

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
June 11, 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; Lisa Shanahan; Steven Klocke; Robert Mercurio; Thomas Keegan; Cheryl Brown; John Moeling (6:50PM); and Karen Destefanis (7:00PM)

III. RECEIPT & DISCUSSION

- a) **#S19-540 – 8 Holiday Drive – Kalmanidis** – Corrective Action landscaping and grading in and adjacent to a wetland and watercourse

Ms. Cherichetti explained the application was on the agenda for receipt and provided an overview of the activities leading up to the filing of the corrective application.

Attorney Lukas Thomas indicated the property owner was fully cooperative and had already completed the wetland area delineation and had now submitted the permit application.

Ms. Cherichetti indicated that the application was a significant regulated activity and would require a public hearing. There was discussion regarding the timing of the public hearing. She suggested holding off on setting a date until she was able to discuss the application with the applicant's wetland scientist. She noted the limits of disturbance depicted on the submitted plans may change.

Attorney Lukas expressed no concerns with holding off on scheduling the public hearing.

IV. DISCUSSION &/OR DECISION I

- 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 noted that the public hearing for this application had closed at the previous meeting and the Agency has thirty-five (35) days from the close to render a decision.

Ms. Cherichetti summarized the proposed corrective activities and noted the applicants are seeking to keep the portion of block wall installed between the old stone wall and the bridge abutment. She described the bank grading that would occur upstream.

Ms. Shanahan inquired about the construction of the bridge abutments. The cross sections depicted in the site plans were discussed.

There was a discussion regarding the special conditions in Ms. Cherichetti's memorandum.

*** **MR. KLOCKE MADE A MOTION TO APPROVE THE APPLICATION WITH THE RESOLUTION CONTAINED IN THE MEMORANDUM BY MS. CHERICHETTI.**

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

*** **MOTION PASSED UNANIMOUSLY (5) WITH ONE ABSTENTION (BROWN)**

- b) **#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 provided a recap of the application. She summarized the revisions in the recently submitted plan, including the demarcation boulders at the proposed limit of lawn at the side and rear of the property.

Mr. Dean Martin, Grumman Engineering, LLC, continued with a description of the revisions to the proposed site plan and the notes on the plan.

Ms. Shanahan asked if there was a landscaping plan with proposed buffer enhancements. There was not. There was discussion regarding the adequacy of the proposed buffer width.

*** **MR. KEEGAN MADE A MOTION TO APPROVE THE APPLICATION WITH THE RESOLUTION IN THE MEMO FROM MS. CHERICHETTI.**

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

*** **THE MOTION CARRIED (3 IN FAVOR, 1 IN OPPOSITION (SHANAHAN), AND 2 ABSTAINING (KLOCKE & BROWN)).**

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

Ms. Cherichetti recalled the previous meeting when discussion regarding the application appeared to be favorable. She indicated she had written a memo that contained a draft resolution for approval with conditions.

*** **MR. KEEGAN MADE A MOTION TO APPROVE THE APPLICATION WITH THE RESOLUTION IN THE MEMO FROM MS. CHERICHETTI.**

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

*** **THE MOTION CARRIED (5 -0-1) WITH BROWN ABSTAINING.**

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

Ms. Cherichetti noted the application was received at the previous meeting at which there was a discussion regarding the deficiencies of the application. She indicated she had emailed the Agency comments to the applicant's representative but no new information has yet to be received.

Mr. Verel suggested the matter be tabled to the next meeting.

V. FEE WAIVER /REDUCTION REQUESTS

- a) **#S19-540 – 8 Holiday Drive – Kalmanidis** – Corrective Action landscaping and grading in and adjacent to a wetland and watercourse

Ms. Cherichetti indicated the Agency members should have found a copy of the request letter in their packets.

Mr. Verel asked Ms. Cherichetti to read aloud the section of the Wetland Regulations that deals with fee waiver requests.

Ms. Cherichetti read paragraph H of §60A-18 aloud.

