

CITY OF NORWALK
CONSERVATION COMMISSION/INLAND WETLAND AGENCY
March 28, 2023

PRESENT: Steve Klocke, Chair; John Moeling (left prior to the adjournment of the meeting); Cheryl Brown; Ed Holowinko; Kathryn Knight (6:10PM)

STAFF: Alexis Cherichetti

OTHERS: Berney Suarez; Larry Stewart; Jason Enters; Danen Grey; Leigh DeMarco

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. Cherichetti called the roll.

III. MISSION STATEMENT

Mr. Klocke said that the Conservation Commission had been designated the Inland Wetland Agency on September 24, 1973, so the Agency will be marking 50 years this fall.

IV. PUBLIC COMMENT

No members of the public made any comments.

V. RECEIPT & DISCUSSION

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

Ms. Cherichetti said that no one was on the call associated with this application. She explained that there had been a show-cause order in the winter. An incomplete application, just the application form, had been submitted just after the deadline. The applicant has retained an environmental consultant but nothing has been submitted to date. She hoped that they would receive a complete application before the next Conservation Commission meeting on April 25.

VI. 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 and noted that Mr. Suarez was on the Zoom call. She noted she had met with Mr. Suarez earlier in the month.

Mr. Suarez said that he is still working with the arborist on the herbicides that would be used. He asked for additional time for the Agency to render a decision.

Ms. Cherichetti noted that the application is still incomplete, but Mr. Suarez is working on the landscaping plan. She encouraged him to complete it soon since the application was supposed to have been completed in January. He said he would submit information to Ms. Cherichetti the next day.

Mr. Klocke asked that Mr. Suarez provide a complete and concise application so that they could approve it quickly.

Mr. Klocke also noted that Commissioner Knight had joined the meeting.

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

Ms. Cherichetti noted discussion on the application had previously been tabled to allow the applicant to complete the application. The applicant had sent an email asking for an extension of time. She gave the Agency a brief history of the violation for which the corrective action application would need to mitigate.

Larry Stewart continued the presentation by noting that he was waiting for a final drawing from the engineer, but it was 90% complete. He asked for an extension. The commissioners agreed to table action again.

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 began the presentation by noting that the applicant had arrived late to their previous meeting and was unable to provide more information to the Agency. She also gave a brief history of the application and described the modification.

Jason Enters, the applicant, apologized for his late arrival at the previous meeting. He said that many of the changes were for the benefit of the site. He showed them the site plan and showed them the fence which would now make an angle closer to the watercourse. He also discussed the two culverts and the modifications that were made. He said they would add more plantings near the drainage area. He also said there would be bamboo plantings to hide the tower from some residents. There was a discussion about a gate which the Fire Department had requested to be changed.

Mr. Klocke said that he would like an engineer to review the culverts. Mr. Enters said he would have his engineer send a report. He also discussed stabilizing the bank.

Ms. Cherichetti said the work was incomplete, but that they were proposing additional plantings. She then explained that before the applicant could receive a certificate of occupancy, various city departments had to sign-off on the project. She said that she had not signed off on the certificate of occupancy until the silt fence had been installed. Mr. Enters said that there had been one but that it had to be redone.

Mr. Klocke asked Mr. Enters to give a written response about why the city asked for the tower fence to be changed. Mr. Klocke asked if there could be a written memo about the bamboo coverage.

Mr. Moeling said that this application had been reviewed and agreed upon a course of action. He noted that these modifications should have been discussed before they were completed. There was a discussion about the placement of mulch over tree roots.

Mr. Enters said that it was wood chips. Mr. Klocke said that they had to decide the effects of the wood chips on the nearby watercourse. Mr. Enters said that the invasives were coming up again. Ms. Cherichetti noted that there was a lack of vegetation in the upland review area. Mr. Enters explained that the applicant had to be responsible for the conservation easement but was not clear about what had to be done.

Mr. Moeling suggested plantings that would be non-invasive to mitigate the invasives. There was a discussion about the owner of the conservation easement. Ms. Cherichetti said that she would meet with Mr. Enters to review his planting plan.

VII. BOND RELEASE/REDUCTION REQUESTS

a) #S19-531 – 230 West Norwalk Road – Morain– Release of bond (\$2,470) held for construction of a new single family residence adjacent to a wetland and a watercourse

Ms. Cherichetti noted that the work had been completed and recommended release of the bond.

***** MR. KLOCKE MADE A MOTION TO RELEASE OF BOND (\$2,470) HELD FOR CONSTRUCTION OF A NEW SINGLE-FAMILY RESIDENCE ADJACENT TO A WETLAND AND A WATERCOURSE**

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

***** MOTION PASSED UNANIMOUSLY.**

VIII. ENFORCEMENT ACTIONS

a) #V23-1046 – 218 New Canaan Avenue – Grey – Show-Cause Hearing – Permit Violation Enforcement Order - failure to follow the conditions, limitations and terms set forth in Inland Wetland Permit #S19-539

Ms. Cherichetti explained the show-cause hearing process. She said an order had been issued earlier in the month after she had inspected the site. She reviewed the directives within in the order. She showed numerous site photos and explained why she issued the order.

