

**CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
SEPTEMBER 24, 2024**

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

STAFF: Alexis Cherichetti

OTHERS: Wayne D'Avanzo; Brian Carey; Atty Casey O'Donnell

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 that spoke.

IV. RECEIPT & DISCUSSION

There were no new items.

V. DISCUSSION &/OR DECISION

a) #S24-644 – 189 Perry Avenue – Moch/Carter – Corrective Action expansion of driveway and installation of drainage adjacent to a watercourse

Alexis Cherichetti gave a brief overview of the application and the status from the previous meeting. She said a revised plan and drainage report had been submitted.

Wayne D'Avanzo continued the presentation by confirming that a revised plan had been submitted. He showed them the site plan and explained what would be removed and what would be restored. There was a discussion about the runoff characteristics of the site. The dry wells would remain. The gravel areas would become lawn again. Ms. Cherichetti said that she would draft a resolution for the next meeting.

VI. ENFORCEMENT ACTIONS

**a) #V24-1066 – 284 New Canaan Avenue – Penna – Show-Cause Hearing – Unauthorized site work within a wetland and adjacent to a wetland and watercourse and
b) #V24-1067 – 284 New Canaan Avenue – Penna – Show-Cause Hearing – Failure to follow the conditions, limitations and terms set forth in Inland Wetland Permit #S16-499A**

Mr. Klocke asked if they could hear these show cause hearings together. Ms. Cherichetti explained the process. She then showed them an aerial map to orient them to the property and showed them the areas where the unauthorized work had been done. She showed them aerial photos from several years ago through 2024. She discussed what corrective actions would be necessary.

There was a discussion about a pre-application review that had been completed earlier this year. There was also a discussion about why the permit violations had not been addressed earlier.

Brian Carey, the wetlands scientist, representing the Penna Corp, acknowledged the recent work was in the same area where he had presented a pre-application discussion earlier this year for the possible installation of an acoustical berm. He claimed that some cutting had been an accident. An application had not been submitted to complete it. He said that he had also submitted a letter for the file. He also said that they were aware of what they had to do. He also asked for guidance from the staff.

There was a discussion about the neighbors and noise complaints. The applicant had not realized that the wetland setback had changed to 100 ft. Mr. Carey said that they had been trying to work with the neighbors. They were trying to come up with a global restoration plan. There was a discussion about the watercourse and wetlands. They would also be applying for a permit for a sound barrier. There was also a discussion about recourse for the neighbors which Mr. Carey said might be a civil lawsuit. Ms. Knight said it was disappointing to see the applicant before the commission again for these violations, especially since they had had conversations about this project earlier in the year.

There was a discussion about the draft corrective action permits. Mr. Klocke suggested that the timelines were too generous but Mr. Carey said that he did not think it would be possible to do them in 2 weeks. He said that they would come in with new applications. He said they were looking at some type of sound barriers. Ms. Cherichetti said that she would like the respondent to have enough time to complete the application. She would be meeting with Mr. Carey and she suggested that there would be two separate applications. There was a discussion about the directives of the order. There was also a discussion about whether there would be a bond for these requirements. Ms. Cherichetti said she would encourage a bond

when the application came before them. There was a discussion about the required water quality basin.

***** MR. KLOCKE MADE A MOTION TO UPHOLD THE CEASE AND DESIST ORDER FOR #V24-1066 AS WRITTEN.**

***** MR. VINETT SECONDED THE MOTION.**

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

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

***** NO ONE ABSTAINED.**

***** MR. KLOCKE MADE A MOTION TO UPHOLD THE CEASE AND DESIST ORDER FOR #V24-1067 AS WRITTEN.**

***** MR. VINETT SECONDED THE MOTION.**

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

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

***** NO ONE ABSTAINED.**

c) #V24-1068 – 2 Lloyd Road – Perez – Show-Cause Hearing – Failure to follow the directives in #V24-1060 Notice of Violation

Ms. Cherichetti explained the process of this hearing. She then explained the applicant had received a notice of violation in April, filed a corrective action application but the application had been withdrawn earlier in the month. Since they had not obtained a corrective action permit, a cease and desist order had been issued. They were directed to file a new corrective action application before October 22. She oriented the Agency members as to the location of the property on an aerial map and showed them where the intermittent watercourse had been but had been piped.

Atty Casey O'Donnell, representing the respondent Julio Milian Perez, said that he was taking responsibility for the lack of response on this matter. He complimented the staff for their help on this matter. He also stated his background to them and then he thanked them. He thought they could improve and treat the stormwater for the downstream wetlands. He would like to speak with the Department of Public Works (DPW). He said that he had visited the site and noticed road water on the site. Again, he said they would like to treat the water to improve the water quality in the downstream areas.

Atty O'Donnell said that he would try to make the October 22 deadline. They would work with DPW and the engineers for solutions. There was a discussion about the two wetlands delineation reports, one of which said that there were wetlands and one that said

there were no wetlands. Atty O'Donnell addressed this. There was also a discussion about why the applicant had wanted to put a pipe onto the property.

*** **MR. KLOCKE MADE A MOTION TO UPHOLD THE CEASE AND DESIST ORDER FOR #V24-1068 AS WRITTEN.**

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

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

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

*** **NO ONE ABSTAINED.**

VII. BOND RELEASE/REDUCTION REQUESTS

a) #S19-532 – 34A Bayne Street – Papadopoulos – Corrective Action landscaping adjacent to a wetland and watercourse – Release of \$2,570 bond held

Ms. Cherichetti asked that this item be tabled to the next meeting.

VIII. APPROVAL OF MINUTES - September 10, 2024 meeting minutes

*** **MS. BRESLIN MADE A MOTION TO APPROVE THE MINUTES OF SEPTEMBER 10, 2024.**

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

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

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

*** **CHERYL BROWN ABSTAINED.**

IX. CONSERVATION INITIATIVES

Ms. Cherichetti said that there have been many violations which she is adding to a spreadsheet for the commissioners. She would send this to them before the next meeting.

X. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti had no comments.

XI. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

There were no comments from the chair or the commissioners.

XII. ADJOURNMENT

***** MR. VINETT MADE A MOTION TO ADJOURN.
*** MS. BROWN SECONDED THE MOTION.
*** MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 7:19 pm.

Respectfully submitted,

Diana Palmentiero