Mr. Verel stated he did not find the circumstance to meet either of the two reasons given in the regulations. Other Agency members expressed concurrence with his statement.

***** MR. VEREL MADE A MOTION TO DENY THE REQUEST FOR FEE WAIVER.**

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

***** THE MOTION CARRIED UNANIMOUSLY.**

VI. BOND SEIZURES

- a) **#S09-353 – 5 Driftwood Lane - Allimant** – Seizure of bond held (\$7,300) to complete corrective work adjacent to a wetland

Ms. Cherichetti provided an overview of the situation, beginning with a description of the work initiated in 2009. She reviewed the Enforcement Order issued in 2009 and the Corrective Action Permit that was issued to the owner. The special conditions of the permit were reviewed, as well as various extensions of time given to the owner.

Mr. Verel asked for confirmation that no work had been done on the property to date. Ms. Cherichetti confirmed and noted the excavation of fill adjacent to the wetland had not yet occurred. She noted property was under a purchase contract currently. She referred to her memorandum.

There was discussion regarding the original violation, the expired permit and the corrective work.

***** MR. MERCURIO MADE A MOTION TO ADOPT THE RESOLUTION CONTAINED IN THE MEMO BY MS. CHERICHETTI, DIRECTING HER TO USE THE BOND TO CAUSE TO HAVE THE CORRECTIVE ACTION WORK COMPLETED.**

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

***** MOTION PASSED UNANIMOUSLY.**

VII. BOND RELEASES/REDUCTIONS

- a) **#S08-321 – 316 Newtown Avenue - Hughes** – Release of bond held (\$4,000.00) for construction of a single-family home and accessory building adjacent to a wetland and watercourse

Ms. Cherichetti indicated that a recent site inspection found all of the required plants thriving.

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

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

***** THE MOTION CARRIED UNANIMOUSLY.**

- b) **#S13-434 –15 May Drive - Falzone** – Release of bond held (\$2,260.00) for construction of a single-family home, pool and associated landscaping adjacent to a wetland and watercourse

Ms. Cherichetti provided recent photographs of the buffer.

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

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

***** THE MOTION CARRIED UNANIMOUSLY.**

- c) **#S15-483 -467 Connecticut Avenue – CT Ave. LLC** – Release of bond held (\$3,400.00) for demolition of existing and construction of two new buildings, with associated landscaping and stormwater management adjacent to a wetland and watercourse

Ms. Cherichetti noted this was the location where the “Chick-Fil-A” restaurant was operating. She explained the plants had been in for sometime, but portions of the site had remained unstabilized.

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

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

***** THE MOTION CARRIED UNANIMOUSLY.**

Mr. Moeling arrived at the meeting at 6:50PM.

Mr. Verel called a 5 minute recess at 6:50pm.

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

Mr. Verel resumed the meeting at 7:00PM.

Ms. Destefanis arrived at the meeting at 7:00PM.

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

At 7:00PM, Mr. Verel called the public hearings to order, explaining that due to the similarity of the applications, the first five (5) applications would be heard together. He described public hearing procedures and indicated there were sheets on the front table where the public could sign up to speak.

Ms. Cherichetti took the roll call. She stated notice of the hearings for each of the applications had been posted twice in The Hour. She indicated she had received proof of mailing to adjacent property owners from the applicant.

Vinta Varghese, of Jacobs Engineering, consultant for the City, provided an overview of the proposals to remove sediment and debris from the open channel portions of the systems. She noted that each of these waterways had inlets and outlets that were closed conduits where the debris and material could not move through. She referred to the submitted plans and photographs.

Mr. Verel asked about the removal and disposal of the sediment. Ms. Varghese indicated it would be handled by the same contractor that currently handles the yard waste disposal.

Mr. Moeling inquired about the timing of the project. Drew Berndlmaier, DPW, replied the exact start date was unknown due to a variety of things that need to happen prior to work. He noted that a recent request for bids for a contractor to perform the work went without any responses.

Mr. Verel opened public comment, beginning with application #S19-533.

