

**CONSERVATION COMMISSION &  
INLAND WETLAND AGENCY MINUTES**

**March 9, 2021**

**I. CALL TO ORDER**

Mr. Moeling called the meeting to order at 6:00 p.m.

**II. ROLL CALL**

Ms. Cherichetti took the roll call.

**PRESENT:** John Moeling, Chair; Steve Klocke, Vice Chair; Ed Holowinko; Matt Pentz; John Levin; Jenn Balliett; Farrah Marin and Cheryl Brown.  
Alexis Cherichetti, staff.

**III. RECEIPT & DISCUSSION**

- a) **#S21-566 – 2 Wilson Avenue & 140 Rowayton Avenue – Sixth Taxing District of Norwalk -**  
Alteration and expansion of parking lot, with associated stormwater drainage management, adjacent to a wetland and watercourse

Mr. Moeling noted the application is a Significant Regulated activity.

Attorney Adam Blank introduced himself and the applicants. He noted he was attending the meeting with Andy Soumelidis of Land Tech and Tammy Langalis and Mike Barbis of the 6<sup>th</sup> District.

Attorney Blank showed an aerial photo of the site and described the current condition of the site and the area in the vicinity. He pointed out the current parking lot, noting its configuration and extent. He pointed out the location of the wetland area and the property lot lines. He explained the 6<sup>th</sup> District's reasons for pursuing the proposed parking lot expansion and described the parking situation in the Rowayton village area.

Andy Soumelidis, LandTech, showed the proposed site plan. He further described the existing ingress and egress to the parking lot. He described the capacity issues with the current design. He described the proposed expansion of the parking lot, which would add an additional 18 parking spots. He continued with a description of the grading plan and the plan to manage stormwater runoff. He noted the catch basin in the northern corner of the lot would be abandoned. The other existing catch basin in the southwestern corner would be kept. A new catch basin is proposed in the southeastern corner of the proposed expanded parking lot; this one would be fitted with an oil absorbent filter and would discharge to a proposed rain garden.

Mr. Moeling asked Mr. Soumelidis to point out the location of the existing stonewall that is along the wetland. He noted the proposed parking lot would be expanded right up to it.

Mr. Soumelidis described some of the alternative plans considered that had work closer to the wetland.

Mr. Soumelidis displayed the landscaping plan. He noted there are currently fifteen trees in the buffer where they are proposing the expansion of the parking lot. He stated they would replace those one-to-one and would have meadow established between the new trees.

Mr. Moeling stated the landscaping geotextile must be removed and not installed within the buffer.

Mr. Soumelidis noted the primary functions of the wetland are groundwater recharge and floodwater attenuation. He noted the wetland was delineated by Otto Theall in 2000. Chris Allen, soil scientist, and Thomas Ryder, Professional Wetland Scientist, also inspected the site in 2020. They determined the center of the wetland is not a vernal pool.

Ms. Cherichetti requested the wetland assessment report he noted, as well as provide the plans depicting the alternative designs considered.

Ms. Cheryl Brown asked for the size of trees being removed. Mr. Soumelidis answered they ranged from the smallest at 6 inches and the largest was 26 inches.

Ms. Brown questioned the diminutive size of the proposed replacement plants and noted some of the proposed species were shrubs and multi-stem trees, not shade trees. She noted she would not consider the proposal a one-to-one replacement.

Mr. Klocke addressed the wetland's functionality; he felt the importance of the role of flood attenuation and groundwater recharge were being downplayed, noting a reduction of impervious surfaces – particularly proximal to wetlands – is important to strive for.

Mr. Klocke added the planting plan did not replace what would be lost one-to-one, considering the loss of mature trees and the earth disturbance involved. Regarding the stormwater plan, it would not clearly be a benefit to the wetland.

Ms. Cherichetti reiterated the need for the applicant submit the report he mentioned.

Mr. Holowinko recalled the original wetland permit that allowed the installation of the current parking lot and thought it was clear regarding the extent of the wetland buffer to be maintained.

Mr. Levin asked if the District considered use of permeable surfaces for all or a portion of the parking lot. Mr. Soumelidis agreed it could be an option, though it would be more costly.

