

CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
May 10, 2022

PRESENT: John Moeling, Chair; Steve Klocke, Vice Chair; Ed Holowinko; Cheryl Brown; Matt Merluzzi; Jennifer Balliett; Kathryn Knight (arrived at 6:03 pm)

STAFF: Alexis Cherichetti, Amelia Williams

I. CALL TO ORDER

Mr. Moeling called the meeting to order at 6:00 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 COMMENTS

There were no attendees waiting to speak.

IV. RECEIPT & DISCUSSION

There were none.

V. DISCUSSION &/OR DECISION

a) #S22-593 – 1 Old Kings Highway – Glazer Group LLC – Construction of a new residence adjacent to the Silvermine River

Mr. Moeling asked Ms. Cherichetti to give a brief overview of the application.

Ms. Cherichetti stated the deadline for decision would be at this meeting unless an extension was given by the applicant. She recalled the discussion at the previous meeting and noted there had been a discussion about a physical demarcation of the watercourse buffer. She stated the applicant had submitted a marked up plan with a buffer at the silt fence line, and she had drawn a modified plan with the buffer described in her memorandum. She had written a memo laying out the options for the commissioners.

Mr. Moeling said that there were two resolutions in the memorandum and there was discussion regarding both. Before Ms. Williams shared her screen with the commissioners, Mr. Moeling discussed the buffer plan.

Ms. Cherichetti noted that since this application at the Commission's decision deadline, she was trying to provide a resolution that had the necessary modifications to address the

commissioners' previous concerns. Mr. Moeling hoped they could resolve the issues at this meeting. He read the read resolution into the record.

Photos of the site were reviewed. Mr. Glazer said that he had not seen the resolution but hoped there would be no surprises.

***** MR. KLOCKE MADE A MOTION TO ADOPT THE FIRST OPTION IN THE RESOLUTION IN THE MEMORANDUM BY MS. CHERICHETTI AND APPROVE THE APPLICATION WITH CONDITIONS AND MODIFICATIONS.**

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

***** MOTION PASSED UNANIMOUSLY.**

b) #S22-594 – 9&10 Hollow Spring Road – Hollow Spring Residents – Remove and replace existing drainage pipe in and adjacent to wetlands and a watercourse.

Mr. Moeling noted that many materials were supplied by the applicant yesterday. Ms. Cherichetti noted that the submitted materials were added to the website. The applicant had not done any digging yet. It was noted that there were two plans being presented. A pipe drawing was shown to the commissioners. Ms. Cherichetti then showed them the description of the two plans. She also showed them photos of the street where water was backing up. The applicant wanted to cut the pipe to remove the clog.

Mr. Moeling said that he would not decide between the two plans for the applicant. Mr. Reynolds then explained which one he would prefer in order to fix the situation.

Mr. Moeling stated he felt it was time to vote on the matter, but noted that there was no written resolution for this application. Ms. Cherichetti said that the commissioners should note on the record that they have considered the inland wetlands regulations in making their decision.

Steven Klocke stated he was not comfortable with the sketch drawing and had concerns about the area being dug up. He would like a professional engineer to review the problem. He was not comfortable moving forward with the application. Ms. Knight was in agreement with Mr. Klocke. She wanted to minimize the impact on the wetlands. Ms. Brown also had concerns including soil stabilizing after the work was completed. Mr. Merluzzi said that the application seemed straightforward and he would be prepared to vote on it at this meeting.

Mr. Moeling said that he thought the commissioners had no objection to the project but that they would like to see a specific solution, worked out with the Conservation staff. He believed this application would have to wait until the next meeting. Ms. Cherichetti said that she could meet with Mr. Reynolds to go over the plans and show him examples of what the commissioners were looking for. Some commissioners believed that they did not have enough information on how the work would be completed. Mr. Klocke suggested that Mr. Reynolds hire a professional or have Ms. Cherichetti work with him.

