CHANGE THE AGENDA TO SKIP THE PUBLIC HEARINGS AND START WITH ITEM VII (ENFORCEMENT ACTIONS)**

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

***** STEVE KLOCKE; CHERYL BROWN; MATT PENTZ; HEATHER BRESLIN; KATHRYN KNIGHT APPROVED.**

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

***** NO ONE ABSTAINED.**

V. ENFORCEMENT ACTIONS

a) #V23-1058 – 35 Weather Bell Drive – Pasquarella - Failure to follow directives of Violation #V23- 1054 issued for clearing and filling in and adjacent to a wetland and adjacent to a watercourse

Ms. Cherichetti gave a brief explanation of what a Show Cause hearing was. She then gave a timeline of when the property owner was issued the notice of violation in August. She said that the property owner called her in September with several issues so she granted an extension. However, there were further delays so Ms. Cherichetti issued the order, with revised deadlines. She explained that the property owner had received a sign-off for home renovations including a rear deck. She said that staff thought the deck was far enough away from the wetlands. She then oriented the commissioners as to the location of the property on an aerial map. On the map she also noted where there were some trees and where others had been removed. She explained that a professional would be needed to obtain information being requested in the Order.

Mike Pasquarella continued the presentation by explaining that he had tried to engage four people. He did, however, say that he had spoken with Jay Fein, who should be able to complete the necessary paperwork by November 21. He also said that he had contacted Ms. Cherichetti when he first purchased the property about the trees on it. He described working on the deck permit. He noted that he had asked for maps of the wetlands on his property. He was told by zoning staff that he would not need a conservation permit for the deck. He said he did further research on his property as well.

Mr. Klocke noted that November 21 did not seem like a reasonable date for Mr. Pasquarella. Ms. Cherichetti requested a 2 week extension.

***** MR. KLOCKE MADE A MOTION TO AMEND THE CEASE AND RESTORE ORDER #V23-1058 AS DISCUSSED. UNDER DIRECTIVE 1, THE DATE WAS CHANGED TO DECEMBER 5, 2023 AND UNDER DIRECTIVE 2, THE DATE WAS CHANGED TO JANUARY 23, 2024**

***** MR. PENTZ SECONDED THE MOTION.**

***** STEVE KLOCKE; CHERYL BROWN; MATT PENTZ; HEATHER BRESLIN; KATHRYN KNIGHT APPROVED.**

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

***** NO ONE ABSTAINED.**

VI. BOND RELEASE/REDUCTION REQUESTS

a) #S21-576 – 70 Witch Lane – Horvath – Release of Bond (\$2,290) for Corrective Action fill removal and landscaping in and adjacent to wetlands and a watercourse

Ms. Cherichetti explained the corrective action and said that the fill was done. Two tulip trees were removed but only one was replaced. A second one was only replaced two weeks prior to the meeting. She recommended that they hold 10% of the bond since not all the work had been completed.

***** MR. KLOCKE MADE A MOTION TO RELEASE THE BOND IN FULL.**

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

***** STEVE KLOCKE; CHERYL BROWN; MATT PENTZ; HEATHER BRESLIN; KATHRYN KNIGHT APPROVED.**

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

***** NO ONE ABSTAINED.**

b) #S21-580 – 8 Leslie Lane – Kurche – Release of Bond (\$2,662) for the Corrective Action replanting of the wetland

Ms. Cherichetti explained that it was unclear as to how many of the plantings had died since being planted. She also noted that it is not being maintained. The bond had not transferred when the property had been sold. She showed them pictures of the current plantings, some of which had not survived. She also discussed the original planting plan to discuss what was planted and what had died. There was a discussion about keeping the bond to purchase plantings and do it again.

***** MR. KLOCKE MADE A MOTION NOT TO RELEASE THE BOND.**

***** MR. PENTZ SECONDED THE MOTION.**

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***** STEVE KLOCKE; CHERYL BROWN; MATT PENTZ; HEATHER BRESLIN;
KATHRYN KNIGHT APPROVED.**

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

***** NO ONE ABSTAINED.**

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

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

Mr. Klocke opened the public hearing at 7:03 pm. Ms. Cherichetti explained how the public hearing process worked so that members of the public could comment. There was confirmation that neighbors had been notified about the hearing.

Dean Martin, the engineer on the project, began the presentation by showing them the site plan for the property. He discussed the project which was to build a single family residence which would be outside of the wetland setback. He also discussed the flood elevations. He said that all excess materials would be removed from the site. There had been a stormwater analysis. Increased runoff would remain on site which he explained. The plan had been reviewed by the city's Department of Public Works. (DPW). He discussed the trees on the property as well as the planting plan. There was a discussion about the wetland setback lines. He also reviewed the planting plan.

At this point, the public hearing was open to the public.

Michael Butts, 7 Stony Brook Road, said his property was behind the property. He thought that using topography from 2011 was not a good idea. He also thought the driveway would be a problem. He thought the catch basins would overflow. He had concerns about rain flooding his backyard.

Oksana Cline, 5 Stony Brook Road, asked about the construction timeline since it would be in front of her home. She asked how long it would take. She also had concerns about the flooding.

