

**CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
AUGUST 13, 2024**

PRESENT: Steve Klocke, Chair; Matt Pentz; Kathryn Knight; Ed Holowinko

STAFF: Alexis Cherichetti

OTHERS: Wayne D'Avanzo; Paul Sotnik; Drew Delach; Len D'Andrea; Atty Lee Lefkowitz; Steve Danzer; Bill Kenny; Mr. Anderson; Mrs. Anderson

I. CALL TO ORDER

Mr. Klocke called the meeting to order at 6:12 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) #S24-644 – 189 Perry Avenue – Moch/Carter – Corrective Action expansion of driveway and installation of drainage adjacent to a watercourse

Ms. Cherichetti gave a brief overview on this corrective action. It was noted that the first corrective action application was withdrawn in June. She then oriented the commissioners as to the location of the property on an aerial map. She explained the reason the applicant was appearing before the Agency.

Wayne D'Avanzo, the engineer on the project, began the applicant's presentation by explaining about the driveway expansion. He explained the new stormwater management system. He noted that there is not a planting plan at this time.

Ms. Cherichetti explained that the notice of violation was issued because the work being done was within 100 ft. of the Silvermine River. There was a discussion about the wetland demarcation line. Ms. Cherichetti said there was no indication that there were any wetlands on the property. Mr. D'Avanzo said that runoff levels would be mitigated with the new system and explained how it would be installed. There was a discussion about some of the

gravel that was placed on the property. Ms. Cherichetti showed them current pictures on the property of the gazebo and the driveway. There was a discussion about adding some plantings for stabilization, as well as the use of the gravel. There was also a request to check the accessory structure and setbacks for it.

V. DISCUSSION &/OR DECISION I

a) #S24-640 – 2 Lloyd Road – Jay Fain & Associates, LLC – Corrective Action piping and filling of a wetland and watercourse

Ms. Cherichetti said that the applicant asked that this item be tabled until the next meeting.

b) #S24-643 – Bonnybrook Trail – Norwalk Dept. of Public Works – Repair activities on bridges in and adjacent to a watercourse (Holy Ghost Father’s Brook)

Ms. Cherichetti gave a brief overview of the history of the application. She showed them the site plan for the roads and noted that the Department of Public Works (DPW) would work on the abutment walls and the pipes. There was a discussion about the planting plan.

***** MR. KLOCKE MADE A MOTION TO APPROVE THE DRAFT MEMORANDUM DATED AUGUST 12, 2024 FOR #S24-643 AS WRITTEN.**

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

***** STEVE KLOCKE; MATT PENTZ; KATHRYN KNIGHT; ED HOLOWINKO APPROVED.**

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

***** NO ONE ABSTAINED.**

Mr. Sotnik thanked the commissioners for their help on this application.

***** MR. KLOCKE MADE A MOTION TO AMEND THE AGENDA TO MOVE FORWARD TO ENFORCEMENT ACTIONS.**

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

***** STEVE KLOCKE; MATT PENTZ; KATHRYN KNIGHT; ED HOLOWINKO APPROVED.**

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

***** NO ONE ABSTAINED.**

VI. ENFORCEMENT ACTIONS

a) #V24-1065 – 36 Range Road – Anderson – *Show-Cause Hearing* - Removal of vegetation, filling, grading, and construction retaining walls and patios/astroturf within and adjacent to a wetland and watercourse

Ms. Cherichetti began the presentation by explaining how a Show-Cause hearing worked. She then explained that a Cease and Restore Order had been issued on August 5 2024 for activities that had occurred between 2019 and 2023. She oriented the commissioners as to the location of the property as well as Farm Creek Brook on an aerial map. She also showed them the astroturf areas and gravel patio on this map. She then showed them pictures before and after the work was completed. She then showed them photos from a site inspection visit and indicated where the wetlands were on them. There was a watercourse, a pond, on the property. She then explained the order and that they must submit a corrective action application by September 24, 2024. She also showed them a topography map from 2016 before any work had been done.

Mr. Anderson continued the presentation by noting that some items had been misrepresented. He noted that there are two areas, one of which is outside the wetlands area. These were the retaining walls, planter beds and upper patio area. He shared pictures with the Agency including ones from when they had first purchased the house to show what was existing. They had bought the house in 2015 and there were retaining walls at that time. He showed them a few more photos.

At this point, Mr. Klocke noted that it was 7 pm and that they had to start the public hearing. He said that the Agency would return to this application after the public hearing.

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

a) #S24-641 – 4 Singing Woods Road – William Kenny Associates, LLC - Corrective Action removal of fill from a wetland and construction of a new SFR adjacent to a wetland

Chair Klocke opened the public hearing and Ms. Cherichetti explained the public hearing process. She had received notification from the applicant that the abutting neighbors had been notified of the public hearing.

Drew Delach asked that Len D’Andrea be added as a panelist. Mr. D’Andrea, PE began the applicant’s presentation by showing the commissioners the site plan of the property. He discussed the stormwater infiltration system, as well as other changes that they had made to the plans to increase the width of the wetland buffer.

Mr. Delach continued the presentation by noting that they would do invasive plant species controls. He also discussed the plantings list.

There was a discussion about the written comments received regarding the wetlands restoration plans, and how these comments could become conditions of an approval. There was also discussion about minimizing tree removal. There was then a discussion about the placement of the septic system.

At this point, the hearing was opened to the public for members to address the Agency.

