

CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
May 9, 2023

PRESENT: Steve Klocke, Chair; Cheryl Brown; Amy Richardson (left the meeting at 8:45 pm); Ed Holowinko; Matt Pentz; Kathryn Knight (arrived after roll call)

STAFF: Alexis Cherichetti

OTHERS: Mr. Suarez, Larry Stewart, Raul Pinedo

I. CALL TO ORDER

Mr. Klocke called the meeting to order at 6:01 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 members of the public made any comments.

IV. RECEIPT & DISCUSSION

a) #S23-618 – 27 Bonnybrook Road – LandTech – Construction of a second story addition and small additions with associated B-100A septic reserve area and after-the-fact above ground pool, deck and landscaping adjacent to a wetland and watercourse

Ms. Cherichetti gave a brief overview of the application. She recommended that she would issue a Notice of Violation for the other activities that had been done after the application had been submitted. She then oriented the commissioners as to the location of the property on an aerial map. She noted where the proposed second floor and septic would be located. There had been some vegetation cleared in the back as well as a pool and shed being constructed on the property. She said that the applicant is aware of the Notice of Violation. There was a discussion about the applicant's process through the Planning & Zoning Department. Ms. Cherichetti said they did have a permit for the pool.

V. DISCUSSION &/OR DECISION

a) #S23-613 – 18 Eastwood Road – Suarez – Corrective Action landscaping in and adjacent to a wetland and a watercourse

Ms. Cherichetti began the presentation by explaining discussions at previous meetings. She said that LandTech had prepared the Wetland Restoration Plan. She went over the plants that had been recommended to be planted and the invasive plant management, as well as removal of wood chips. She explained that they must make a decision on or before their next meeting on May 23. There was a discussion about the removal of trees. Mr. Suarez explained the proposal for new trees. The commissioners discussed the proposal but did not think that the crab apple trees were native.

There was also a discussion about the dogwood trees. There was also a discussion about how much space there was for the trees. Mr. Klocke recommended that Mr. Suarez ask LandTech to use more canopy trees, native trees, mulching around the new trees and shrubs with straw. He asked him to speak with LandTech as soon as possible so that he would be prepared for the next meeting.

b) #S23-616 – 761 Main Avenue – iPark Norwalk II, LLC – Corrective Action landscaping in a watercourse

Ms. Cherichetti briefly explained the violation and how the applicant was working to correct it.

Larry Stewart, the property manager of iPark, began the presentation by noting that there is no plan yet. He would like to fix the pipe first since it was broken. He tried to change the position of it so that it would not flood their property.

Ms. Cherichetti then showed them the site plan with the pipe on it and discussed the construction of a head wall and erosion controls. She then showed them the waterfront restoration plan. She said that she did not recommend making a decision at this meeting since there was not a complete landscape plan. There was also an issue about the parking lot expansion. Mr. Stewart asked if the parking lot issue could be separated out since it was not in the original cease and desist order. Ms. Cherichetti said that she could issue a separate cease and desist order for the parking lot. Mr. Klocke explained what would be expected at the next meeting.

Lou DiMarzo, civil engineer, explained that he did not think they could get a drainage report completed and approved by the Department of Public Works within the next 2 weeks. However, he did present another solution.

c) #S19-546B – 10 Willard Road- 10 Willard Road LLC – Modification of Permit to include amendment to culvert inverts, fence location, buffer plantings and removal of vegetation in and adjacent to a wetland and watercourse

Ms. Cherichetti briefly explained what had happened since the commission's last meeting. She then showed them a letter that she had received from D'Andrea Surveying and Engineering, but she had not had a chance to review it which was regarding the culverts. She also noted that there is a revised landscaping plan. Mr. Enters continued the presentation by discussing the landscaping plan including what types of grass would be planted.

There was a discussion about the bamboo barrier. Mr. Klocke noted that a request had been made to get an opinion from a professional about the bamboo barrier. Ms. Knight asked whether it met with Connecticut state statutes. There was a discussion about whether it was near the fire road. Mr. Klocke said the commission had concerns about the bamboo and would like to get a third party opinion on it. There was a discussion about modifications to a fence and changes requested by the Fire Department and the easement owner. There was a discussion about the landscape plan and Mr. Enters showed them pictures of what was growing. He explained where more native mix seeds would be planted. There was a discussion about the modifications to the permit.

At this point, Mr. Klocke discussed five issues that the commissioners would like to be resolved before they would approve the modification to the permit. The first was the mulch in the conservation easement and the wood chips in the watercourse. The next item was the landscape plan did not include the native seed mix on the east side of the watercourse. The third item was a request for a letter regarding the fence around the tower. The fourth item was the culvert which Ms. Cherichetti would review in the report. The last item was regarding the bamboo barrier and whether the state statute allowed it. Mr. Klocke said that bamboo is an invasive plant. There was a discussion about the statutes that applied to this situation, as well as asking for a third party opinion about it. The applicant would be back before the commission in two weeks time.

d) #S23-617 – 16 Fireside Court – Giapoutzis – Corrective Action landscaping in and adjacent to a wetland and a watercourse

Ms. Cherichetti said she had met with Teddy Giapoutzis and discussed the commissioners' comments. Mr. Giapoutzis said that he did not have an updated plan ready for this meeting. Ms. Cherichetti reviewed the site plan to show them what was proposed. Mr. Klocke reminded him that he should not start work until a plan had been approved.