Mr. Mike Barbis, 6<sup>th</sup> District, noted they do not yet have a project budget.

After some discussion, Ms. Cherichetti asked about the timeframe for scheduling the public hearing. The applicant thought they could have all information ready in advance of the next Agency meeting.

Mr. Moeling indicated he felt the public hearing should be scheduled at the next meeting.

\*\*\* **MR. LEVIN MADE A MOTION TO SCHEDULE A PUBLIC HEARING ON THE APPLICATION DURING THEIR NEXT MEETING ON MARCH 23, 2021 AT 7:00PM.**

\*\*\* **MS. MARIN SECONDED THE MOTION.**

\*\*\* **MOTION CARRIED UNANIMOUSLY.**

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

a) **#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 the Department of Public Works very recently determined the proposed stormwater management plan was in compliance with City drainage standards. She noted she had posted new information submitted by the applicant on the City's website – including revised site plans, stormwater management plan and snow management plan. She asked for any comments or guidance for her so that she may begin drafting a possible resolution.

Mr. Klocke asked about the proposed drainage plan, rain gardens, and comments by DPW. Mr. Pustola noted the rain gardens at the planting islands were a result of discussion with DPW and staff.

Mr. Hughes noted all the comments Mr. Klocke was asking about were from earlier in the discussion. The applicant has revised plans and the DPW issued an approval letter that was issued just minutes before tonight's meeting.

Mr. Pentz asked about the stormwater management maintenance schedule and if there were current maintenance records. He asked for details regarding some of the wording within the proposed snow management plan. Ms. Lynne Ward noted it was a top priority for them. Mr. Pentz noted that based on

the current conditions of the physical site, did not seem that way and noted poor snow management had been recurring issue.

Mr. Pentz asked about the amount of parking. Ms. Ward noted it was a mixed use development and Zoning has certain requirements. He asked if the site had more parking spaces than required by local Zoning. Ms. Ward noted that they think they will have extra parking spots. He noted some of the parking spaces could be removed and pulled back from the river.

Mr. Moeling asked staff to provide a draft resolution for consideration at the next meeting.

- b) **#S20-563 – 57 Noah’s Lane Ext. - Sijuwade** – Installation of on-site septic system, patio, shed, retaining wall, fence and paths in and adjacent to a wetland and watercourse

Ms. Cherichetti noted there were new items posted on the website, including a revised site plan, photographs of the site, and a report by James McManus, Professional Wetland Scientist.

Ms. Abigail Adams, RLA, went through the revised site plan. She noted the removal of the proposed fence within the wetland, a reduction in the size of the shed, additions to the planting plan, and removal of the proposed stepping stones within the wetland. She displayed photographs of the property and described the existing conditions of the wetland.

There was an extended discussion regarding the proposed shed. Ms. Cherichetti clarified the Commission’s jurisdiction.

Ms. Marin stated she was concerned about the proximity of the proposed retaining wall to the one shade tree at the edge of the wetland. Currently the retaining wall would be installed under the drip line of the tree.

The applicant indicated they would consider all of the Commission’s comments.

- c) **#S21-564 – Bonnybrook Road – Norwalk Public Works** – Rehabilitation of existing bridge and wingwalls at bridge in and adjacent to Holy Ghost Fathers Brook

**\*\*\* MR. KLOCKE MADE A MOTION TO AMEND THE AGENDA TO ADD CONSIDERATION OF THE REQUEST FOR FEE WAIVER FOR THIS ITEM.**

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

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

Mr. Moeling noted the applicant is requesting a reduction of the fee. Ms. Cherichetti noted the total fee is \$600 and in the past the Commission has waived all but direct administrative costs that the Conservation Office must pay directly, which total \$150.

Mr. Levin asked about the history of fee waivers. Ms. Cherichetti reviewed the relevant section of regulations.

