

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
May 28, 2019**

I. CALL TO ORDER

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

II. ROLL CALL

Ms. Cherichetti took the roll call.

PRESENT: John Verel, Chair; Karen Destefanis, Vice Chair (6:08PM); Ed Holowinko; John Moeling; Lisa Shanahan; Thomas Keegan and Cheryl Brown

III. RECEIPT & DISCUSSION

- a) **#S19-538 – 14 Purdy Road - Arundartchuk** – Corrective Action landscaping in and adjacent to a wetland

Ms. Cherichetti provided a brief history of the property, including a description of the current violation and previous permits. She distributed photographs of the site taken in February 2019 that show the clearing and earth moving relative to the structures on the property. She noted the property owner did have the wetland areas confirmed by a soil scientist in March 2019.

Ms. Cherichetti noted the clearing and grubbing had occurred within the wetland and adjacent to a watercourse – Silvermine Brook.

The property owners were present, but declined to speak.

There was discussion regarding the application and its deficiencies. The Agency asked for more specificity regarding the planting plan, extent of proposed lawn and additional areas where there is proposed grading.

- b) **#S19-539 – 218 New Canaan Avenue - Grey** – Construction of a single-family home with access driveway in and adjacent to a wetland and watercourses

The applicant provided an overview of the project and drew comparison between the current proposal and the proposal that was denied in 2017.

Dean Martin, PE with Grumman Engineering, LLC, went over elements of the proposed plan in more detail.

Ms. Cherichetti confirmed the application was a Significant Regulated Activity Permit application and required a public hearing.

***** MS. DESTEFANIS MADE A MOTION TO SCHEDULE THE PUBLIC HEARING ON APPLICATION #S19-539 FOR THE NEXT MEETING ON JUNE 11, 2019 AT 7:00PM.**

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

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

IV. DISCUSSION &/OR DECISION I

- a) **#S19-531 – 230 West Norwalk Road – Morain** – Construction of a single family dwelling with associated driveway, septic system and stormwater management system within the upland review area

Ms. Cherichetti recalled the application had been received at a previous meeting, during which there was discussion regarding the very proximal distance between the watercourse and proposed activity. She referred to the letter she had sent the application with suggestions and recommendations for additional information.

Dean Martin, PE with Grumman Engineering, LLC, provided a sign-off for the septic design by the Health Department.

Ms. Cherichetti noted the applicant had submitted a revised plan with an increased distance between the proposed residence and the watercourse.

Ms. Destefanis observed there was still no landscaping plan that clarified the limit of proposed lawn or the width of any proposed watercourse buffer.

Mr. Morain, the applicant, contended additional information was not necessary and the delays in approving his plan were costing him money.

Ms. Destefanis indicated that she felt a landscaping plan was necessary. There was consensus from other members regarding the need to clarify the landscaping around the proposed house.

Ms. Cherichetti recommended the applicant also clarify the proposed extent of rear yard relative to the wetland area and Five Mile River in the rear portion of the property.

Ms. Cherichetti asked the Agency to determine the application level for the proposal. She recalled they had delayed making a determination at the receipt of the application. There was consensus that the application warranted an Intermediate Permit application.

b) **#S19-532 – 34A Bayne Street – Papadopoulos** – Corrective Action landscaping adjacent to a wetland and watercourse

There was a brief discussion of the slightly revised site plan provided by the applicant following the discussion of the application at the previous meeting.

Ms. Cherichetti indicated she would have a draft resolution for approval with conditions at the next meeting on June 11, 2019.

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

a) **#S18-529 – 405 Rowayton Avenue – Vega** – Corrective Action work following filling and wall construction in and adjacent to a watercourse (Keelers Brook)

At 7:00PM, Mr. Verel called the public hearing to order. He noted this was a continuation of the hearing from the previous meeting. The hearing had remained open to allow the applicant time to revise their plans.

Ms. Cherichetti took the roll call.

Dean Martin, PE with Grumman Engineering, gave a brief overview of the proposed plans and the elements on the site plan that had been changed since the last meeting.

*** **MR. KEEGAN MADE A MOTION CLOSE THE PUBLIC HEARING.**

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

*** **THE MOTION PASSED UNANIMOUSLY (1 ABSTENTION).**

- b) **#S19-533 – Kellee Drive – City of Norwalk DPW** – Maintenance of existing drainage ways in and adjacent to a wetland and a watercourse
- c) **#S19-534 – Hunters Lane – City of Norwalk DPW** – Maintenance of existing drainage ways in and adjacent to a wetland and a watercourse
- d) **#S19-535 – Lloyd Street – City of Norwalk DPW** – Maintenance of existing drainage ways in and adjacent to a wetland and a watercourse
- e) **#S19-536 – June Avenue – City of Norwalk DPW** – Maintenance of existing drainage ways in and adjacent to a wetland and a watercourse
- f) **#S19-537 – Friendly Road – City of Norwalk DPW** – Maintenance of existing drainage ways in and adjacent to a wetland and a watercourse

Ms. Cherichetti noted these applications were received at the previous meeting. She noted the Agency had requested a location map to better understand the location of each of the proposed project areas.

Vinta Varghese, PE at Jacobs, distributed a map of the areas on a city-wide map.

Ms. Cherichetti suggested it would be beneficial to go through one of the applications page by page to help the Agency members get a handle on the type of work proposed.