Mr. Grey said that he had spoken with Ms. Cherichetti prior to the March 14 2023 Conservation Commission meeting which had been canceled. He then spoke about the points in the show cause order.

Ms. Cherichetti said the silt fence should be installed immediately. There was a discussion about accessing the site using a bridge and the approved construction sequence. There was also a discussion about tree removal and the removal of the installed temporary crossings.

Mr. Klocke said that he would like to discuss all of the directives in the show cause order. There was a discussion about the construction of temporary crossings over the two wetland/watercourses. Mr. Grey said that in order to remove the trees, they needed access and used a bridge to do so. There was a discussion about how much work had been done on the site. There was a discussion of the silt fence, as well as the requirement for a qualified environmental monitor.

There was a discussion about the construction of the access detailed in the approved permit. Mr. Grey said that contractors thought it would be fine to build a temporary bridge to remove the trees.

At this point, there was a discussion of next steps. Mr. Grey said they had stopped work on the site. There was also a discussion about the environmental monitor that Mr. Grey wanted to hire. He said that they would have to hire someone else.

There was a discussion about the options that the Agency could take. Ms. Brown said that the property owner should install the silt fence as soon as possible. Ms. Cherichetti also said that she could provide a list of qualified monitors.

After a lengthy discussion with Mr. Grey, the following motion was proffered:

***** MR. KLOCKE MADE A MOTION TO MODIFY AND UPHOLD THE ORDER ISSUED ON MARCH 7, 2023 WITH THE FOLLOWING CONDITIONS:**

- 1. Stop all site work on the property.**
- 2. Install silt fence, in the locations depicted on the approved plan, within the upland review areas of all wetlands and watercourses no later than Friday, March 31, 2023. Remove all components of the unpermitted wetland/watercourse crossing at the intermittent brook no later than Friday, March 31, 2023.**

3. On or before Friday, April 7, 2023, cause to have a qualified environmental monitor inspect the site and provide a report to the Conservation Office. Complete any actions identified in the monitor's report no later than Friday, April 12, 2023.
4. On or before Friday, April 14, 2023, cause to have a qualified environmental monitor inspect the site and provide a report to the Conservation Office. Immediately complete any actions identified in the monitor's report. Weekly inspection and reporting shall continue weekly, as required by permit, unless no site work has been performed for an interval of more than one week.
5. On or before Friday, April 28, 2023, post the cash bond of \$25,015. No site work, other than installation sedimentation & erosion controls or restoration of disturbed wetland or watercourse areas, may occur prior to posting the bond.

*** MS. BROWN SECONDED THE MOTION.

*** MOTION PASSED UNANIMOUSLY.

*** NO ONE ABSTAINED.

IX. APPROVAL OF MINUTES

a) February 28, 2023 meeting minutes

*** MS. BROWN MADE A MOTION TO APPROVE THE MINUTES OF FEBRUARY 28, 2023.

*** MS. KNIGHT SECONDED THE MOTION.

*** MOTION PASSED UNANIMOUSLY.

*** NO ONE ABSTAINED.

X. CONSERVATION INITIATIVES

There were none.

XI. COMMENTS OF STAFF

a) Report of the Senior Environmental Officer

Ms. Cherichetti noted that the commissioners were invited to the April 4, 2023 unveiling of the draft rewrite of the Zoning Regulations. She confirmed they had received an invite from the Planning and Zoning Department. She also said that there were many violations since it was spring.

Leigh Demarco is a new land use technician that Ms. Cherichetti introduced. Ms. Cherichetti asked for a motion to amend the agenda to add a duly authorized agent. She noted that an agent is duly authorized to handle administrative permits on the agency's behalf as well as issues of violation as long as they have passed the required training courses. She recommended that the commissioners also authorize Ms. DeMarco.

***** MR. KLOCKE MADE A MOTION TO GRANT AUTHORIZATION TO LEIGH DEMARCO AS A DULY AUTHORIZED AGENT FOR THE AGENCY**

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

***** MOTION PASSED, 5-0.**

XII. COMMENTS OF COMMISSIONERS

Mr. Moeling said good-bye to everyone since this was his last meeting. He enjoyed his time with his colleagues and thanked everyone. Mr. Klocke thanked him for his time on the commission. Ms. Brown and Ms. Knight thanked him as well.

Ms. Cherichetti asked the commissioners if they knew of anyone that would like to be on the Conservation Commission. She noted that there were a couple of commissioners that have not been attending meetings. There were four vacancies on the commission. The commission needed four people for a quorum.

XIII. ADJOURNMENT

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

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

***** MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 8:20 pm.

Respectfully submitted,

Diana Palmentiero