

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
October 9, 2018**

I. CALL TO ORDER

Mr. Verel called the meeting to order at 6:00 PM.

II. ROLL CALL

Ms. Cherichetti took the roll call.

PRESENT: John Verel, Chair; Karen Destefanis, Vice Chair; John Moeling; Robert Mercurio; and Steven Klocke

III. RECEIPT & DISCUSSION

Mr. Verel recused himself from discussion on the McKendry Court application and left the room. Ms. Destefanis took over as chair.

- a) **#S18-527 – McKendry Court – Muraski** – Repair damaged road and place boulders and concrete block adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the location of McKendry Court, a short private road off of Rowayton Avenue. She described its location within the floodway and the damage that occurred during the recent storm events. She explained the residents of McKendry Court sought to install a sunken barrier to reduce sediment transport.

Dan Valentine, property owner of 5 McKendry Court and agent for the applicant, presented the application. He described the location of the end of McKendry Court and the Five Mile River with maps and photographs. He hypothesized on the reasons why flooding had occurred twice in the last two weeks. He discussed work upstream that he believed was done without any permits.

Mr. Valentine detailed the proposed activity and pointed to the cross-sections he had provided in the application materials. He noted the concrete barriers would be somewhere between six and thirteen (6-13) feet from the riverbank. He explained that some of the trees had already been removed because they were leaning and he suggested that the remaining trees should be removed because the soil at their roots had washed away.

Ms. Destefanis asked for clarification regarding the work proposed on the river bank. There was discussion regarding the retaining wall that had been located along the southern bank of the river. Mr. Valentine described the rock slope that would be installed between the concrete block and the river.

Mr. Klocke suggested the Agency require the applicant to retain an engineer. He expressed concerns about the proposed design.

Ms. Muraski, applicant and property owner of 2 McKendry Court, showed a copy of the 1980 dam study of Chasmar's Pond dam just upstream.

Ms. Destefanis stated she felt the scope of the proposal and its location in the floodway warranted an engineer's design. Mr. Valentine asked if the town's engineers could review the design in their proposal.

Mr. Moeling was concerned that the proposed was not a viable solution to solving the issues raised by the applicants.

The applicants were encouraged to retain an engineer. Ms. Cherichetti said she would look into what other permits would be required and that Zoning, which regulates work within the FEMA-defined floodway and flood zone, would likely require an engineer also.

IV. DISCUSSION AND/OR DECISION

Mr. Verel returned to the meeting.

- a) **#S17-509B – 3 Old Kings Highway – Glazer** – Modification of Permit #S17-509 to allow Corrective Action landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti noted this application had been discussed again at the previous meeting. The Agency members at that time requested she draft a resolution to approve with conditions. She recalled the discussion regarding the adequacy of the proposed mitigation planting within the wetland – in the area between the Silvermine River and the re-stacked stone wall.

***** MS. DESTEFANIS MADE A MOTION TO ADOPT THE RESOLUTION TO APPROVE THE APPLICATION WITH THE CONDITIONS IN THE MEMORANDUM BY MS. CHERICHETTI.**

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

Mr. Glazer, the applicant, was present and asked to speak.

***** MS. DESTEFANIS RETRACTED HER MOTION.**

Mr. Glazer questioned the need for more plants and asked if the Agency had seen the plants that he had already installed.

Mr. Klocke suggested the applicant move the approval process forward and complete the reasonable planting plan.

***** MS. DESTEFANIS MADE A MOTION TO ADOPT THE RESOLUTION TO APPROVE THE APPLICATION WITH THE CONDITIONS IN THE MEMORANDUM BY MS. CHERICHETTI.**

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

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

It was noted that it was 7:00PM and time to commence the public hearing.

***** MS. DESTEFANIS MADE A MOTION TO AMEND THE AGENDA TO GO TO THE PUBLIC HEARING.**

***** MR. VEREL SECONDED THE MOTION.**

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

V. PUBLIC HEARINGS (begin at 7:00PM)

- a) **#S18-525 – 116 Silvermine Avenue – Petrucci Seaman Builders LLC** – Construction of a new single family residence, driveway and stormwater management system adjacent to a wetland and watercourse

Mr. Verel called the public hearing to order and reviewed the public hearing process.

Ms. Cherichetti noted this was a continuation of the hearing that was opened at the last meeting. She recalled the hearing had been continued to provide the applicant the opportunity to provide additional information to the Agency.

Dean Martin, PE with Grumman Engineering LLC, discussed the wetland assessment report by Matt Popp of Environmental Land Solutions LLC. The Agency members reviewed the report and Mr. Popp's analysis of wetland impacts.

Mr. Martin explained the proposed stone retaining wall and provided a cross section of the wall.

Mr. Moeling noted the Agency always seeks to have conditions where there is a more natural wetland.

After reviewing and discussing the additional application materials, there was consensus to close the hearing.

***** MS. DESTEFANIS MADE A MOTION TO CLOSE THE PUBLIC HEARING.**

***** MR. VEREL SECONDED THE MOTION.**

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

The Agency then returned to the order of the agenda.