Gloria Carrenon, 16 Kellee Drive, spoke and indicated she was in favor of taking out debris but asked about the scope of work and if her garden would be damaged.

Christina Fleischmann, 155 Scribner Avenue, stated she had lived in the area for 25 years and that her property floods with three to four feet of water every time it rains. She felt that the conditions were unhealthy and also unhealthy for dogs and that her property was going down.

Diane Lauricella noted she now lived in South Norwalk, so the Scribner area was a concern. She gave compliments to Anthony Carr, new director of DPW, but asked if there was any green infrastructure proposed.

Anthony Parisi, 151 Scribner Avenue, stated his pond had filled with road sand and he wanted it fixed soon.

Diane Winton, 262 West Cedar Street, stated that the brook on her property came from Parisi's pond and all sorts of stuff came into her yard, so she is in favor of dredging. She asked when the work would occur because her house was on the market.

Ms. Destefanis asked for more information regarding the nature of the stuff observed. Ms. Winton mentioned balls, toys and litter.

Mr. Verel moved to the next sign-up sheet, for the Hunter Lane application.

Diane Lauricella added that she was on the Mayor's Water Quality Committee and asked about the impacts of polluted runoff.

Mr. Verel then asked for comments regarding the application at Lloyd Road.

Larry Andronaco, 12 Lloyd Road, listed the various times that his property had been flooded and listed the resulting damages.

Tom Walsh, 13 Lloyd Road, agreed with the account of his neighbor and recalled the stormwater manhole surcharging during storms.

Michael Cotta, 10 Lloyd Road, stated that he was in favor of the application and he gave a history of development and stormwater drainage in the area.

Mr. Verel asked for comments regarding the June Avenue application.

Maria Loor, June Avenue resident, indicated she had lived there for four years and wanted to know why there was a gate at her property for entrance to the waterway. She asked if the project would include removal of the invasive bamboo.

Mr. Verel transitioned to the application for work in the vicinity of Friendly Road.

Lou D'Acunto, 13 Saddle Road, indicated he had been there for 27 years and that Friendly Pond once had flow, but it no longer did. He noted the water gets stopped where the pond once was located. He stated that he did not believe storms were getting any worse.

Rocco Chiappetta, 19 Surrey Drive, said he had lived there since 1993 and that the first flood he experienced was in June 2006. He stated that the area was originally a retention pond.

Mary Ann Capasso, 5 Surrey Drive, agreed that flooding first occurred in 2006.

Angelo DiPasquale, 7 Saddle Road, stated he had been a resident since 2011 and he was flooded 17 times in a year. He stated that it was not just water that was a problem, but also sewage too and there are contaminants in the soil, but he was in favor of dredging.

Larry Smith, 65 Saddle Road, asked if the work included the area across Route 1 near Dreamy Hollow Condos. He said he had lived on Saddle since 1979.

Ester Consolati, of Silwen Lane, indicated she had lived in the area for 46 years and she observed that when the Surrey Road area backed up, it backs up to them too. She said she was in favor of dredging because she worries and doesn't eat when it rains. She said that September 25, 2019 was very bad and there was one and a half feet of water.

Laura Skutch, of Dry Hill Road, stated she had enjoyed her property for the last 35 years. She stated the brook, Barden Creek, had flooded and she had been flooded, but it is part of the natural environment. She noted she had prepared environmental impact statements and wondered if one had been prepared for this project. She observed that for such a big project that was little information and little restoration. She expressed understanding that the area was altered during development in the 1940-1960s, but today that would not be approved. She asked why they were not proposing to increase pipe size or at least weigh other alternatives that might fix the problem without having such a severe impact on the watercourse. She asked if there was any long-term maintenance proposed. She requested confirmation regarding the permit jurisdiction of the US Army Corps and CT DEEP.

Karima Daniel, 21 Surrey Drive, testified that she had bought her house 4 years ago and has since had three feet of water in her house and listed multiple losses. She stated she sustained in excess of \$70,000 in damage. She stated that she believed the first step was to dredge the pond.