Carlos Costa, 3 Stony Brook Road, said he was concerned about the drainage issues. His driveway is below street level. He said if the pipe was broken during construction that drains to the pond, would it flood his garage and then his home.

Mr. Klocke summarized the comments from the public.

Mr. Martin said that he had attempted to get an updated topography map but the consultant was behind. He also noted that he had made a mistake about there being a crawl space and not a slab. He said that they would relocate the topsoil. They had wanted to place it

where it wouldn't be moved but could move it to a place in the northeastern corner of the property. He realized that this is a low point in the neighborhood but they can't keep the water on their property. They do not want to increase water for the neighbors. There was also a discussion about removing a landscape brush pile. Mr. Martin said there was no construction timeline yet. They would note any drainpipes so as not to hit during construction. There was discussion about adding a trench drain to the driveway or adding swales to either side.

Ms. Cherichetti said that she had sent an email from Mr. Butts that she had received in September before the public hearing had been scheduled. She also explained what the commissioners were reviewing and impacts to the water course. She explained the purview of the commissioners as the Inland Wetlands Agency. FEMA defined high risk flood areas but other areas can flood as well. There was also a discussion about the survey and that it should have been updated when filing the application.

There was a discussion about the upland review area, the buffer, and the location of the patio. Ms. Knight said she was not sure what the buffer was. There was a discussion about the lawn and buffer. Ms. Knight noted that they were encouraging more buffers. Mr. Martin said he would check with the owner to change the depth of the buffer. Mr. Klocke asked if the patio could be made of impervious surfaces. Mr. Klocke suggested keeping the public hearing open for 2 weeks so the applicant could make updates. The public could make additional comments at that time.

VIII. APPROVAL OF MINUTES

a) October 24, 2023 meeting minutes

***** MS. BRESLIN MADE A MOTION TO APPROVE THE MINUTES OF OCTOBER 24, 2023.**

***** MR. KLOCKE SECONDED THE MOTION.**

***** STEVE KLOCKE; HEATHER BRESLIN; KATHRYN KNIGHT APPROVED.**

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

***** CHERYL BROWN; MATT PENTZ ABSTAINED.**

X. ANNUAL MEETING SCHEDULE

Ms. Cherichetti said that since she had not emailed this to the commissioners she would share her screen. The commissioners reviewed it including Thanksgiving week. She said that in the past they had not held a meeting that week. Mr. Klocke said that they should hold a meeting.

***** MR. KLOCKE MADE A MOTION TO APPROVE THE ANNUAL MEETING SCHEDULE FOR 2024.**

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

***** STEVE KLOCKE; HEATHER BRESLIN; KATHRYN KNIGHT; CHERYL BROWN; MATT PENTZ APPROVED.**

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

***** NO ONE ABSTAINED.**

XI. CONSERVATION INITIATIVES

Mr. Klocke said that he had joined a Planning & Zoning Commission meeting earlier in the month. He discussed what they talked about. He also noted that New York and Massachusetts had stretch energy codes, but Connecticut did not. He would work with one of the P&Z Commissioners to bring forth this legislation on the state level in February 2024. In the proposed zoning regulations, the city is incentivizing sustainability measures in certain areas to promote a walkable city. Ms. Knight said she could help Mr. Klocke with the proposed legislation.

XII. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti discussed the Citywide Coastal Flood Resiliency Plan, including the RFP and Steering Committee which Ms. Knight would continue to be on.

There was a discussion about the Open Space Fund in the annual Capital Budget request. She said that Recreation and Parks would request the funds. Mr. Pentz said that he thought the Conservation Commission should have a healthy fund so that it could obtain open spaces. He suggested that they ask for \$250,000 to have more funds in the account. Some of the commissioners agreed with this. There was a discussion about the amount of open space in Norwalk relative to the target level that the state had set which was 20%. Ms. Cherichetti suggested the Conservation Commission direct the staff to send a memo to the Director of Recreation and Parks asking for more funding for the Open Space Fund during the Capital Budget requests. There was a discussion as to why the Conservation Commission was requesting funds through the Recreation and Parks Department.

***** MR. PENTZ MADE A MOTION TO DIRECT THE STAFF TO WRITE A LETTER TO THE RECREATION AND PARKS DEPARTMENT REQUESTING THEM TO SUBMIT A CAPITAL BUDGET FUNDING REQUEST IN THE AMOUNT OF \$250,000 FOR THE OPEN SPACE FUND IN THE UPCOMING FISCAL YEAR.**

***** MR. KLOCKE SECONDED THE MOTION.**

***** STEVE KLOCKE; HEATHER BRESLIN; KATHRYN KNIGHT; CHERYL BROWN;
MATT PENTZ APPROVED.**

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

***** NO ONE ABSTAINED.**

XIII. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

Mr. Klocke asked Ms. Cherichetti if the upland review area could be changed as suggested by Ms. Lauricella. She noted that some towns have increased it and she would send them research on this. She explained the process about how it could be changed. She also noted that the city does not have an adopted open space plan and would discuss with her director to request funding for a consultant to do a plan.

XIV. ADJOURNMENT

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

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

***** MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 8:29 pm.

Respectfully submitted,

Diana Palmentiero