**\*\*\* MR. MOELING MADE A MOTION TO REDUCE THE FEE AND WAIVE \$450 OF THE \$600 FEE.**

**\*\*\* MR. PENTZ SECONDED THE MOTION.**

**\*\*\* MOTION PASSED (4 IN FAVOR, 2 IN OPPOSITION – LEVIN & MARIN, ONE ABSTENTION - BALLIET)**

Ms. Cherichetti noted she had drafted a possible resolution to approve with conditions based on their comments at the last meeting.

**\*\*\* MR. MOELING MADE A MOTION TO APPROVE THE APPLICATION WITH THE ADOPTION OF THE RESOLUTION IN MS. CHERICHETTI’S MEMORANDUM.**

**\*\*\* MS. MARIN SECONDED THE MOTION.**

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

d) **#S21-565 – 8 Shadow Lane – Garcia** – Installation of in-ground pool and retaining wall adjacent to a wetland and watercourse

Ms. Cherichetti stated the applicant asked to table discussion on the application. The applicant is working to address the comments made during the receipt of the application.

**V. ENFORCEMENT ACTIONS**

a) **#V21-1017 – 12 Holiday Drive – Laughton** – *Show-Cause hearing* - Failure to meet certain directives of #V21-1012 issued for unauthorized work in and adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the process for a show-cause hearing and the steps required when she issues an Enforcement Order. She reviewed the enforcement history of this property.

**\*\*\* MR. MOELING MADE A MOTION TO UPHOLD THE ORDER.**

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

**\*\*\* MOTION PASSED WITH ONE ABSTENTION (MARIN).**

**VI. APPROVAL OF MINUTES**

a. February 23, 2021 minutes

Mr. Marin noted the time of adjournment was not correct. Mr. Levin suggested the word ‘flora’ be changed to ‘fauna’.

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

**\*\*\* MS. MARIN SECONDED THE MOTION.**

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

**VII. OPEN SPACE FUND REQUEST**

a) Recreation & Parks Department - Calf Pasture Beach building - \$25,000.00

Ms. Cherichetti described the Open Space Fund and the part of the City Code that spells out the procedures for use of the fund. She briefly described the history of the fund. She noted they should read and use that section to make a determination on this request.

Mr. Nick Roberts, Director of Recreation & Parks, described the proposed use of funds and described in detail the building at Calf Pasture Beach. He reviewed the history of the use of the beach facilities as well as the history of the building.

Mr. Levin asked for the amount of funds currently in the fund. Ms. Cherichetti noted it currently has about \$273,000.

Mr. Levin acknowledged the challenges faced by Mr. Roberts and agreed with the stated goals for the park, however he strongly disagreed that the Open Space Fund monies could be used for the pursuit.

There was discussion regarding the Fund and its uses. There was discussion regarding the Commission’s role in determining uses of the fund.

**\*\*\* MR. MOELING MADE A MOTION TO DENY THE REQUEST TO AUTHORIZE THE USE OF THE FUND.**

**\*\*\* MR. PENTZ SECONDED THE MOTION.**

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

## **VIII. PUBLIC COMMENTS**

Ms. Diane Lauricella introduced herself as a Cranbury area resident and founding former member of various groups and committees. She wanted to make sure the Commission understands its duty to keep track of all open spaces in the City. She suggested other ways to fund the Open Space Fund, including pressuring the City to direct a portion of the conveyance tax to the fund. She suggested acquiring vest pocket parks throughout the City. She thought a lot more could be done.

Mr. Levin noted he was surprised that the conveyance tax was not used to fund the Open Space Fund. He asked Ms. Lauricella if she know if any of the surrounding towns used it to fund open space acquisition. She did not, but pointed to someone at CLCC that might know.

## **IX. COMMENTS OF STAFF**

Ms. Cherichetti had no comments.

## **X. COMMENTS OF COMMISSIONERS**

Mr. Moeling noted that he and Mr. Levin attended a virtual conference by the CT Bar Association for land use agencies. He discussed site visits and that they would be public meetings.

## **V. ADJOURNMENT**

- \*\*\* MR. KLOCKE MADE A MOTION TO ADJOURN.**
- \*\*\* MS. BALLIET SECONDED THE MOTION.**
- \*\*\* THE MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 8:42PM.