Tom Goosmann, Rustic Lane, stated he had lost three basements. He asked if the work would start at the top and work downstream, or at the bottom and work upstream. He also questioned the access locations and if any trees would be removed.

Tony D'Andrea, resident of Carlin Street, stated he had lived there for 39 years and asked where the comprehensive plan for drainage for the whole city was located. He stated he has lots of experience with dredging. He stated the City should ask Tom Closter in the Health Department about sewage in the water and separate stormwater from the sewer. He asked if this was compliant with the new MS4 rules.

Melanie Smolewski, 7 Carlin Street, stated there was an open weir at the end of the channel at Newtown Avenue and all trash ends up there. She stated that long ago DPW cleaned the pipe once a week, but then did none to little. She had questions regarding the impacts to her dogs and the rabbit in her yard.

Mr. Verel asked if there were any other members of the public wishing to provide testimony. Seeing there were no more, he gave the floor to the applicant for rebuttal.

Vinta Varghese noted that the plans identify access routes and the work will occur only with watercourses, not within any wetlands. She stated that the US Army Corps had been sent notice of the proposals, but she was waiting to hear back. She said there would be no heavy equipment used, just a mini-excavator and dump trucks.

Mr. Moeling recalled that she had previously stated a small Bobcat-like machine would be used.

Ms. Varghese, regarding a larger comprehensive study, noted that DPW has a contract with a different firms to study the drainage systems, but that this activity was the first step. She noted that portions of the City once had combined sewer-stormwater, but no longer. She noted that once all permits were in hand, the work could be done quickly.

Mr. Klocke ask for clarification about sewer-stormwater issues. Ms. Cherichetti clarified and explained City protocols and action for illicit connections.

Mr. Klocke asked if the application also included proposed maintenance activities.

Ms. Varghese said yes because the permit is good for ten years and they could keep addressing the worst spots.

Ms. Destefanis inquired about the larger drainage systems study and observed that perhaps there have been issues due to insufficient pipe size.

Anthony Carr, Director DPW, indicated that the study would look into all potential solutions and he hoped the study would have initial ideas by December of this year.

Ms. Destefanis returned to the proposed maintenance and its schedule. Ms. Varghese stated there would be observation and monitoring before setting a schedule.

Mr. Klocke asked if the work would result in any downstream issues once all the blockages described were removed. Mr. Berndlmaier stated that no downstream impact is foreseen due to the pipe size, at each outlet, remaining the same.

*** **MR. MERCURIO MADE A MOTION CLOSE THE PUBLIC HEARINGS.**

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

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

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

Ms. Cherichetti did the roll call and noted that notice of the hearing was posted in The Hour and the applicant had mailed notice to adjacent property owners.

Danen Grey, property owner, reviewed the previous applications to develop the property. He reviewed in detail the elements of the proposal, including the bridge spans, stormwater management, house footprint and buffers.

Dean Martin, PE with Grumman Engineering, LLC, described the proposed sequence of construction, utility installation, stormwater management, and the wetland delineation line.

Kate Throckmorton, RLA with Environmental Land Solutions, LLC, reviewed the proposed project phasing and discussed the installation of the first and second bridges, the rough grading and installation of the retaining walls, stabilization and then house construction. She stated, with the proposed measures, there would not be impacts to the watercourse corridors.

Mr. Verel opened the floor to public comment.

Charles Belson, 230 New Canaan Road, stated he was an architect and thought the plans should depict the Orchard Lakes unit that is closest to the development near New Canaan Avenue.

Robert Gordon, 38 Purdy Road East, stated he had lived there for more than 50 years and called attention to the two watercourses and the wetland area. He questioned whether there would be even more water during a 25 year storm event. He recalled there was one significant flooding event, about 40 years ago, that resulted in the streams completely overflowing their banks and flooding vast areas of the property. He opined that a similar flood will certainly occur again.

