

CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
October 11, 2022

PRESENT: Cheryl Brown, acting as Chair; Ed Holowinko; Matt Pentz; Kathryn Knight; Matt Merluzzi; John Moeling (arrived after roll call)

STAFF: Alexis Cherichetti

OTHERS: Tom Ryder; Craig Flaherty; Kristin DeLeo

I. CALL TO ORDER

Ms. Brown 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. MISSION STATEMENT

Since Mr. Klocke was not in attendance, Ms. Brown said they would move to the next item.

IV. PUBLIC COMMENT

Ms. Cherichetti said there were no members of the public waiting to comment.

V. RECEIPT & DISCUSSION

a) #S22-610 – 13 Valley Road – LandTech – Removal of invasive species and replanting with native in and adjacent to a wetland and watercourse

Ms. Cherichetti gave a brief summary of the application. She noted that the property owner had made an application earlier this year but had withdrawn it. They hired Landtech to file an improved application.

Tom Ryder, biologist/ecologist at LandTech, continued the presentation by showing the site plan to improve the wetlands area on the applicant's property which was overgrown. There would be a lawn transitioning into a wildflower meadow, into the upland review area and the wetlands. He discussed some of the ash trees on the property that had died. Many of them would be removed. There would be areas of the property for the driveway that would be

enlarged as well as adding a retaining wall. He also noted that there was a line for the watercourse which he did not think was there anymore. He discussed where some shrubs would be added, including some for screening. He then showed them pictures of the current conditions.

There was a discussion about the watercourse, however, since this was a drought year, it was difficult to see. There was a discussion as to the benefits of having some dead trees for habitat. Mr. Moeling did not think they should all go. Mr. Ryder said that he had explained that in the project narrative. He explained that these trees were small and did not have the wildlife value that other mature trees might. He said that they had considered it.

There was a discussion of the invasive species removal and what the plan was for it. Mr. Ryder explained the spraying and re-treated, and that it would be done over a few years. He also discussed the types of trees that he had picked for the plantings.

There was a discussion by some of the commissioners who had visited the site under the original application about the watercourse on the property. A couple of them thought it was a small stream. There was a review of pictures of current conditions. There was a discussion about the boulders on the setback line. Ms. Cherichetti spoke about the permit that allowed construction of the residence. She also explained that nothing is outright prohibited like a setback. Ms. Cherichetti noted that the regulations gave the commissioners the latitude to review the wetlands on a case-by-case basis. Permits are given out when there are wetlands on a property. She said she could send the commissioners the 1995 plan.

There was a discussion about trying to preserve the wetlands in this area as well as possibly further down the road. There was a discussion about replacing the canopy trees. Mr. Ryder said the idea was to create a meadow. There was a concern about the birds in the area and how they would be affected by turning the area into a meadow.

There was a discussion about what level of application the project warranted. Ms. Cherichetti explained the next steps for this application. There was also a discussion about the timing of the removal of the invasive species. Ms. Brown asked about the season this would be done. Mr. Ryder explained that the certified applicator had to work with DEEP to determine when it would be done, so he had left it open on the application.

VI. DISCUSSION &/OR DECISION

a) #S22-596 – 75 Witch Lane – FC Engineering LLC – Dredging of existing pond in and adjacent to wetlands and watercourse

Ms. Cherichetti noted that the public hearing had been held in August and September. No one from the public spoke at either meeting. She summarized the application and the various assessments and reports provided. She also explained that the applicant could not

speak at this meeting since the public hearing had been closed. She had written a draft resolution which included some conditions applicable to the application.

Ms. Brown asked if there was any discussion about the draft resolution or the proposed project. There was none.

***** MS. BROWN MADE A MOTION TO ADOPT THE RESOLUTION IN MS. CHERICHETTI'S MEMO TO APPROVE THE APPLICATION WITH CONDITIONS.**

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

***** MR. MERLUZZI, MS. BROWN APPROVED THE MOTION.**

***** MR. PENTZ, MS. KNIGHT AND MR. MOELING OPPOSED THE MOTION.**

***** MR. HOLOWINKO ABSTAINED.**

The motion to approve failed. Ms. Cherichetti asked if anyone would like to make a follow-up motion to explain the majority vote, but no one did.

b) #S22-608 – 5 Topping Lane – Peppet – Replacement of failing septic system adjacent to wetlands and watercourse

Ms. Brown noted that there was a draft resolution. No one had comments.

***** MR. MOELING MADE A MOTION TO ADOPT THE RESOLUTION IN THE STAFF MEMORANDUM AND APPROVE THE APPLICATION WITH CONDITIONS.**

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

***** MOTION PASSED, 6-0.**

c) #S22-609 – 556 & 558 Westport Avenue and 4, 6, 8, 10, 12, & 14 Renzulli Road – Coastal Luxury Homes – Demolition of existing and construction of new mixed used multi-family development with associated stormwater management and landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti noted that the application had been received at the September meeting. She said that the applicant had submitted revisions since that meeting and she was still reviewing these revisions.

Craig Flaherty, the principal engineer on the project, began the presentation with an introduction of the project team. He gave a brief description of the current property. He then summarized the revisions. He discussed some alternatives. He showed them the revised site plans. He also discussed the revised landscaping plans as well as stormwater management plans. When he completed his update, he asked that they could schedule a public hearing.

Mr. Moeling said that he would like to move it to a public hearing. He also noted that he still did not agree with the boardwalk and wondered whether there could be a line item veto. Ms. Cherichetti explained that an approval could be made with conditions, limitations and modifications.

Ms. Brown said that she liked the idea of the boardwalk, since it promoted stewardship.

Ms. Knight about whether dogs should be leashed in the wetlands and if pet relief areas would be designated. Mr. Flaherty said that the residence would be pet-friendly but said he would discuss it further with the applicant.

