

**CONSERVATION COMMISSION &  
INLAND WETLAND AGENCY MINUTES  
April 13, 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; Farrah Marin; Jenn Balliett and Cheryl Brown (alternate)  
Alexis Cherichetti, staff.

**III. RECEIPT & DISCUSSION**

a) **#S21-557 – 12 Holiday Drive – Laughton** – Corrective Action restoration of a wetland, watercourse and upland review area

**\*\*\* MS. BALLIETT ANNOUNCED SHE WOULD BE RECUSED FROM THIS ITEM. SHE EFFECTIVELY LEFT THE MEETING, TURNING OFF HER VIDEO AND AUDIO.**

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

Mr. Moeling inquired about the plans at the end of submission and asked for clarification of the proposed activities.

Mr. Laughton, property owner and applicant, thanked the Commission for their time and explained the scope of the application. He referred to Figure E, which depicts his proposed work. He described the events leading up to the work that was in violation and described his intentions. He noted he heard the Commission member's concerns and tried to address them with removal of the fire pit, some of the paths, and non-native plants.

Mr. Holowinko indicated the plan looked good.

Mr. Moeling indicated the plan was responsive to previous comments. He asked if any other active recreation components were proposed, other than what was shown on the plan. Mr. Laughton confirmed everything proposed was on the plan.

Mr. Moeling invited further discussion. Hearing none, he asked staff to prepare a staff report with a draft resolution to approve with conditions for consideration at the next meeting.

**IV. FEE WAIVER REQUESTS**

a) **#S21-557 – 12 Holiday Drive – Laughton** – Corrective Action restoration of a wetland, watercourse and upland review area

Mr. Laughton noted he had requested waiver of the fee, noting it was suggested during the meeting when his first correction action application was denied.

Mr. Levin asked for the amount of the fee Mr. Laughton initially paid. Ms. Cherichetti indicated the filing fee was \$900. Mr. Levin asked if that was also the current fee. Ms. Cherichetti confirmed.

Mr. Moeling noted there were direct cost involved. Ms. Cherichetti replied the bulk of the fees cover indirect costs, but there are direct costs that the Conservation Office must pay for every permit. The direct costs total \$150.

**\*\*\* MR. MOELING MADE A MOTION TO WAIVE ALL BUT \$150 OF THE \$900 FILING FEE DUE TO THE FAMILIARITY OF THE CIRCUMSTANCES CLOSING FOLLOWING THE REVIEW OF THE INITIAL APPLICATION.**

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

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

**V. DISCUSSION &/OR DECISION**

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

**\*\*\* MS. BALLIETT RETURNED TO THE MEETING.**

**\*\*\* MS. BROWN LEFT THE MEETING.**

Ms. Cherichetti stated the applicant asked to again table discussion on the application. The applicant is working to address issues with the application and the work within the flood zone.

b) **#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 public hearing had closed. He asked for comments and thoughts from Commissioners. He noted Ms. Cherichetti had prepared two draft resolutions.

Mr. Klocke, noting his recent attendance at a workshop on land use law, observed the applicant's soil scientist and wetland scientist had provided impartial analysis of the impacts to the wetland. He acknowledged the Agency only heard from the applicant's experts. He referred to the staff memo and the draft special conditions Ms. Cherichetti had drafted. He noted he would modify the approval to add on-site signage regarding snow management.

Mr. Holowinko recalled when the existing parking lot was approved and all the conditions of that permit. He expressed his dismay at the lack of proper maintenance of the stormwater system or the buffer and contended that all applicants cannot be checked up on all the time. He noted alternatives to the parking proposal were not thoroughly considered.

Mr. Pentz asked if the plan had been reviewed by the City's Transportation, Mobility & Parking Department. He concurred that more analysis and planning is needed.

Mr. Levin, noting he had also recently attended a land use workshop, stated that the Agency's mandate is quite narrow. He observed that if no harm to a wetland or watercourse is illustrated to occur, then the Agency must generally approve it.

Ms. Balliett asked about the catch basins and the past lack of maintenance. She noted in the event the catch basins clog again, the runoff would be directed into the wetland. There was discussion regarding the language of draft special condition #6 and clarification that it include the catch basins themselves as well.

Mr. Moeling expressed his opinion that the existing buffer had been rendered terrible and ineffective with the installation of a landscaping geotextile weed barrier. He noted though the proposal would reduce the quantity of the buffer, he was convinced the quality would improve.

Mr. Levin observed the installation of the geotextile was a violation of the previous permit.

**\*\*\* MR. KLOCKE MADE A MOTION TO APPROVE THE APPLICATION WITH THE ADOPTION OF THE APPROVAL RESOLUTION IN MS. CHERICHETTI'S MEMORANDUM, WITH MODIFICATIONS TO SECTIONS D) AND E) OF SPECIAL CONDITION #6 TO EXPAND THE SCOPE OF D) TO INCLUDE CATCH BASINS AND THE RAIN GARDEN AND E) TO INCLUDE REQUIRED SIGNAGE (MINIMUM 3) ALONG THE BUFFER REGARDING DUMPING AND SNOW DEPOSITION.**

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

Mr. Moeling suggested to additionally modify the resolution to require removal of all geotextile weed barrier from the buffer and renovation of the compacted soil within the buffer planting area.

**\*\*\* MR. LEVIN MADE A MOTION TO INCORPORATE MR. MOELING'S SUGGESTION INTO THE ORIGINAL MOTION.**

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

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

Mr. Moeling asked for any other discussion on the open motion to approve with modifications.

**\*\*\* MOTION PASSED (5 in favor, 2 in opposition)**

## **VII. APPROVAL OF MINUTES**

a) March 9, 2021 minutes

Mr. Moeling noted a correction in the Commissioner Comments section.

**\*\*\* MS. MARIN MADE A MOTION TO ACCEPT THE MINUTES, WITH NOTED CORRECTIONS.**

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

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

b) March 23, 2021 minutes

**\*\*\* MS. MARIN MADE A MOTION TO ACCEPT THE MINUTES.**

**\*\*\* MS. BALLIETT SECONDED THE MOTION.**

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

## **VIII. PUBLIC COMMENTS**

There were none.

## **IX. COMMENTS OF STAFF**

a) Report of the Senior Environmental Officer

There were none.

## **X. COMMENTS OF COMMISSIONERS**

a) Report of the Commission Chair

Mr. Levin asked about the affirmation of enforcement orders that have been issued by staff. He noted he had asked to be provided details regarding an instance when an Order was withdrawn by the Agency.

Mr. Levin inquired about the appeal of the Agency's decision at Norden Place by Summit Saugatuck LLC and the general procedure and the Commission's involvement in the appeal process. He asked if such matters returned to the Commission.

Ms. Cherichetti described the appeal process.

Mr. Levin asked about past appeals and the number of successful or settled appeals.

## **XI. ADJOURNMENT**

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

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

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

Meeting adjourned at 6:57PM.