Lee Lefkowitz, a law partner at Zarin and Steinmetz, said that his law firm had been retained by a group of neighbors. He had sent a letter that morning identifying the neighbors as well as suggesting that there should be a third party reviewing this application to confirm that there would be minimal impacts on the wetlands. He also suggested that there should have been alternative site plans. He said that he had been out to the site and noticed a large rock cropping which would be a significant disturbance if removed. He suggested shifting the driveway to avoid the rock. He also recommended that the site should be put back the way it was or even better than it was now. He discussed the removal of trees and requested that the same screening remain as it is currently.

Steve Danzer, the soil scientist for the neighbors, said that he had written a letter of recommendations about alternatives to the application. He began with the ledge outcropping and the septic system. He believed the driveway could be shifted to the south. He also discussed buffer enhancements which could enhance biological diversity. He said that he thought the landscape plan was too conceptual to be ready to be handed to a landscape contractor. He also noted which items could be conditioned.

No other members of the public spoke in favor or against the application.

Mr. D'Andrea said that they could move the driveway in numerous areas to further minimize the disturbance in the upland review area. He stated the proposed driveway could be redesigned so that the edge of the driveway was 35 feet from wetland flag #3, 50 feet from wetland flag #5, and 30 feet from wetland flag #7. To address concerns regarding the amount of bedrock removal, he stated the driveway elevation could be raised approximately two (2) feet near wetland flag #7. He also noted that they had provided alternatives earlier in the application process and that this proposed site plan was the best one. He suggested that the changes could be conditions of the resolution.

There was a discussion about adding conditions so that the landscaper will know what to do, as well as requiring that a landscape architect be on site to assist.

Bill Kenny, the soil scientist for the applicant, noted that the site plans had a plant list with a cross-section plan view and the second sheet had details about the plantings, including a three year monitoring of invasive species. He said that they would be on site to adjust locations of plantings, if necessary. He stated the proposed work would not adversely affect the wetlands.

*** MR. KLOCKE MADE A MOTION TO CLOSE THE PUBLIC HEARING.

*** MS. KNIGHT SECONDED THE MOTION.

*** STEVE KLOCKE; MATT PENTZ; KATHRYN KNIGHT; ED HOLOWINKO
APPROVED.

*** NO ONE OPPOSED THE MOTION.

*** NO ONE ABSTAINED.

VII. DISCUSSION &/OR DECISION II

a) #S24-641 – 4 Singing Woods Road – William Kenny Associates, LLC - Corrective Action removal of fill from a wetland and construction of a new SFR adjacent to a wetland

Ms. Cherichetti said that she would be able to draft a resolution so they could make a decision at their next meeting.

#V24-1065 – 36 Range Road – Anderson – *Show-Cause Hearing* - Removal of vegetation, filling, grading, and construction retaining walls and patios/astroturf within and adjacent to a wetland and watercourse

Mr. Klocke said that they would return to this item on their agenda.

Mr. Anderson shared with the commissioners what the property looked like before any work had been done. He noted that the backyard had multiple tiers of walls which acted as retaining walls and were planter beds. He said that they used the stones that were already on the property for their walls. He noted that an oak tree was removed from the backyard because a significant branch had fallen from it. Mrs. Anderson said the roots were going into the foundation. Mr. Anderson noted that they were not aware that they needed a wetland permit or they would have applied for one. He then addressed the issues in the lower area where the wetland boundary is. He explained that where the gravel is now, there used to be bamboo. Mrs. Anderson said that the bamboo was invading the pond, as well as the neighbor's property and the lower part of their property. Mr. Anderson explained that he placed the astroturf down to stop the bamboo from re-growing. He also said another plant was spreading out in the lower area as well. He said they were trying to make the upper part of the backyard safe and the lower part, trying to stop the spread of the invasive species.

There was a discussion about how to remediate and protect the wetlands. The Agency was shown pictures of what the walls look like now. There was a discussion about the drainage for the upper retaining wall. There was a discussion about what is underneath the artificial turf. There was also concern about the degradation of runoff and the releasing of chemicals from the artificial turf into the wetlands. Mrs. Anderson asked for help from the Agency as to what to

do if they removed the turf and the bamboo began to spread again. Mr. Anderson said that they could not get a lawn mower to the back and was another reason they used the artificial turf.

There was a discussion about the next steps. Ms. Cherichetti said that the Andersons would have to submit an application by September 24. She also said that she could retrieve other similar applications that had been successful in the past for their review. Mr. Klocke suggested that the deadline be pushed to October 1.

***** MR. KLOCKE MADE A MOTION TO UPHOLD AND AMEND THE CEASE AND RESTORE ORDER #V24-1065 WITH THE AMENDMENT TO CHANGE DIRECTION 1 FROM TUESDAY, SEPTEMBER 24, 2024 TO TUESDAY, OCTOBER 1, 2024.**

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

***** STEVE KLOCKE; MATT PENTZ; KATHRYN KNIGHT; ED HOLOWINKO APPROVED.**

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

***** NO ONE ABSTAINED.**

IX. APPROVAL OF MINUTES

a) July 23, 2024 meeting minutes

***** MS. KNIGHT MADE A MOTION TO APPROVE THE MINUTES OF JULY 23, 2024.**

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

***** STEVE KLOCKE; KATHRYN KNIGHT; ED HOLOWINKO APPROVED.**

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

***** MATT PENTZ ABSTAINED.**

X. CONSERVATION INITIATIVES

There were no comments.

XI. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti said she did not have any comments.

XII. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

Mr. Klocke said he had no comments.

XIII. 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