

**CONSERVATION COMMISSION &  
INLAND WETLAND AGENCY MINUTES  
October 22, 2019**

**I. CALL TO ORDER**

Mr. Verel called the meeting to order at 6:02 p.m.

**II. ROLL CALL**

Mr. Verel determined Mr. Keegan would be seated for Mr. Mercurio.

Ms. Cherichetti took the roll call.

**PRESENT:** John Verel, Chair; Ed Holowinko, Vice Chair; John Moeling; Steven Klocke; Karen Destefanis; Lisa Shanahan; Thomas Keegan; Cheryl Brown (not seated as a member at the start of the meeting)

**III. RECEIPT & DISCUSSION**

- a) **#S19-545 – 8 Norden Place – Summit Saugatuck LLC** – Grading and widening of existing gravel accessway adjacent to a wetland and watercourse
- b) **Conservation Easement Amendment - 8 Norden Place – Summit Saugatuck LLC** – Amendment of existing Conservation Easement to add emergency vehicle access use to existing pedestrian and bicycle use

Ms. Cherichetti introduced the application and provided a brief overview of the proposal.

Attorney Matt Ranelli, Shipman & Goodwin LLP, introduced himself as well as Mark Shogren, P.E. of Divney, Tung Schwalbe, and Bill Kenny, PWS of William Kenny Associates LLC. He started with a brief overview of the site and the history of the property. He described a proposed affordable housing residential development project in Westport and its relation to the current application.

Mark Shogren P.E. further discussed the physical conditions of the existing accessway and the improvements that are proposed. He described the locations of grading and construction of a retaining wall at the western end of the accessway. He described the proposed widening of the road. He referred to the geotechnical report in the application packet. He noted the proposed accessway improvement would be gravel and would not be used for regular vehicular traffic.

William Kenny spoke and described the wetlands and watercourses on the property. He noted there were two main wetland types on the site, with a relatively undisturbed forested wetland condition generally to the south of the accessway and a previously disturbed meadow wetland condition to the north of the accessway. He stated he had recently delineated all wetland areas within approximately one hundred (100) feet of the accessway. He noted his delineation was inclusive and now includes the wetland soils at the base of the stormwater detention basin constructed in 2009. He noted most of the upland soils he surveyed had been previously disturbed. He noted there would be no change in stormwater runoff and there would be no direct impacts to the wetlands or watercourses. He stated there would be no adverse impact to the wetlands and watercourses and all potential indirect impacts would be mitigated.

Attorney Ranelli noted most of the grading would occur at the western end of the accessway near the Avalon parking lot and detention basin. He observed that 440 cubic yards of material would be deposited within upland review areas, but most of the fill, more than 400 cubic yards, was within the upland review area of the detention basin.

Mr. Verel asked about the Westport denial of the housing application and for confirmation that this current proposal was in response to that denial.

Attorney Ranelli noted the applicants were seeking to address the reasons for denial given by the permitting authority in Westport.

Ms. Destefanis noted that the current accessway appeared to be acceptable to Norwalk Fire and questioned why it was needed. Mr. Holowinko concurred and suggested alternative routes for emergency vehicles. There was a discussion among Commissioners regarding alternative access routes.

In response, Attorney Ranelli noted the applicant does not necessarily want the improvement either, but it has been deemed necessary by the Westport Planning & Zoning Commission. He added that they have, however, minimized all potential impacts to the wetlands and watercourses.

Mr. Moeling asked if emergency access could be installed anywhere else on the property. Attorney Ranelli noted the proposed path minimizes environmental impacts.

Ms. Shanahan referred to the letter from the Westport Conservation Commission and its description of area flooding. The applicant had not yet received Westport's comments, and stated the referral letter would be addressed fully at the next meeting and after they had an opportunity to read the letter.

Mr. Keegan expressed concern regarding the proposed alteration of the Conservation Easement and wanted to hear more about the proposed change and impact to the Easement area.

Ms. Shanahan asked staff to determine the tax implications, if any, of the proposed easement language change.

There was a brief discussion regarding determining whether the application warranted a public hearing. The Commission determined they would want to review and understand the scope of the proposal better before making a determination.

\*\*\* **MR. HOLOWINKO LEFT THE MEETING.**

\*\*\* **MS. BROWN WAS SEATED AS A MEMBER.**

#### **IV. DISCUSSION &/OR DECISION**

- a) **#S19-541 – 9 Burlington Court - Nechaeva** – Corrective Action removal of hardscape with restoration landscaping in and adjacent to a wetland and watercourse

Mr. Verel opened discussion on the item.

