

CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
JUNE 25, 2024

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

STAFF: Amelia Williams

OTHERS: Michelle Abbruzzese; Jay Fain; William Kenny; Marc Deberadinis; Atty John Hall

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. Williams called the roll.

III. PUBLIC COMMENT

Michelle Abbruzzese, 2 Singing Woods Court, asked them to preserve forest and wetlands in Norwalk. She noted that there has been significant forest loss in the last few decades. She quotes from the Center for Land Use Education and Research (CLEAR) about the loss of these forest/wetlands. She explained the impacts on the city with this loss. Ms. Knight noted that the Tree Advisory Committee is looking for volunteers urgently. Mr. Klocke said that the Conservation Commission is also looking for volunteers.

IV. RECEIPT & DISCUSSION

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

Ms. Williams began by orienting the commissioners as to the location of the property on an aerial map. She showed them a watercourse. She then explained why the owner was sent a Notice of Violation and that they had submitted a Corrective Action application to maintain the piping of the watercourse.

Jay Fain said that he would save the larger presentation for the public hearing. He said that Julio Milian had recently purchased the property. A soil scientist had classified the property as an intermittent watercourse because it received drainage from Route 123. They have prepared a mitigation plan. Ms. Williams suggested that Mr. Fain provide the full presentation.

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He explained that drainage comes off Route 123 and goes into the owner's basement. He said it is not a traditional watercourse. Mr. Klocke said that he believed that it would be in his client's best interest to provide as much information as he could before the public hearing. Mr. Fain said that they could put the previous pipe back in. He also discussed the planting plan and showed them the footprint for the pipe. Mr. Fain said that he was preparing a report which he would send to the commission later in the week.

Ms. Williams showed the commissioners pictures from the site. The commissioners had some comments about the pipe removal and alternatives for it. He explained about the pipe further and showed them the watershed area. There was a review of two water delineation maps from 2000 and 2024. There was a discussion about the piping of the water through the property which Mr. Fain said would be addressed by an engineer. Ms. Williams said that the staff had questions about a connection from one pipe to another. Mr. Fain suggested adding more photos of the upstream area. He also said that he had spoken with the Department of Public Works (DPW).

Mr. Fain thanked the commissioners for their time.

**b) #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. Williams began by orienting the commissioners as to the location of the property on an aerial map. She noted that this application would require a public hearing. The house to be constructed would not be within the upland review area, but portions of the driveway and stormwater management system would be. A violation had been issued in 2004 but not remedied since then, and the corrective action work within the wetland of removing fill would trigger the public hearing requirement.

William Kenny, professional wetland scientist, spoke on behalf of the applicant. He also introduced another member of the project team. He shared a map of the property and surround lots that were once one piece of property. He showed a site plan for the property including the proposed house and pool. He discussed the plantings and boulder demarcation. There was a further discussion about the site plan, including tree removal. Mr. Kenny said that several trees had grown in the last twenty years. There was a discussion about the turnaround for the driveway and a request for a buffer larger than 25 ft. There was a discussion about potential impacts. There was further discussion about the trees in the wetlands area, both those that would be removed and those that had been added to the wetlands. There was also a discussion about the infiltration system and the driveway.

Mr. Klocke noted that Ms. Abruzzese, who had spoken during public comment earlier in the meeting, was an abutting neighbor of this property.

There was a discussion about the date of the public hearing. Mr. Klocke said that he would like to receive further information so that he did not recommend the public hearing at the next meeting on July 9th.

***** MR. KLOCKE MADE A MOTION TO AMEND THE AGENDA TO PUT APPLICATION #S24-642 – 6 RANGE ROAD – DEBERADINIS – INSTALLATION OF IN-GROUND POOL ADJACENT TO A WETLAND AND A WATERCOURSE, AFTER THE PUBLIC HEARING AT 7 PM.**

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

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

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

***** NO ONE ABSTAINED.**

The commissioners waited until 7 pm to begin the public hearing.

