

**CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
MAY 28, 2024**

PRESENT: Steve Klocke, Chair; Cheryl Brown; Kathryn Knight; Ed Holowinko

STAFF: Alexis Cherichetti

OTHERS: Marc DeBeradinis; Atty John Knuff; Michelle Carlson; Aliaksandra Savelyeva

I. CALL TO ORDER

Mr. Klocke called the meeting to order at 6:09 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

No one spoke during this portion of the meeting.

IV. DISCUSSION &/OR DECISION

a) #S24-632 – 35 Weatherbell Drive – Pasquarella – Corrective Action filling and grading in and adjacent to a wetland and a watercourse

Ms. Cherichetti said that this application was withdrawn on May 24, 2024. She said that she would send a new order with new deadlines to submit a complete application. She did meet with the soil scientist on May 23, 2024 who encouraged Mr. Pasquarella to withdraw since there was a lot of work to do. There would be another Show Cause Hearing at the next meeting.

b) #S24-633 – 189 Perry Avenue – Carter – Corrective Action installation of drainage and expansion of driveway adjacent to a watercourse

Ms. Cherichetti said that there was nothing new and that the applicant was approaching the deadline of June 25.

c) #S24-637 – 73 Witch Lane – DeBeradinis – Construction of a new single-family residence adjacent to wetlands and a watercourse

Ms. Cherichetti began the presentation by noting that the deadline to make a decision was at this meeting. She then summarized revisions to the site plan for the commissioners.

Mr. DeBeradinis explained why there was now a proposed pool in the plans. Ms. Cherichetti showed them the revised site plan. There was a discussion about the fence around the pool as well. Mr. Klocke said that he would approve the plan that they had seen and then the applicant should submit a new one for the pool.

The commissioners made changes to the draft resolution that had been submitted to them.

***** MR. KLOCKE MADE A MOTION TO APPROVE THE RESOLUTION FOR #S24-637 – 73 WITCH LANE AND DELETING ANY REFERENCE TO THE POOL.**

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

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

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

***** NO ONE ABSTAINED.**

d) #S24-639 – 10 Range Road – DeBeradinis – Pool at single family residence adjacent to a wetland and a watercourse

Ms. Cherichetti gave a brief overview of the application which included a proposed pool and patio. She showed them the boulder demarcation line. She also showed them a drawing of the existing grade. She noted there would be excavation and grading for the patio. The pool would act as a retaining wall. Mr. DeBeradinis explained the glass in front of the patio.

There was a discussion about zoning rules allowing the pool on the side of the property and the location of the overflow catch basin for when it rains so that the water doesn't run into the wetlands. There was a further discussion about the glass enclosure of the pool which was only on 3 sides. There was also a discussion about the width of the pool, the catch basin for it and the walls for the pool. Ms. Cherichetti said it was outside the upland review area. Mr. DeBeradinis explained how they would like to do this work at the same time as they are building the house next door. She reminded the commissioners that in this instance, there was no removal of trees, or grading of the lot. She noted some of the requirements that they could ask of the applicant.

At this point, the commissioners discussed revisions to the resolution. Mr. Klocke asked for revisions to the draft resolution.

***** MR. KLOCKE MADE A MOTION TO APPROVE THE RESOLUTION FOR #S24-639 – 10 RANGE ROAD, DATED MAY 24, 2024**

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

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

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

***** NO ONE ABSTAINED.**

VI. DISCUSSION

a) #S23-628 – 779 & 789 Connecticut Avenue – Costco – Discuss study conclusions regarding removal of riverbank retaining wall

Ms. Cherichetti opened the presentation by noting that the commission had approved Costco's application last year. One of the conditions was a feasibility report for the removal of the retaining wall on the property.

Atty John Knuff began the presentation with a brief background of the property and the application. He noted that there would not be any benefits and that there would actually be negative impacts.

Michelle Carlson, the engineer on the project, described how they had conducted the study for removing the retaining wall. She showed them the plans that were approved and where the retaining wall was located. She then discussed the impacts of removing the wall. Her conclusion was that the wall should remain.

The commissioners discussed the findings with Ms. Carlson and thanked them for the report.

VII. ENFORCEMENT ACTIONS

a) #V24-1062 – 464 West Cedar Street – Savelyeva & CL&P – Show-Cause Hearing – Order for filling and grading adjacent to a wetland and a watercourse

Ms. Cherichetti noted that this hearing had started at the last meeting but that they had to stop since they lacked a quorum. Since Mr. Klocke had not been in attendance, she thought they should begin again. She oriented the property on a tax assessors map as well as an aerial map. She showed them photos from April which showed materials being dumped on the property. She also discussed the Cease and Enforcement Order which has two respondents, Ms. Savelyeva and CL&P/Eversource. She noted that all work must cease and that they must apply for a corrective action permit by June 18. She said that there was no one from CL&P at

this meeting, but that the other respondent, Aliaksandra Savelyeva, was on the call. She explained that this meeting was only for the Conservation Commission.

