

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
January 25, 2022**

I. CALL TO ORDER

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

II. ROLL CALL

Ms. Cherichetti took the roll call.

PRESENT: John Moeling; Steve Klocke, Vice Chair; Matt Pentz; and Cheryl Brown
Alexis Cherichetti and Amelia Williams, staff

III. PUBLIC COMMENT

There were none.

IV. RECEIPT & DISCUSSION

There were none.

V. DISCUSSION &/OR DECISION

- a) **#S21-588 – 8 Tulip Tree Lane – Strambaugh** – Install a new 11’x28’ pool with associated pool equipment and reserve septic system, adjacent to a wetland and watercourse

Ms. Cherichetti noted the application had been received during the previous meeting. She recalled there had been discussion, but no issues regarding the application. She noted her staff memorandum with a draft resolution to approved with conditions.

Mr. Moeling noted he had review the proposed activities and did not see an adverse impact to the wetland/watercourse resulting.

***** MR. KLOCKE MADE A MOTION TO APPROVE THE APPLICATION WITH THE ADOPTION OF THE RESOLUTION IN MS. CHERICHETTI’S MEMORANDUM.**

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

***** MOTION PASSED UNANIMOUSLY.**

***** MR. KLOCKE MADE A MOTION TO AMEND THE AGENDA AND SKIP TO MEETING MINUTES AND THE END OF THE AGENDA.**

***** MR. MOELLING SECONDED THE MOTION.**

***** MOTION PASSED UNANIMOUSLY.**

VI. MEETING MINUTES

***** MS. BROWN MADE A MOTION TO ACCEPT THE MINUTES OF THE JANUARY 11, 2022 MEETING.**

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

***** MOTION PASSED UNANIMOUSLY.**

V. COMMENTS OF STAFF

- a) Report of the Senior Environmental Officer

Ms. Cherichetti had no comments and noted she had been out of the office.

VII. COMMENTS OF COMMISSIONERS

- a) Report of the Commission Chair

Mr. Moeling he had two items of interest that he would like to see the Commission get traction. He noted the City needed to further explore use of property transfer fees for the basis of funding the Open Space Fund and referred to the state bill that allows the allocation. He also noted the need for attention to the impacts of flooding across the City. He noted that can be considered when considering applications with the upland review area.

At 6:15PM it was noted there was no other business until the 7:00PM public hearing.

***** MR. MOELING MADE A MOTION TO ENTER A RECESS UNTIL 7:00PM AND THE PUBLIC HEARING.**

***** MR. PENTZ SECONDED THE MOTION.**

***** MOTION PASSED UNANIMOUSLY.**

The Commission returned from its recess at 6:55PM.

VII. PUBLIC HEARINGS (to begin at 7:00PM)

- a) **#S21-587 – One Manresa Island Ave. – Norwalk Power LLC** – Excavation, grading, filling and planting associated with sediment remediation activities in inland wetlands

Mr. Moeling opened the public hearing.

Ms. Cherichetti took the roll call.

PRESENT: John Moeling; Steve Klocke, Vice Chair; Matt Pentz; and Cheryl Brown

Ms. Cherichetti confirmed she had received confirmation of the notice of hearing to adjacent property owners by the applicant. She noted the hearing was also properly noticed in The Hour twice. She quickly reviewed the purpose and procedures for the public hearing.

Andrea Steele, consultant from APTIM, gave an overview of the site and the inland wetlands. She displayed aerial photos of the site with an overlay of the wetland areas. She described the access road between the inland and tidal wetlands. She pointed to the staging areas within the former power plant.

Ms. Steele showed the site plan and discussed the process proposed including the use of timber mats for access, removal of the first foot of soil, the access to the staging areas, and deposition of clean soil and then replanting of the wetlands. She noted it would be about a 10 month project, depending on the start season.

Mr. Moeling noted there was little opportunity for freshwater along the shore for shorebirds and other wildlife. He asked if there would be any anticipated changes to the wetlands that would result in increased open water.