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

a) #IWWR1-24 – Regulation Amendment – To revise definition of Regulated Activity in §60A-2 Definitions; revision would change the upland review area to one hundred (100) feet from the boundary of any wetland and b) #IWWR2-24 – Regulation Amendment - To revise paragraph (A.) and add new subparagraph (B.(3)) of §60A-4 Permitted Operations and Uses regarding installation of dry hydrants as required by Public Act 11-184; to revise paragraphs (A.) and (f.) of §60A-11 Decision Process and Permit to add language regarding restrictions as to the time of year activities may be conducted and permit expiration timelines to align with Public Act 12-151, and to change all references to Department of Environmental Protection" and "DEP" to "Department of Energy and Environmental Protection" and "DEEP".

Ms. Williams suggested that they open the public hearings together to hear comments at the same time. Mr. Klocke opened both public hearings. No members of the public spoke for or against the applications. Ms. Williams said they would need separate motions for each of the amendments.

VII. DISCUSSION &/OR DECISION

a) #IWWR1-24 – Regulation Amendment – To revise definition of Regulated Activity in §60A-2 Definitions; revision would change the upland review area to one hundred (100) feet from the boundary of any wetland.

***** MS. KNIGHT MADE A MOTION TO ADOPT TO REVISE DEFINITION OF REGULATED ACTIVITY IN §60A-2 DEFINITIONS; REVISION WOULD CHANGE THE**

UPLAND REVIEW AREA TO ONE HUNDRED (100) FEET FROM THE BOUNDARY OF ANY WETLAND.

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

***** MS. KNIGHT MADE AN AMENDMENT TO THE MOTION TO ADOPT THE REVISED REGULATION AS OF JULY 1, 2024.**

***** MS. BRESLIN SECONDED THE AMENDMENT.**

There was a discussion about when the revised amendment would be used for new applications to the Conservation Commission which Ms. Williams said would be on July 1, 2024.

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

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

***** NO ONE ABSTAINED.**

b) #IWWR2-24 – Regulation Amendment - To revise paragraph (A.) and add new subparagraph (B.(3)) of §60A-4 Permitted Operations and Uses regarding installation of dry hydrants as required by Public Act 11-184; to revise paragraphs (A.) and (f.) of §60A-11 Decision Process and Permit to add language regarding restrictions as to the time of year activities may be conducted and permit expiration timelines to align with Public Act 12-151, and to change all references to Department of Environmental Protection" and "DEP" to "Department of Energy and Environmental Protection" and "DEEP".

***** MR. KLOCKE MADE A MOTION TO REVISE PARAGRAPH (A.) AND ADD NEW SUBPARAGRAPH (B.(3)) OF §60A-4 PERMITTED OPERATIONS AND USES REGARDING INSTALLATION OF DRY HYDRANTS AS REQUIRED BY PUBLIC ACT 11-184; TO REVISE PARAGRAPHS (A.) AND (F.) OF §60A-11 DECISION PROCESS AND PERMIT TO ADD LANGUAGE REGARDING RESTRICTIONS AS TO THE TIME OF YEAR ACTIVITIES MAY BE CONDUCTED AND PERMIT EXPIRATION TIMELINES TO ALIGN WITH PUBLIC ACT 12-151, AND TO CHANGE ALL REFERENCES TO DEPARTMENT OF ENVIRONMENTAL PROTECTION" AND "DEP" TO "DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION" AND "DEEP". THE EFFECTIVE DATE WOULD BE JULY, 1, 2024.**

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

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

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

***** NO ONE ABSTAINED.**

At this point in the meeting, the commission returned to RECEIPT & DISCUSSION

c) #S24-642 – 6 Range Road – DeBeradinis – Installation of in-ground pool adjacent to a wetland and a watercourse

Ms. Williams showed them the revised site plans. Marc Deberadinis explained that they were now adding the pool to the plans. A permit was recently granted by the IWA for a new house on this vacant lot. There would not be any removal of trees. This application did not require a public hearing. Mr. Klocke asked that staff prepare a draft resolution for the next meeting.

