

**CONSERVATION COMMISSION &  
INLAND WETLAND AGENCY MINUTES  
June 11, 2020**

**I. CALL TO ORDER**

Ms. Destefanis called the meeting to order at 6:00 p.m. Ms. Destefanis would be acting Chair for this virtual meeting.

**II. ROLL CALL**

Ms. Cherichetti took the roll call.

**PRESENT:** Karen Destefanis; Ed Holowinko, Vice Chair; John Moeling; Steve Klocke; Matt Pentz; and Cheryl Brown.  
Alexis Cherichetti, staff.

**III. RECEIPT & DISCUSSION**

- a) **#S20-550 – 34A Bayne Street** – Construction of a deck, installation of above-ground pool with slope excavation adjacent to a wetland and watercourse

Ms. Cherichetti gave a brief overview of the property, the water resources and the proposed activities. She noted the applicant was seeking to install an above-ground pool and deck. The closest deck footing would be about two (2) feet from the wetland limit line. The pool and deck would require excavation of a slope in the eastern side yard of the property.

Mr. Papadopoulos described the pool and access to the area of installation. He described the location relative to the existing house and decks and stated this proposed location is the only area that would be suitable.

There was a discussion regarding the location of the wetland limit and the existing picket fence.

Mr. Klocke noted the silt fence should be proposed on the inside of the picket fence and lawn area, not on the outer side further into the wetland.

Ms. Brown stated the applicant should submit a grading plan that accurately depicted proposed hill slope excavation. She noted the proposed contour lines do not line up to existing contours. Mr. Papadopoulos tried to convey the slope he desired with hand gestures and noted the slope would be the same, just pushed back.

Mr. Klocke reiterated the need to update the site plan with revised silt fence location and a grading plan.

Ms. Brown observed the slope adjacent to the wetland would be steeper with the proposed excavation and a proposed buffer planting between the excavated slope and the wetland should be considered for mitigation.

Mr. Holowinko concurred on all of the suggestions.

Mr. Papadopoulos noted his desire for approval of the permit application at the next meeting. He was encouraged to provide the revised site plan as soon as possible.

**IV. DISCUSSION &/OR DECISION**

- a) **#S20-549 – 310 Wilson Avenue – WEB Construction LLC** – Establishment of a contractor's yard for storage of processed materials adjacent to a wetlands

Ms. Cherichetti began noting the applicant had submitted a revised site plan. Following comments from CT DEEP and the Norwalk CAM review, the concrete block wall proposed to face the tidal creek has been changed to be a chain link fence and a single course of concrete block.

Attorney Elizabeth Suchy introduced herself and noted Ms. Throckmorton from Environmental Land Solutions, LLC and Dean Martin from Grumman Engineering LLC were both available for any questions. She briefly discussed the revision to the plan and noted there were no other changes to the proposal.

Mr. Martin noted he had provided the requested specification sheet on the geotextile to Ms. Cherichetti. Ms. Cherichetti asked how the fabric would be used. Mr. Martin stated it would be attached to the concrete block and chain fence for sedimentation control in the southern portions of the proposed yard that are in the flood zone.

Ms. Destefanis noted the item would be on the next agenda for decision.

## **VI. ENFORCEMENT ACTIONS**

- a) **#V20-1006 – 8 Shadow Lane - Garcia – *Show-cause hearing*** –Unauthorized clearing, excavation and filling in and adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the procedure and purpose of a show-cause hearing. She described the location of the property and the watercourse and wetland system. She noted the property owner currently has an open Minor Permit to construct a 2-story garage addition to the existing residence. During a routine permit compliance inspection, Ms. Hrtanek noted the cited excavation within the wetland. A Notice of Violation was issued on April 14, 2020. She described the directives in the Notice and pointed out it did not require a Corrective Action Permit, but just a simple restoration plan, because the violation appeared relatively easy to remedy.

Ms. Cherichetti stated though Ms. Hrtanek maintained communication with the property owner, the directive were not completed. On May 18, 2020, an Enforcement Order was issued for failing to complete the directives of the Notice. Additionally, the property owner was sent another reminder letter regarding the hearing on June 8, 2020.

Ms. Cherichetti described the trench that had been dug in the wetland parallel to the watercourse. She showed photos of the area from April 2020 and pointed out the excavated material had been placed in the wetland, closer to the watercourse. The shrubby vegetation in the area had been removed. She discussed the details of the restoration plan, including back-filling the trench and re-vegetating the wetland.

Mr. Jonathan Garcia, property owner, was present at the meeting. He indicated he did not believe he was in the wetland and just wanted to improve his property. He stated it was not a big deal and it was on his property. He suggested there were other worse things going on, other than his digging on his property that the Agency should focus on. There was a discussion regarding the intent of the trench and Mr. Garcia indicated he planned to build a retaining wall, bring in fill and level the front yard. He stated a landscape architect would work on it further. The need for permits was discussed.

There was a discussion regarding the timeframes for completing the directives.

**\*\*\* MR. KLOCKE MADE A MOTION TO UPHOLD THE ORDER WITH THE DEADLINE TO COMPLETE SUBMISSION OF A RESTORATION PLAN NO LATER THAN JUNE 30, 2020, AND TO IMPLEMENT THE RESTORATION PLAN NO LATER THAN JULY 21, 2020.**

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

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

Ms. Destefanis spoke to Mr. Garcia and stated the Order was upheld and he would get a revised letter from staff. Ms. Cherichetti encouraged Mr. Garcia to call or email her to discuss item by item.

## **VII. BOND RELEASE/REDUCTION REQUESTS**

- a) **#S18-521 – 19 Glen Avenue – Rugar** – Release of bond (\$770) held for Corrective Action restoration of a wetland

Ms. Cherichetti noted Ms. Hrtanek had recently inspected the site and recommended release.

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

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

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

## **VIII. MINUTES**

- a) May 21, 2020 meeting minutes

Mr. Pentz noted a correction to the vote on the minutes.

**\*\*\* MR. DESTEFANIS MADE A MOTION TO ACCEPT THE MEETING MINUTES.**

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

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

## **IX. COMMENTS OF STAFF**

Ms. Cherichetti discussed a short extension of time for certain work required by corrective action permits to the end of the summer.

## **X. COMMENTS OF COMMISSIONERS**

### **V. ADJOURNMENT**

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

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

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

Meeting adjourned at 7:24PM.