Ms. Steele replied their aim is to restore the wetlands to the same condition – palustrine emergent freshwater wetland.

Ms. Brown asked what contaminant in the soils was to be removed and how did they determine the depth of excavation.

Ms. Steele replied heavy metals was the focus. She noted the site had been studied for many years and based on ecological risk assessments, it was determined that one foot of soil should be removed.

Mr. Moeling asked about DEEP oversight. Ms. Steele clarified there were two different divisions of DEEP with permit review of the activity – the Remediation Division has been involved with formulation of the remediation plan, and the Land and Water Resources Division will regulate the work in tidal wetlands.

Shawn Konary, NRG, explained they had retained a Licensed Environmental Professional (LEP) to prepare the plan and to ensure conformance with the plan.

Andrew Walker, LEP, described the process for remediation.

Mr. Pentz asked why they would stop at just one foot of sediment removal. There was additional discussion regarding the ecological risk assessment and the state regulations regarding remediation.

Mr. Pentz indicated he was not convinced the one foot removal was sufficient.

There was discussion regarding the adequacy of the remediation plan and what regulatory boards have authority to regulate contamination.

Mr. Moeling noted they did not want a remediation effort that was so thorough that the inland wetlands would be destroyed.

There was discussion about the pilot study which was used to develop the remediation plan.

Mr. Moeling opened comment to the public.

Ms. Diane Lauricella, Norwalk resident, stated it was terrific that NRG was continuing remediation. She stated she agreed with Mr. Pentz that a one-foot removal was insufficient. She talked about the state remediation standards, sea level rise, flooding, regulations, and runoff. She requested the City hire a consultant to review the LEP's plans.

There were no other comments from the public.

Mr. Walker noted all the issues Ms. Lauricella voiced could be found in the Remediation Action Plan.

Ms. Steele reviewed all the sedimentation and erosion controls, which we submitted as part of the details on the submitted site plan.

***** MR. MOELING MADE A MOTION TO CLOSE THE PUBLIC HEARING.**

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

Ms. Brown asked about the consideration of requiring an outside third-party review as Ms. Lauricella had suggested.

Ms. Cherichetti reviewed the times that the Agency retained a second opinion. She noted the Commission can seek a professional wetland scientist or a second opinion on the wetland delineation. She noted questions that a second opinion expert might be retained for need to tie back to the Agency's assessment of inland wetland impacts. She stated she disagreed with Ms. Lauricella, and it was her opinion that the Inland Wetland Agency could not require a second opinion on the remediation plan – unless there was a clear tie to impacts to inland wetlands.

Mr. Moeling stated that he has not heard anything to doubt the integrity of the applicant or the applicant's consultants.

Mr. Pentz again asked for the deepest they found metals.

Mr. Walker recalled that there might have been a 4 foot depth point, but did not recall where that was relative to the wetlands, nor the concentration of the metals.

Ms. Brown asked about control of invasive plants in the replanting plan.

Ms. Steele noted disturbed areas would be overseeded with companion rye seed. She noted the phragmites would be removed entirely. She noted they would need to have a sufficient aerial coverage of plants for success.

Mr. Pentz stated that he was concerned the removal of contaminated soil was insufficient.

Ms. Balliett stated she had similar concerns to Mr. Pentz.

Mr. Klocke stated the Agency was there to uphold the Inland Wetland Act and to confirm the proposed work maintains or improves the value and function of the inland wetlands.

Mr. Moeling returned to his motion and called a vote.

***** MOTION PASSED WITH FOUR (4) IN FAVOR AND ONE (PENTZ) OPPOSED.**

Mr. Moeling asked for any additional comments from Agency members.

Ms. Brown requested a plan to ensure success of the planting and management of invasives.

VIII. ADJOURNMENT

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

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

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

Meeting adjourned at 8:09PM.