V. ENFORCEMENT ACTIONS

a) #V24-1064 – 35 Weather Bell Drive – Pasquarella – Show-Cause Hearing – Failure to meet directives of Order #V23-1058

Ms. Williams gave a brief introduction as to why the Order was issued. The applicant is reapplying. She suggested that the deadlines be extended to September, so the applicant has time to get the application in order.

Atty John Hall said for full disclosure that he had been the attorney for Mr. Klocke's house closing. Neither Mr. Klocke nor Mr. Hall thought there was a conflict of interest. He then said that they were trying to determine where the wetlands were before the fill was placed. He explained the process that they would pursue. He also noted that soil scientists said that removal of the soil would not be the most prudent alternative. He believed that staff would not agree with that. He would like to extend the deadlines so that they would have enough time to submit a corrective action application.

There was a discussion about the type of survey to be provided. There was a discussion about whether the applicant would fall under the new 100 ft. upland review area regulation which would be effective on July 1. Ms. Williams said that would be a question for Ms. Cherichetti. There was also a discussion about the topographic change chart.

At this point, the commissioners reviewed the directives of the Order and the dates that the applicant should meet.

***** MR. KLOCKE MADE A MOTION TO UPHOLD AND AMEND THE CEASE AND RESTORE ORDER #V24-1064 FOR 35 WEATHER BELL DRIVE WITH THE FOLLOWING EDITS: UNDER THE DIRECTIVES ON PAGE 2, CHANGE TUESDAY, JULY 2, 2024 TO TUESDAY, SEPTEMBER 3, 2024 AND THEN IN LINE 2, CHANGE THE DATE FROM TUESDAY, AUGUST 6, 2024 TO TUESDAY, OCTOBER 1, 2024.**

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

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

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

***** NO ONE ABSTAINED.**

VIII. RELEASE OR REDUCTION OF BOND

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a) #S24-631 – 207 West Rocks Road – O’Connor – Reduction of bond (\$550 of \$2880 total) held for corrective action restoration of a wetland and buffer

Ms. Williams said that staff recommended the reduction and that the work had been completed. The remainder is being held for the plantings to go through 2 growing seasons.

***** MR. KLOCKE MADE A MOTION FOR THE REDUCTION OF BOND (\$550 OF \$2880 TOTAL) HELD FOR CORRECTIVE ACTION RESTORATION OF A WETLAND AND BUFFER.**

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

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

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

***** NO ONE ABSTAINED.**

IX. APPROVAL OF MINUTES

a) May 28, 2024 meeting minutes

***** MS. BROWN MADE A MOTION TO APPROVE THE MINUTES OF MAY 28, 2024 .**

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

***** STEVE KLOCKE; CHERYL BROWN; KATHRYN KNIGHT APPROVED.**

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

***** HEATHER BRESLIN ABSTAINED.**

X. CONSERVATION COMMISSION ITEMS

a) White Barns Conservation Restriction Area – proposal for limited work (removal of five (5) hazardous trees) within the Conservation Restriction Area – Confirmation of consistency with the intent of Conservation Restriction said that

Ms. Williams said that Ms. Cherichetti had visited the site. Five trees would be removed within the restricted easement area. Ms. Williams said that the commission had to sign off for the staff to be able to handle this through a declaratory ruling. She showed them a list of trees which included the ones that they are requesting to be removed. Mr. Klocke said that the commission did not mind the staff handling this matter. Ms. Knight if some could be replaced. If this is a requirement, then the applicant would have to amend the plan.

XI. CONSERVATION INITIATIVES

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Mr. Klocke said that there was an Open Space Inventory which Ms. Breslin said she would be interested in learning more.

XII. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

There were no comments from Ms. Williams.

XIII. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

There were no comments from Mr. Klocke.

XIV. ADJOURNMENT

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

Meeting adjourned at 7:44 pm.

Respectfully submitted,

Diana Palmentiero