Ms. Varghese began with the site map for the Kellee Drive area. There was a discussion regarding the color coding of the maps and the proposed depth of channel excavation for each station in the watercourse.

Mr. Moeling asked about the method for removal and whether there would be large machines accessing the waterways. Ms. Varghese suggested the work would be done with mini-excavators. Mr. Moeling and other members expressed concern that the activity would result in ditched watercourses.

There was a discussion regarding the extent of proposed excavation and how the excavators would know when they had dug deep enough. Ms. Varghese stated a soil scientist would be present and could determine the depth.

Ms. Cherichetti requested a description or specification of the proposed “bank stabilization” activity.

Ms. Cherichetti asked the Agency members to make a determination on the permit level warranted. There was discussion but no clear consensus.

***** MR. MOELING MADE A MOTION KEEP THE APPLICATIONS AS INTERMEDIATE REGULATED ACTIVITY PERMIT APPLICATIONS.**

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

***** THE MOTION FAILED (2 IN FAVOR, 4 IN OPPOSITION, 1 ABSTENTION)**

***** MS. DESTEFANIS MADE A MOTION RULE THE APPLICATIONS AS SIGNIFICANT REGULATED ACTIVITY PERMIT APPLICATIONS AND TO SCHEDULE A PUBLIC HEARING ON THE APPLICATIONS AT THE JUNE 11, 2019 MEETING.**

***** MS. SHANAHAN SECONDED THE MOTION.**

***** THE MOTION CARRIED UNANIMOUSLY (1 ABSTENTION).**

VI. DISCUSSION &/OR DECISION II

- a) **#S18-529 – 405 Rowayton Avenue – Vega** – Corrective Action work following filling and wall construction in and adjacent to a watercourse (Keelers Brook)

There was no further discussion.

VII. ENFORCEMENT ACTIONS

- a) **#V19-985 - 45 Devils Garden Road – Welte – *Show-cause hearing*** - Filling of wetland and watercourse, clearing of a deciduous woodland, removal of vegetation, deposition of fill material in and adjacent to a wetland and watercourse

Ms. Cherichetti explained the show-cause hearing process. She reviewed the events that led up to the issuance of the order. She distributed site photographs taken in March of 2019. She compared and distributed aerial photographs of the site spanning from April 2003 to April 2018. She noted the two large rocks near the eastern edge of the pond and their relative location to the edge of the pond prior to and after the unpermitted work.

Ms. Cherichetti reviewed the issued Order and its directives.

Mr. Paul Welte, property owner, noted he had called the Conservation Office to ask about doing additional work. He described the events preceding the issuance of the Order and described his yard prior to the tree blow-down.

Mr. Welte provide a copy of a soils report that Otto Theall had completed earlier in the month.

***** MS. DESTEFANIS MADE A MOTION TO CLOSE THE SHOW-CAUSE HEARING.**

***** MR. KEEGAN SECONDED THE MOTION.**

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

***** MS. SHANAHAN MADE A MOTION TO UPHOLD THE ORDER AND AMEND THE DEADLINE TO SUBMIT A CORRECTIVE ACTION PERMIT APPLICATION TO JUNE 11, 2019.**

***** MR. KEEGAN SECONDED THE MOTION.**

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

VIII. DETERMINATION OF PERMIT NEED

- a) **5 Hunters Lane** – Installation of drainage pipe in a wetland

Ms. Cherichetti described the location of the property. She distributed copies of a sketch map depicting the location of existing drainpipes and proposed drain pipes. She pointed out the extent of wetland soils in the rear yard and the location of the watercourse.

***** MR. KEEGAN MADE A MOTION TO FIND THE PROPOSED ACTIVITIES WARRANT A MINOR REGULATED ACTIVITY PERMIT**

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

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

Ms. Cherichetti asked the Chair to consider amending the agenda to add a late item. She explained there was an application fee waiver request.

***** MR. MOELING MADE A MOTION AMEND THE AGENDA TO ADD A FEE WAIVER REQUEST**

***** MR. KEEGAN SECONDED THE MOTION**

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

IX. FEE WAIVER REQUESTS

- a) **#S18-529 – 405 Rowayton Avenue – Vega** – Corrective Action work following filling and wall construction in and adjacent to a watercourse (Keelers Brook)

Ms. Cherichetti referred to the request for fee waiver request in a letter from Attorney Roina that was in their paper packet. She noted the applicants had previously requested, and were denied, a waiver request in February 2019, however they ask the Agency to reconsider.

***** MR. HOLOWINKO MADE A MOTION TO DENY THE REQUEST BASED ON THE FINDING THEIR CIRCUMSTANCE DID NOT MEET EITHER OF THE TWO REASONS IN THE REGULATIONS AND CIRCUMSTANCES HAD NOT CHANGED SINCE FEBRUARY.**

***** MS. SHANAHAN SECONDED THE MOTION.**

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

X. APPROVAL OF MINUTES

- a) May 14, 2019 meeting minutes

Decision on the minutes was tabled to the next meeting.

XI. PUBLIC COMMENTS

There were none.

XII. COMMENTS OF STAFF

Ms. Cherichetti had no comments.

XIII. COMMENTS OF COMMISSIONERS

There were none.

XIV. ADJOURNMENT

***** MS. DESTEFANIS MADE A MOTION TO ADJOURN.**

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

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

Meeting adjourned at 8:50PM.