

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
January 26, 2021**

I. CALL TO ORDER

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

II. ROLL CALL

Ms. Cherichetti took the roll call.

PRESENT: John Moeling; Steve Klocke; John Levin; Matt Pentz and Cheryl Brown.
Alexis Cherichetti, staff.

III. RECEIPT & DISCUSSION

IV. DISCUSSION &/OR DECISION

a) **#S20-553 – 12 Holiday Drive - Laughton** – Corrective Action restoration of a wetland, watercourse and upland review area

Ms. Cherichetti referred to the applicant's proposed plan dated revised 12/1/2020. She displayed the current conditions plan for contrast and discussed the actions proposed by the applicant within the wetland and the upland review area. She noted the proposed shed had been withdrawn from the proposal. She described the proposed mulch removal and path removal from the wetland and portions of the rear wetland buffer.

Mr. Pentz asked if the area had a history of flooding. Ms. Cherichetti indicated the wetland has periods of surface inundation. She reviewed other wetland violations in the vicinity that have had impacts on drainage. She noted the drainage pipe that was installed in the rear yards of the homes to the east of Holiday Drive at the time of neighborhood development prior to wetland regulation, which somewhat successfully drained some of the wetland area.

Mr. Pentz asked about the impacts the applicant's activities and proposed restoration activities on the wetland. There was discussion regarding the functions of the wetland and the adequacy of the proposed activities for restoring those functions.

Ms. Moeling stated he felt the property owner has move an active recreation area on top of the wetland. He remained concerned about the extent of use of the wetland as a recreational area. He noted the special conditions discuss prohibitions regarding maintaining the impacted wetland and buffer as lawn or manicured garden, but he would like to add active recreation to that list.

***** MR. MOELING MADE A MOTION TO ADOPT THE DRAFT RESOLUTION, WITH THE MODIFICATION DISCUSSED, AND APPROVE APPLICATION #S20-553.**

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

***** MOTION FAILED (2 IN FAVOR [MOELING, BROWN], 2 IN OPPOSITION [KLOCKE, PENTZ], 1 ABSTENTION (LEVIN)).**

There was some discussion regarding the results of vote and the failure of the motion.

Mr. Levin explained why he abstained from voting, noting the briefness of his term.

Mr. Klocke asked about the next steps. Mr. Moeling noted that if the property owner completed everything in the proposal, they would be in compliance.

Ms. Cherichetti explained that the Notice of Violation directs the property owner to file for a corrective action permit and obtain approval of a restoration plan, and implement the approved plan. Currently, the owner has applied but not successfully obtained approval of his submitted plan. The next step, she added would be her issuance of an Enforcement Order to the property owner noting the failure to meet the directives and the continued need to resolve the violation.

Mr. Klocke noted he would vote to waive the filing fee when the time comes.

Mr. Pentz stated he did not think there was sufficient restoration work proposed to vote in favor. There was a discussion regarding what would be needed for approval. It was voiced that the mitigation components were too limited to result in a restoration of wetland functions lost due to the unpermitted activities.

Ms. Cherichetti recapped that removal of active recreational uses, including the slack line and fire pit, from the wetland and buffer, and replanting those areas that had been disturbed or altered would likely result in an approval.

Mr. Moeling added the sketches, or preferably site plans, would need to show formal details regarding the work.

- b) **#S20-558 – 125 Richards Avenue – RAP II, LLC** – Construction of five (5) duplex buildings for senior housing, with associated parking, site grading, landscaping, utility connections and drainage systems, adjacent to a wetland and watercourse

Ms. Cherichetti briefly recapped the public hearing held at the previous meeting. She noted Mr. Pentz was not a sitting Commissioner at the time of the hearing, so he would not be voting. She gave a very brief overview of the last meeting and the sole member of the public that spoke at the hearing.

Mr. Moeling asked about the possible special condition regarding the designated buffer and the location of the buffer. He also asked for clarification and direct language regarding the four trees within the upland review area that would be removed. Ms. Cherichetti displayed the survey and grading plan and pointed to the specific trees that would be removed. On the sedimentation and erosion control plan, she pointed to the trees to remain and the trees slated for removal. She also noted the limit of the upland review area and the proposed silt fence. She added that the trees shown are only those over a certain size of eight inch diameter.

***** MR. KLOCKE MADE A MOTION TO ADOPT THE DRAFT RESOLUTION AND APPROVE APPLICATION #S20-558.**

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

Mr. Levin asked how typical it was for an applicant to be proposing work within the upland review area. Ms. Cherichetti noted their jurisdiction was based on regulated activities, but the regulations also define areas where activities are more likely to have an impact on wetlands. She added that typically activities outside of the upland review area do not require a wetland permit; therefore all applications before them are proposing work in the upland review area.