\*\*\* **MR. KEEGAN & MS. BROWN RECUSED THEMSELVES**

Ms. Cherichetti noted this application has a receipt date of September 10, 2019. She added that following discussion at the previous meeting, she had sent the applicant a preliminary review letter detailing the deficiencies of the application.

Ms. Cherichetti gave a brief summary of the proposed activities within the wetland and the patio/playscape areas the applicant wishes to keep. She reviewed the documents submitted with the application. She noted she had met with the applicant two weeks ago to review the comments.

Ms. Nechaeva acknowledged that she had received Ms. Cherichetti's letter. She expressed disappointment that portions of the patio within the wetland could not remain. She added that they would do landscaping in the spring and she could continue to transplant sedge. She asked that the yard drain system be allowed to stay, otherwise she noted, the backyard would be muddy and wet.

There was a discussion regarding the need to illustrate the proposed actions on a site plan. The necessity of a landscaping plan was also discussed. Upkeep of other portions of the wetland as lawn was discussed. The decision deadline for the Commission is the November 12, 2019 meeting, so the need to promptly complete the application was noted.

**\*\*\* MR. KEEGAN & MS. BROWN RETURNED TO THE MEETING**

- b) **#S19-543 – 45 Devil’s Garden Road – Welte** – Corrective Action removal of fill in a wetland and watercourse

Ms. Cherichetti stated the decision deadline for this application was also at the next meeting on November 12, 2019. She added that she had met the applicant at his property earlier that afternoon. In addition to discussing the application requirements, she informed the applicant of the Commission’s decision deadline and his opportunity to ask for an extension of time if needed. The applicant was not present at the meeting.

There was a discussion regarding the amount of woodchip and leaf mulch fill on the property. Ms. Cherichetti noted the applicant’s estimates of volume had been inaccurate. She had encouraged the applicant to alter the site plan and verbally explain in the narrative how the estimated depth of fill was derived.

- c) **#S19-544 – 5 Chipping Lane** – Corrective Action restoration of watercourse channel and landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti noted the applicant was not in attendance.

Ms. Cherichetti did confirm that the applicant had sent an updated wetland delineation report that included 3 Chipping Lane. She noted she has emailed the applicant back inquiring about other updates to the application, but had not heard back. She noted a public hearing was scheduled to commence at the next meeting on November 12, 2019.

**V. ENFORCEMENT ACTIONS**

- a) **#V19-995 – 37 North Avenue & 40 East Avenue – IJ Group LLC – Show-cause hearing** – Unauthorized clearing, grading and filling adjacent to a wetland and watercourse

Ms. Cherichetti noted the respondent, Mr. Milligan, had come to the Conservation Office regarding the order. She stated that he had indicated he would not be able to attend the meeting this evening. She suggested the show-cause hearing be continued to the next meeting on November 12, 2019.

She noted the order cites work on two separate properties.

- b) **#V19-996 – 40 East Avenue – Freding – Show-cause hearing** – Unauthorized clearing, grading and filling adjacent to a wetland and watercourse

Ms. Cherichetti indicated the respondents had asked for a continuance to the next meeting.

There was a discussion regarding the location of the involved properties.

**VI. BOND RELEASES**

- a) **#S17-510 – 6 Westview Lane – Wilms** – Release of bond held (\$2,00.00) for installation of an in-ground pool with associated patio and fencing adjacent to a wetland and watercourse

Ms. Cherichetti noted the permittee had completed the required planting plan in the rear yard.

**\*\*\* MR. MOELING MADE A MOTION TO RELEASE THE BOND.**

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

**\*\*\* MOTION PASSED UNANIMOUSLY.**

## **VII. APPROVAL OF MINUTES**

a) September 24, 2019 meeting minutes

Mr. Moeling suggested some alterations to the minutes.

**\*\*\* MR. MOELING MADE A MOTION TO ACCEPT THE MINUTES AS AMENDED.**

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

**\*\*\* MOTION PASSED UNANIMOUSLY.**

## **VIII. PUBLIC COMMENTS**

There were none.

## **IX. COMMENTS OF STAFF**

There was a brief discussion regarding the various conservation easements the City held and the conditions of the properties.

## **X. COMMENTS OF COMMISSIONERS**

There were none.

## **XI. ADJOURNMENT**

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

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

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

Meeting adjourned at 8:41PM.