Ms. Cherichetti discussed removing the parking lot from the front along Westport Avenue and moving the building more north, as requested by the Planning and Zoning Department. Mr. Flaherty said that they did have to maintain a certain amount of parking for the retail that would be in the building. He acknowledged Planning & Zoning would like to see less parking in the front of properties on Route 1.

There was a discussion about scheduling the application for a public hearing. Mr. Flaherty said that the applicant was waiting for some comments from various departments. He also said he would like to be able to hold a public hearing with the Planning and Zoning Commission on December 8.

Ms. Cherichetti explained that the Planning and Zoning Commission could not make a decision until this Commission did.

***** MR. MOELING MADE A MOTION FOR THE PUBLIC HEARING TO BE HELD ON NOVEMBER 8, 2022.**

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

***** MOTION PASSED, 5-1 (MERLUZZI).**

VII. ENFORCEMENT ACTIONS

a) #V22-1038 – 9 Princes Pine Road – DeLeo – Show-Cause Hearing - Cease & Restore Order following degradation of a wetland and watercourse through unauthorized work in a wetland and watercourse and failure to follow directives of Notice of Violation #V22-1037

Ms. Cherichetti began the presentation by explaining the show-cause hearing process. She would discuss why she had issued the Cease and Restore Order. She gave a brief history which led to the hearing. She showed them pictures from her investigation of the property. She showed them a map of the property. She then explained where she saw activity of tree removal that had been reported to her department. She acknowledged the property had been a mess

for awhile. She also showed recent photographs that had been sent by the owners in September 2022. Some of the pictures that she had taken showed downed trees as well as tree branches that were piled up. She also noted how many stumps they had found. The notice was sent on August 16 but went unclaimed. An order was sent on September 30 which the respondent did receive. Ms. Cherichetti said they were at this meeting.

Mr. Moeling asked how Ms. Cherichetti determined there were wetlands in the rear. There was a discussion about the GIS map and how wetlands are depicted. Ms. Cherichetti described how they determined that there were wetlands on the property, including topography, proximity to the river and vegetation such as the skunk cabbage on the property.

Ms. Brown asked if the property owners would like to respond. Prior to them speaking, Ms. Cherichetti read the order and three directives in the order.

Kristin DeLeo explained that they had received a blight notice. She said that the previous owners used the property as a rental. The renters used the property as their garbage cans, rather than having the garbage removed. There was a mess in the backyard. She also explained that there were trees on the property that were diseased that would have fallen on the house had they not been removed. They were trying to clean up the property and had not realized they needed permission to do the work on their property. She also explained what they had planted which they had also gotten from the city's website.

The commissioners said that they saw the intent of the owner. They would work with the owners but they had to follow the law. Mrs. DeLeo said they want to be in compliance. There was a suggestion to send in a soil scientist to officially stake out the wetlands on the property. Ms. Cherichetti suggested new deadlines and when an application should be filed. She said the property owners should have a wetland delineation report by November 8. They directed Mrs. DeLeo to submit her application by January 10.

***** MR. MOELING MADE A MOTION TO UPHOLD ENFORCEMENT ACTION #V22-1038 9 PRINCES PINE ROAD SUBJECT TO THE DIRECTIONS IN THE NOTICE OF VIOLATION,#V22-1037, ALL SUBJECT NEW DIRECTIVE DEADLINES DISCUSSED AT THIS MEETING.**

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

***** MOTION PASSED, 6-0.**

***** MS. BROWN MADE A MOTION TO AMEND THE AGENDA TO CONSIDER AN ASSESSMENT OF PERMIT NEED FOR 32 KNIGHT STREET, #S22-606.**

***** MR. MOELING SECONDED THE MOTION.**

***** MOTION PASSED, 6-0.**

Ms. Cherichetti oriented the location of the property on a site plan. She showed them the area of modification. The Norwalk Historical Commission had made a request to relocate a facade from 32 Knight Street. It would be a modification of a permit. She asked the commissioners if they would be okay with the staff making a modification to the permit.

Craig Flaherty responded for the applicant. Mr. Moeling said that he was fine with the staff making the modification to the permit.

***** MR. MOELING MADE A MOTION TO APPROVE STAFF OVERSIGHT OF THE MODIFICATION REQUEST BY THE APPLICANT.**

***** MR. BROWN SECONDED THE MOTION.**

***** MOTION PASSED, 6-0.**

VIII. APPROVAL OF MINUTES

a) September 13, 2022 meeting minutes

***** MS. BROWN MADE A MOTION TO APPROVE THE MINUTES.**

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

***** MOTION PASSED, 5-0. MR. HOLOWINKO ABSTAINED.**

IX. CONSERVATION INITIATIVES

Ms. Cherichetti said she had not worked on this initiative and would update them in 2 weeks.

X. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

She said that she would obtain a draft copy of the Department of Recreation and Parks Master Plan. The department was hosting public workshops for comments on the plan but would also like to receive comments from public agencies including the Conservation Commission.

Ms. Cherichetti would also be sending the commissioners an invitation to the Connecticut Conservation Commissions and Inland Wetland Commissions Annual meeting. It would be held on October 29 in North Haven. A couple of the commissioners had attended in the past. She said the City would pay the fee to attend.

She also noted that the 50th anniversary of the Conservation Commission and Inlands/Wetlands Agency would be next year.

XI. COMMENTS OF COMMISSIONERS

There were no comments from the commissioners.

a) Report of the Commission Chair

There was no report from the Commission Chair or the Acting Chair.

XII. ADJOURNMENT

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

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

***** THE MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 8:19 PM.

Respectfully submitted,

Diana Palmentiero