Mr. Moeling called the matter to a vote.

***** MOTION PASSED UNANIMOUSLY.**

- c) **#S20-559 – 7 Adams Lane – Tamm** – Construction of a new single-family residence, with associated on-site septic system, stormwater management and landscaping, adjacent to a wetland and watercourse

Mr. Moeling noted there was a staff resolution that contained a possible resolution.

Ms. Cherichetti gave a quick overview of the proposal and discussed the stormwater management proposed for the lot.

Mr. Moeling asked Mr. Tamm for an update of the remaining issues.

Mr. Tamm reviewed his application and plans for the property.

*** **MR. KLOCKE MADE A MOTION TO ADOPT THE DRAFT RESOLUTION AND APPROVE APPLICATION #S20-559.**

*** **MR. LEVIN SECONDED THE MOTION.**

*** **MOTION PASSED UNANIMOUSLY.**

d) **#S20-560 – 15 Adams Lane – Dean** – Corrective Action restoration and replanting of wetland and upland review area of a wetland and watercourse

Ms. Cherichetti noted she had not yet had the opportunity to write a memorandum with draft resolution. She recollected the members did not have much issue with the proposed restoration plan at the receipt of the application at the previous meeting.

Mr. Levin asked if the application would be discussed again before decision. Mr. Moeling noted there would be discussion prior to discussion.

e) **#S20-561 – 10 Range Road – Estate of Dorothy Newman** – Two (2) lot subdivision of land containing a wetland and watercourse

Mr. Moeling noted the application was a bit of a formality.

Ms. Cherichetti briefly reviewed the proposed subdivision. She called attention to the draft resolution for approval. She noted it had the typical conditions for a subdivision application.

*** **MR. MOELING MADE A MOTION TO ADOPT THE DRAFT RESOLUTION AND APPROVE APPLICATION #S20-561.**

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

*** **MOTION PASSED UNANIMOUSLY.**

f) **#S20-562 – 761 Main Avenue** - Construction of a new multi-family residence, with associated on-site septic system, stormwater management and landscaping, adjacent to a wetland and watercourse

Ms. Cherichetti noted she had emailed to the Agency a letter of response from the applicant regarding her preliminary review letter.

Lauren Calabria, with iPark Norwalk II, LLC, introduced herself and others attending for the application. Also present was David Hughes, PE, Lynne Ward principal with iPark, and Steven Pustola. She displayed photos of a similar project in Yonkers and a short video of a 3-D rendering of the proposed development.

David Hughes went over the site plan and elements of the proposal. He clarified that the existing parking lot would be re-graded and repaved, then they would add some landscape islands and bio-retention to the parking lot. He stated they would keep the location and extent of the parking lot the same.

Ms. Brown asked Mr. Hughes to trace the outline of the building. She noted that the proposed bioretention planted islands would be under the buildings.

Ms. Ward noted the building would be up on stilts.

Mr. Hughes described the proposed stormwater plan. He noted it is a four-story building, but the only ground floor portion was shown in grey on the site plan. He added they were not proposing any work

within the wetland, but would be within the upland review areas. He estimated they would have approximately 2,200 square feet of new disturbance within the upland review area. He reviewed FEMA best management practices for development within the floodplain.

Mr. Levin asked for confirmation that a portion of the property is also within Wilton. Ms. Ward confirmed the construction would be entirely within Norwalk.

Ms. Cherichetti encouraged the applicants to consider the extended discussions the Agency had with other applicants tonight and to include activities that mitigate any negative impacts. She noted the applicant was proposing to re-do the entire parking area and it sounded like a good opportunity to improve and/or widen the meager buffer currently existing between the river and the parking lot.

V. APPROVAL OF MINUTES

- a. January 12, 2021 minutes

Ms. Moeling suggested corrections on page 2 and page 4.

***** MR. KLOCKE MADE A MOTION TO ACCEPT THE MINUTES.**

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

***** MOTION PASSED UNANIMOUSLY WITH ONE ABSTENTION (PENTZ).**

V. PUBLIC COMMENTS

Diane Lauricella, resident on Blue Mountain Ridge Road, spoke in support of examining the role of the Commission beyond its role as the Inland Wetland Agency. She suggested quarterly listening sessions and encouraged the Commission to invite other environmental groups to speak on environmental topics. She discussed her role in getting public comments on the agenda in the 1990's.

VI. COMMENTS OF STAFF

VII. COMMENTS OF COMMISSIONERS

Ms. Brown had the excellent suggestion the Commission members be recognized as commissioners on Zoom so that it was more clear who was commissioner versus applicant.

Mr. Levin asked about executive session and its use.

V. ADJOURNMENT

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

***** MR. LEVIN SECONDED THE MOTION.**

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

Meeting adjourned at 7:57PM.