VI. ENFORCEMENT ACTIONS

a) V23-1049 – 20 Edith Lane – Pinedo – Show-Cause Hearing - Cease & Restore Order for the failure to follow directives in revised Notice of Violation #V22-1036

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Ms. Cherichetti noted that this was a show cause hearing and gave a brief synopsis of why she had issued the order. She showed them the property on an aerial map as well as photos of the problematic areas and a survey of the property. She noted that it is always best to have a well planned Corrective Action application submitted.

Raul Pinedo explained that he had someone do the work but did not realize that the work had been done without permits. Since the work was being done during the day while he was at work, he did not realize what was happening. He said that he had already paid a significant amount of money. He also hired an engineer who would help. He said that he was not sure he would be able to get permits by June 20.

Ms. Cherichetti said that the silt fence and erosion controls are adequate. However, she said that an application will need to be submitted and that the existing conditions would not be approved by the commission. Mr. Pinedo said he will discuss with the engineer that he should speak with Ms. Cherichetti to coordinate what has to be done.

At this time, Ms. Cherichetti said there was 6 weeks before Mr. Pinedo has to obtain permits.

MS. BROWN MADE A MOTION TO AMEND THE CEASE AND RESTORE ORDER V23-1049 AND THAT AMENDMENT WOULD INCLUDE PROVIDING AN APPLICATION DEADLINE OF JULY 11, 2023.

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

***** STEVE KLOCKE; CHERYL BROWN; AMY RICHARDSON; KATHRYN KNIGHT; ED HOLOWINKO; MATT PENTZ APPROVED.**

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

***** NO ONE ABSTAINED.**

VII. APPROVAL OF MINUTES

a) April 25, 2023 meeting minutes

***** MS. KNIGHT MADE A MOTION TO APPROVE THE MINUTES OF APRIL 25, 2023.**

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

***** MOTION PASSED, 4-0.**

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

***** ED HOLOWINKO; MATT PENTZ ABSTAINED.**

VIII. OPEN SPACE FUND REQUESTS

a) Norwalk Land Trust – Stephen Mather Road – Acquisition - \$200,000.00

Richard Baskin began his presentation with the request for Open Space Funds, then he described the property and described what the Norwalk Land Trust does. He noted that the Norwalk Land Trust is requesting \$200,000 from the Open Space Fund for 6.73 acres on Stephen Mather Road. These acres are part of a larger parcel. He explained why there is an urgency to get this deal closed. He showed them the properties on an aerial map. He also said that there is a nearby parcel owned in Darien and the properties would eventually become a 26 acre parcel. He also described the Five Mile River corridor. The parcels would protect wildlife and the waterway. He noted that there is a proliferation of invasive species, including shrubs and garlic mustard, for example. The Darien Land Trust would be working with the Norwalk Land Trust on the 26 acre parcel. Mr. Baskin then explained the history of the Norwalk Land Trust. He noted how the commission had worked with the Norwalk Land Trust on conservation easements throughout the city. He said that the amount of development has gone up and the amount of forested land has gone down.

He then described the purchase of the property, along with costs for closing including attorney fees, appraisals and taxes. He gave them a financial overview. He then discussed why the commissioners should approve the proposal.

There was a discussion about the appraisal which had been completed. There was also a discussion about the amount in the fund. Ms. Cherichetti said that the city did not have any other properties waiting to be purchased. There was confirmation that the Land Trust would be the owner of the property. Ms. Knight said she would have to abstain. Ms. Brown said she had no reservations about this request.

MR. KLOCKE MOVED TO APPROVE THE NORWALK LAND TRUST REQUEST TO USE \$200,000.00 FROM THE OPEN SPACE FUND FOR THE PURCHASE OF THE AFOREMENTIONED PARCELS. THIS MOTION PRECLUDED THE SR. ENVIRONMENTAL OFFICER TO CONVEY THIS MOTION TO THE LAND USE COMMITTEE OF THE COMMON COUNCIL. MS. CHERICHETTI WOULD DRAFT A MEMORANDUM REPORTING THE CONSERVATION COMMISSION'S FINDINGS.

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

***** MOTION PASSED, 4-0.**

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

***** MS. KNIGHT ABSTAINED.**

IX. CONSERVATION INITIATIVES

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Mr. Klocke asked that this be moved to the next meeting's agenda.

X. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti said tomorrow was the deadline for two grants that she was preparing for Veteran's Park and the Village Creek Marsh. She explained what the funds would be used for.

She noted that there are more applications for new developments and corrective actions.

XI. COMMENTS OF COMMISSIONERS

a) Report of the Commission Chair

There were no comments from commissioners.

XII. ADJOURNMENT

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

Meeting adjourned at 8:55 pm.

Respectfully submitted,

Diana Palmentiero