Aliaksandra Savelyeva noted that in April, Paul Sotnick of the Department of Public Works (DPW) came to the site and said that they needed a permit for bringing topsoil onto the site. She said that it was not used to cover the wetlands. She explained that Eversource wanted to install a fence around their property, as well as upgrading towers. She said that Eversource had asked them to remove their belongings from their property. She saw no need for the violation. She also said that Norwalk Land Trust owned a part of the land but that Eversource cut down trees without telling them. She explained how Eversource used large equipment on the wetlands. Although Ms. Savelyeva had a couple of violations in the past, she had corrected them. She also said that Eversource had caused damage to the area in October 2023.

At this point, there was a discussion about the resolution. Ms. Cherichetti recommended changing the application deadline to July 9. Ms. Savelyeva asked for help with what had to be corrected. Ms. Cherichetti explained how they would work with Eversource. There was also a discussion about the removal of the topsoil. There was also a discussion about fines but Ms. Cherichetti said that was from another department, DPW. She suggested that Ms. Savelyeva should speak with them.

***** MR. KLOCKE MADE A MOTION TO UPHOLD THE CEASE AND RESTORE ENFORCEMENT ORDER FOR #V24-1062 WITH CHANGE MADE TO PAGE 2, DIRECTIVE #2, FOR THE DEADLINE TO BE TUESDAY, JULY 9, 2024. THE SHOW CAUSE HEARING BEING HELD ON MAY 28, 2024.**

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

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

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

***** NO ONE ABSTAINED.**

Mr. Klocke recommended that Ms. Savelyeva kept things simple and direct to get this done.

Ms. Cherichetti asked for a motion to amend the agenda to add an assessment of permit need.

***** MR. KLOCKE MADE A MOTION TO AMEND THE AGENDA AS REQUESTED BY MS. CHERICHETTI.**

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

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

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

Ms. Cherichetti oriented the commissioners as to the location of the property, 75 Witch Lane. She then discussed a 2016 permit to construct a house on the property and showed them the approved plans. She then showed the plans for the construction of a pool. She asked whether this could be a staff approved permit for the pool. There was a discussion about the 50 foot upland review line and the 100 foot upland review area, which meant the entire property was within it. The commissioners discussed whether this was minor regulated activity. There was a discussion about silt fencing. There were concerns about flooding.

***** MR. KLOCKE MADE A MOTION THAT THIS WOULD BE APPLICATION FOR 75 WITCH LANE WOULD BE MINOR AND NOT NEED TO COME BEFORE THE CONSERVATION COMMISSION.**

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

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

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

***** NO ONE ABSTAINED.**

VIII. BOND RELEASE/REDUCTION REQUESTS

a) #S21-577 - 63 Cranbury Rd – Lombardi – Release of bond (\$1,360) for the corrective action construction of retaining walls, garden and deck with storage underneath in and adjacent to wetlands and a watercourse

Ms. Cherichetti said that it had been two full growing seasons since last fall. The inspector had gone out to the property in the spring and said the plantings looked fine.

***** MR. KLOCKE MADE A MOTION FOR APPLICATION #S21-577 - 63 CRANBURY RD – LOMBARDI – TO RELEASE THE BOND (\$1,360) FOR THE CORRECTIVE ACTION CONSTRUCTION OF RETAINING WALLS, GARDEN AND DECK WITH STORAGE UNDERNEATH IN AND ADJACENT TO WETLANDS AND A WATERCOURSE**

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

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

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

***** NO ONE ABSTAINED.**

IX. APPROVAL OF MINUTES

a) April 23, 2014 and May 14, 2024 meeting minutes

***** MS. BROWN MADE A MOTION TO APPROVE THE MINUTES OF APRIL 23, 2014 AND MAY 14, 2024.**

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

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

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

***** NO ONE ABSTAINED.**

X. CONSERVATION INITIATIVES

Ms. Cherichetti said that Ms. Breslin had made a poster for the Earth Day celebration about why the city should protect watercourses and wetlands. She said it was a successful day.

XI. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti had no comments.

XII. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

Mr. Klocke said he had a potential new commissioner. He asked Ms. Cherichetti about how to recommend this person.

XIII. ADJOURNMENT

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

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

***** MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 7:38 pm.

Respectfully submitted,

Diana Palmentiero

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