

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
January 28, 2020**

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; Ed Holowinko, Vice Chair; John Moeling; Karen Destefanis; and Cheryl Brown.
Alexis Cherichetti, staff.

III. RECEIPT & DISCUSSION

There were none.

IV. DISCUSSION &/OR DECISION

- a) **#S19-544 – 3&5 Chipping Lane** – Corrective Action restoration of watercourse channel and landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti recalled the public hearing on the application closed on January 14th and the Commission has 35 days to render a decision. She described the proposed activities as depicted on a site plan and in a narrative by Kate Throckmorton of Environmental Land Solutions. She noted there was a draft resolution in her memorandum that reflects the Commission's sentiment.

***** MS. DESTEFANIS MADE A MOTION TO APPROVE THE APPLICATION WITH THE ADOPTION OF THE RESOLUTION IN MS. CHERICHETTI'S MEMORANDUM.**

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

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

- b) **Conservation Easement Amendment - 8 Norden Place – Summit Saugatuck LLC** – Conservation Easement to add emergency vehicle access use to existing pedestrian and bicycle use

Ms. Cherichetti indicated the public hearing for this application, as well as the permit application, closed at the previous meeting on January 14, 2020. She noted following the discussion after the hearing, she had been asked to provide a report. She added the memo deals only with the amendment request, not the inland wetland permit, and she had included a variety of draft resolutions so they could chose the resolution that best fits their finding. She noted any decision on the amendment would also need to include making a finding regarding the intervenor's claims.

Mr. Holowinko stated that he felt the intervenor made some good points. He stated that he would agree with the intervenor and deny the amendment.

Ms. Destefanis disagreed regarding the intervenor's case and called it weak, but did agree regarding denial of the amendment. She recalled she and Mr. Holowinko were on the Commission when the Conservation Easement was ironed out and there was significant public engagement then. She recalled there was extensive discussion regarding the area under the conservation easement. She agreed with Mr.

Collins, who provided recent testimony, that Norwalk and their commission were just pawns in this larger scheme, but the easement was there for a reason. She indicated she had no reason for vote in favor of the amendment because there was no proposed benefit to Norwalk in allowing it to be modified. She indicated she would support resolution 2A, which would disagree with the intervenor but deny the amendment.

Mr. Moeling stated he agreed with that resolution as well.

Ms. Brown indicated she agreed with denial of the easement amendment. She added there was no apparent benefit and the easement is there to protect that space. She indicated the proposed activity would not benefit that space. She indicated she was in favor of denial of the amendment, but disagrees with the intervenors on draft resolution 2A in the memo.

Mr. Verel indicated the City had no obligation to amend the easement, certainly one that provided no benefit to Norwalk or the easement area.

***** MR. MOELING MADE A MOTION TO DISAGREE WITH THE INTERVENOR AND DENY THE EASEMENT AMENDMENT, OTHERWISE KNOWN AS OPTION 2A IN MS. CHERICHETTI'S MEMORANDUM.**

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

***** MOTION PASSED UNANIMOUSLY.**

c) **#S19-545 – 8 Norden Place – Summit Saugatuck LLC** – Grading and widening of existing gravel accessway adjacent to a wetland and watercourse

Ms. Cherichetti suggested, considering the decision just rendered on the easement, tabling the decision to the next meeting would give her time to prepare guidance.

Mr. Holowinko indicated he thought the issue was now mute.

Mr. Verel announced the permit application discussion would be tabled to the next meeting.

d) **#S19-546 – 10 Willard Road – 10 Willard LLC** –Removal of existing warehouse building and construction of new residential apartment building, self-storage building, parking lot, two foot bridges, new landscape and recreation areas, install new utilities and drainage improvements in and adjacent to a wetland and watercourse

Ms. Cherichetti called the Commissioners' attention to a preliminary review letter dated January 23rd by Ms. Hrtanek in their meeting packets. She discussed the changes made to the application and invited the applicant to further describe the proposal and the recent revisions. She distributed aerial photographs and locational and stormwater system information to the Commissioners.

Attorney Adam Blank, representing the applicant, introduced the others with him tonight, including Derrick Daunis, Earl Goven, and Jason Enters, Steven Hardy, and Brian Deits. He noted the enhanced landscaping adjacent to the wetland and watercourse and the greatly reduced surface parking down to the amount required by Zoning. He noted changing the fire access would not be feasible. He distributed a few copies of the updated plans.

Mr. Verel asked about the proposed Conservation Easement. Mr. Blank discussed text amendments to the Zoning Regulations and new requirements for special permits to add self-storage facilities within the Business 2 zone include 20% of a site be put under conservation easement. He did note the easement area proposed is well in excess of the required amount.

Mr. Jason Enters read the Zoning text pertaining to the zone change aloud. Attorney Blank noted some elements, including fire access and passive recreation area, are within the proposed easement area.

Mr. Verel asked about the access from Strawberry Hill Avenue and what was proposed for this area. Mr. Enters replied the access would remain gated and would be for emergency access only.