Ms. Cherichetti noted that no motion was necessary at this time. Mr. Reynolds said that the application would have to wait until next month since he would not be available in the next 2 weeks.

c) #S22-595 – 13 Valley Road – The Laurel Rock Co. – Landscaping, tree work and lawn establishment in and adjacent to wetlands and watercourse

Ms. Cherichetti said that this would be tabled until the next meeting since the proposal needed to be reworked. She also explained the timelines for a decision to the applicant. She noted that they should not make any comments since the applicant was not at this meeting. Ms. Knight asked about conditions for building in 1995 which Ms. Cherichetti said she would add to the website.

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

Ms. Cherichetti said that she had not talked to the applicant yet since their last meeting. She suggested the commissioners to go out to the site. Mr. Moeling said that he had visited and that the area was not a pond but looked more like a wetland. He further described what the area looked like. It seemed the pond had changed and had become a wetland. Ms. Knight confirmed what Mr. Moeling had seen.

The commissioners requested a professional opinion from a qualified scientist. Ms. Cherichetti asked the commissioners for a motion to allow them to ask the applicant to pay for a scientist under the Inland Wetlands Agency fee schedule.

***** MR. MOELING MADE A MOTION REQUESTING STAFF TO HIRE A SCIENTIST TO BE PAID FOR BY THE APPLICANT UNDER THE INLAND WETLANDS AGENCY FEE SCHEDULE FOR THIS APPLICATION.**

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

***** MOTION PASSED UNANIMOUSLY.**

Mr. Moeling said that they would engage the scientist expeditiously.

VI. FEE WAIVER/REDUCTION REQUEST

a) #S22-594 – 9&10 Hollow Spring Road – Hollow Spring Residents – Remove and replace existing drainage pipe in and adjacent to wetlands and a watercourse

Mr. Moeling asked if this item could be tabled until the next meeting. Ms. Cherichetti explained what would happen if this went to the next meeting. Mr. Moeling then proposed handling it at this meeting. Ms. Cherichetti explained the fees to the commissioners, including what would be out of pocket. The state would still receive their required fees. Mr. Klotke explained why he would vote against waiving the fee.

Ms. Cherichetti also noted that there was a letter requesting a fee reduction which she read into the record.

***** MR. MOELING MADE A MOTION TO WAIVE MOST FEES EXCEPT FOR THE \$150 OUT OF POCKET EXPENSE RELATING TO THIS FEE.**

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

***** MR. MERLUZZI, MR. HOLOWINKO AND MR. MOELING VOTED IN FAVOR OF THE MOTION.**

***** MR. KLOCKE, MS. BROWN, MS. KNIGHT AND MS. BALLIETT VOTED IN OPPOSITION TO THE MOTION.**

***** MOTION FAILED.**

VII. BOND RELEASE/REDUCTION REQUEST

a) #S18-529 – 405 Rowayton Avenue – Vega – Release of Bond (\$350) held for Corrective Action restoration, block wall removal and stabilization in and adjacent to a wetland and watercourse

Ms. Cherichetti explained the application to the commissioners and that the owner had done some work without a permit. She explained why the \$350 had been held. She had done a site inspection and that the work had been completed.

***** MR. KLOCKE MADE A MOTION TO ALLOW THE STAFF TO RETURN THE \$350 BOND FOR THIS APPLICATION.**

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

***** MOTION PASSED UNANIMOUSLY.**

VIII. APPROVAL OF MINUTES

a) April 26, 2022 meeting minutes

***** MR. MOELING MADE A MOTION TO ACCEPT THE MINUTES.**

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

***** MS. BALLIETT ABSTAINED.**

***** MOTION PASSED.**

IX. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

There were no comments by Ms. Cherichetti.

X. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

Ms. Knight said that she had seen an extension cord in one of the pictures for the application on Old Kings Highway which was for an aerator. Ms. Cherichetti said that they do not regulate them. She did not understand why it was in a river and there was a discussion regarding aerators and their use.

XI. ADJOURNMENT

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

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

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

Meeting adjourned at 7:10 PM.

Respectfully submitted,

Diana Palmentiero