Joseph Armah, 216 New Canaan Avenue, expressed concern regarding the backhoe that has been sitting for years and the dead trees near it. He expressed his worry that there would be noise and the safety of his family would be compromised. He noted he had previously planted arborvitae.

Fred Wirth, current President of the Orchard Lake association, stated the condo board was in support of the proposed development. He noted the previously worked out driveway easement and other agreements.

Mr. Verel, confirming there were no other members of the public wishing to speak, invited the applicant to present any rebuttal comments.

Mr. Grey stated he was thankful for all the comments. He indicated the Orchard Lake unit could be added. He expressed interest in the flooding history of the property and stated the highest safety standards would be used for the project.

Ms. Destefanis asked how much the house footprint had actually been reduced. Mr. Martin estimated it was about 300 square feet.

Ms. Shanahan asked about tree removal and management of the dead trees brought up by the neighbor.

Mr. Moeling inquired about the length of the bridge spans and the driveway drainage relative to the property at 216 New Canaan Avenue.

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

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

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

Mr. Verel returned to the regular agenda

IX. DISCUSSION &/OR DECISION II

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

Mr. Verel asked for discussion on the applications by DPW.

Mr. Moeling lamented that there was not a process to invite DPW back and receive feedback as far as the success of the solution fixing the problem.

Ms. Shanahan noted that though she understands why they are pursuing this fix, she nonetheless feels they are overselling the solution.

Mr. Mecurio noted there clearly was a need to do something.

Mr. Keegan concurred with Ms. Shanahan, adding that without first doing a detailed study, they are just going by feel, not data. He thought the permit, if issued, should require DPW to tell the Conservation Office when, how long, and with what any activities in the watercourses.

There was discussion regarding the proposed reoccurring activities after the initial excavation. There was discussion regarding how to manage proposed future work and decided it would need to first pass through staff to determine whether the extent required a new permit or could be part of this one. The types of

activities were discussed and noted that debris and trash removal were very different than sediment excavation.

Mr. Klocke added that the lack of maintenance for years was part, but not all of the problem. He stated he felt the initial excavation proposed would be a one shot deal.

Mr. Keegan stated that it was their job to protect the watercourses from unnecessary negative impacts and they need a way to make it clear that the end result should not be a deep ditch. There was a discussion regarding requiring a soil scientist during excavation to assist with determining the original stream bed elevation. It was recalled that Ms. Varghese had previously mentioned having a soil scientist at the sites to do this determination.

The Agency members asked Ms. Cherichetti to come up with draft resolutions for approval but with conditions that dealt with concerns regarding the scope of the initial excavation and the ongoing maintenance.

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

Mr. Moeling stated he had no problems with the application and he felt the proposal was reasonable and the applicant had been responsive to prior concerns.

Mr. Verel and Mr. Keegan both concurred that the applicant had been responsive.

Ms. Destefanis stated that she was looking for more than a small 300 square foot reduction in footprint and she still has concerns regarding the development size relative to the extent of wetlands and watercourses. She thought there was too narrow of a buffer.

Mr. Moeling noted that the impacts don't necessarily change with size of the developed area. Ms. Destefanis noted that there had been very little change in footprint size from the first denied application.

Ms. Shanahan inquired about the safe guards that could be in place to make sure impacts are minimized. She said she thought the idea of installing the retaining wall first was a good idea. There was a discussion regarding the need for monitoring and inspection due to the extremely tight site and its being surrounded by wetlands and watercourses.

It was agreed that staff would write a draft resolution for approval with conditions for consideration at the next meeting.

X. APPROVAL OF MINUTES

- a) May 14, 2019 meeting minutes

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

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

***** MOTION PASSED UNANIMOUSLY.**

- b) May 28, 2019 meeting minutes

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

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

***** MOTION PASSED UNANIMOUSLY.**

XI. PUBLIC COMMENTS

There were none.

XII. COMMENTS OF STAFF

Ms. Cherichetti had no comments.

XIII. COMMENTS OF COMMISSIONERS

There were none.

XIV. ADJOURNMENT

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

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

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

Meeting adjourned at 10:38PM.