Derrick Daunais, PE from D'Andrea Surveying & Engineering, pointed to the revised site plan. He pointed out the reduction of paved area on the site by about an acre, and he indicated a further elimination of surface parking spaces to the minimum required number. He noted there are only 52 surface spaces proposed. He pointed out the landscaping islands that are now proposed where parking had been proposed previously. He discussed the area where the fire access is proposed and noted many of the trees in that area appear to be currently dead.

Earl Goven, landscape architect, described the revised landscaping plan.

Ms. Cherichetti suggested the landscaping plan be revised to include planting notes and the comments regarding invasive plant management.

Mr. Verel reviewed the revised items requested from the applicant and tabled the item to the next meeting.

- e) **#S19-547 – Grist Mill Road and Old Belden Hill Road – City of Norwalk – NRV**
Construction of +/- 2,015 feet of stone dust trail, boardwalks and associated culvert crossings in and adjacent to a wetland and watercourse

Ms. Cherichetti recapped the receipt of the application at the last meeting. She reviewed the activities proposed and the proximity to the wetland areas. She noted the application appeared to be complete and there was a memo with a draft resolution to approve with conditions.

***** MS. DESTEFANIS MADE A MOTION TO APPROVE #S19-547 WITH THE ADOPTION OF THE RESOLUTION IN MS. CHERICHETTI'S MEMORANDUM.**

***** MS. BROWN SECONDED THE MOTION.**

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

- f) **#S19-548 – 35 Huckleberry Drive South – Rich** – Corrective Action removal of fill, restoration of wetlands, and construction of a two-story addition in and adjacent to a wetland and watercourse

Ms. Cherichetti discussed the receipt of the application at the last meeting. She noted the incompleteness of the application and pointed to her preliminary review letter which was sent to the applicant. She indicated she had met with Barbara Wilson, Landscape Architect, retained by the applicant. She indicated the property owner was present at tonight's meeting.

Doreen Rich, property owner, introduced herself and Otto Theall, her soil scientist.

Mr. Theall addressed some of the comments in Ms. Cherichetti's review letter. He stated he agreed there was a watercourse on the site and it should be depicted on the site plan. He discussed the interpretation of his sketch regarding the wetland line. He clarified the wetland line shown is just where it currently is now, not where the wetland area was prior to the filling activity. He noted the fill is extensive and the original edge of the wetland is currently very difficult to determine. He added the task was even more difficult because they did not have the survey showing the pre-existing topography at the time. He stated that the wetland line would become easier to delineate once fill was removed. He suggested a large backhoe to dig trenches through the fill to better determine the extent of wetland soil under the fill. He stated they did not yet have enough information to file an application. He recalled his conversation at the site with Ms. Cherichetti and Ms. Hrtanek.

Mr. Moeling observed the map appears to suggest there may be ten or more feet of fill over the wetland. He asked if there was a wetland delineation report and map.

Ms. Cherichetti clarified her comments have to do with the permit application and its submitted contents so far. She stated the application is incomplete. Addressing Mr. Theall, she indicated she had not forgotten their previous conversation at the site, however none of that discussion was reflected in the minimal documents submitted with the application. She noted the complexity of the issue was not adequately illustrated in the application documents.

There was additional discussion regarding the current and pre-existing topography. Mr. Theall noted there were likely multiple events of filling over time. Ms. Cherichetti indicated the topographic data and aerial photos illustrate the majority of filling occurred in spring of 2018. She added the Inland Wetland Agency must have a depiction of the likely extent of the wetlands prior to the filling activities to begin their consideration of the corrective action permit application. She noted there is understanding that the exact location of the wetland limit line would not be known until fill is removed, but the Agency needs an application that at a minimum presents a best guess, with methodology explained, of the wetland limit.

Ms. Rich, the Agency and staff discussed how to gather the information regarding the wetland. Ms. Cherichetti noted there was an extensive record of aerial photographs and topography that can be interpreted. It was agreed the applicant may want to retain an additional soil scientist to provide second opinion and dig deep trench pits to allow both soil scientists to look at the soil.

There was a discussion regarding the timelines for scheduling the public hearing on the application; without an extension from the applicant, the public hearing must open at their March 10th meeting. The applicant would return to the next meeting to provide a status update.

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

Ms. Cherichetti noted the respondents had both requested to table the continuation of the show-cause hearings to the February 11th meeting. She noted they both wanted to meet at the site with staff to have the claimed wetlands and claimed areas of fill pointed out to them.

Ms. Destefanis noted the hearings should close at the next meeting.

III. BOND RELEASES

- a) **#S18-529 – 405 Rowayton Avenue – Vega – Reduction (\$1,762) of bond held (\$2,112.00) for Corrective Action work following filling and wall construction in and adjacent to a watercourse (Keelers Brook)**

Ms. Cherichetti stated a reduction of the bond is requested. She noted the property owners had completed the work, however the seed mix had not fully become established.

***** MS. DESTEFANIS MADE A MOTION TO REDUCE THE BOND.**

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

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

IV. APPROVAL OF MINUTES

- a) January 14, 2020 meeting minutes (to be tabled until February 11th meeting)

VI. COMMENTS OF STAFF

There were none.

VII. COMMENTS OF COMMISSIONERS

There were none.

V. ADJOURNMENT

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

***** MS. BROWN SECONDED THE MOTION.**

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

Meeting adjourned at 7:56PM.