IV. DISCUSSION AND/OR DECISION

- b) **#S18-524 – 11 Ingalls Avenue – City of Norwalk** – Construction of a school, with associated recreation areas, access ways, and stormwater management, in and adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the public hearing that opened and closed at the previous meeting. She noted no members of the public spoke. She indicated a draft resolution to approve with conditions was part of the memorandum in the Agency members' packets.

***** MR. KLOCKE MADE A MOTION TO ADOPT THE RESOLUTION TO APPROVE THE APPLICATION.**

***** MR. MERCURIO SECONDED THE MOTION.**

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

- c) **#S18-526 – 41 Beau Street – Garfunkel** – Corrective Action landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the application and the new application materials the applicant had provided. She pointed to the recent land survey and the proposed planting plan.

Mr. Garfunkel discussed the extent of bamboo and distributed photographs of the site.

Mr. Klocke expressed his concern that the removal of bamboo will be difficult and would need to be continued. There was discussion regarding the management of bamboo and the establishment of a wetland with native vegetation.

Ms. Cherichetti asked for clarification on the boulder wall or boulder row described by the applicant. Mr. Garfunkel described the boulders as necessary for controlling erosion.

There was consensus that no boulder row would be allowed within the wetland. There was additional discussion regarding the amount of material that would be excavated and the amount of material that would be brought in after bamboo removal. It was noted that the site was quite flat.

The discussion returned to the landscaping plan and the management of the bamboo.

***** MS. DESTEFANIS MADE A MOTION TO ADOPT, WITH MODIFICATION, THE RESOLUTION IN THE MEMORANDUM BY MS. CHERICHETTI TO APPROVE THE APPLICATION WITH CONDITIONS.**

***** MR. MERCURIO SECONDED THE MOTION.**

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

V. FEE WAIVER/REDUCTION REQUESTS

Mr. Verel recused himself from the meeting.

- a) **#S18-527 – McKendry Court – Muraski** – Repair damaged road and place boulders and concrete block adjacent to a wetland and watercourse

Ms. Cherichetti noted the applicants were seeking a waiver of the application fee. She stated the fee for the Intermediate Permit application was \$600.

Ms. Cherichetti read aloud the section of the Regulations that speaks to fees and their waiver. The Agency discussed the two reasons for waiver and determined neither were reasonably applicable to this situation.

***** MR. MOELING MADE A MOTION TO DENY A WAIVER OF THE FEE.**

***** MR. MERCURIO SECONDED THE MOTION.**

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

Mr. Verel returned to the meeting.

VI. BOND RELEASES

- a) **#S15-481 – 25 Eastwood Road – Zhits** – Release of bond held (\$630.00) for construction of an addition to an existing residence, with associated excavation and filling adjacent to a wetland.

Ms. Cherichetti noted a reduction of the bond had already been approved. This portion was held for the plantings. She indicated Ms. Hrtanek had completed a recent inspection and found the plants and buffer in good condition.

***** MR. MERCURIO MADE A MOTION TO RELEASE THE BOND.**

***** MS. DESTEFANIS SECONDED THE MOTION.**

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

- b) **#S17-504 – 4 Indian Spring Road – Pontius** – Release of bond held (\$680.00) for connection to city sanitary sewer system with associated trenching in and adjacent to a wetland and watercourse.

Ms. Cherichetti stated the bond had been held for sedimentation and erosion control. The trench to connect the house to public sewer was completed, backfilled, and seeded.

***** MR. MERCURIO MADE A MOTION TO RELEASE THE BOND.**

***** MS. DESTEFANIS SECONDED THE MOTION.**

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

VII. DISCUSSION &/OR DECISION II

- a) **#S18-525 – 116 Silvermine Avenue – Petrucci Seaman Builders LLC** – Construction of a new single family residence, driveway and stormwater management system adjacent to a wetland and watercourse

There was discussion regarding the proposed landscaping with the wetland area and concern about the amount of lawn. There was discussion regarding a modification of the planting plan. The report by Matt Popp, wetland scientist, was further discussed.

Ms. Destefanis was concerned about a buffer for the watercourse. There was consensus that the proposed continued maintenance of the center of the lawn would be alright if there was more of a buffer to the watercourse.

The Agency members asked Ms. Cherichetti to draft a resolution for them to consider at their next meeting that would approve the proposal, but with a modification to the watercourse buffer.

VIII. APPROVAL OF MINUTES

- a) September 11, 2018 meeting minutes

***** MS. DESTEFANIS MADE A MOTION TO ACCEPT THE MINUTES.**

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

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

IX. PUBLIC COMMENTS

There were none.

X. COMMENTS OF STAFF

There were none.

XI. COMMENTS OF COMMISSIONERS

Ms. Destefanis distributed copies of a fact sheet on Inland Wetland Agencies provided by the presenters at the UCONN CLEAR workshop she attend. She gave a brief report on the workshop.

XII. ADJOURNMENT

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

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

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