

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
May 25, 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; Matt Pentz; Jenn Balliett; and John Levin
Alexis Cherichetti, staff.

III. RECEIPT & DISCUSSION

- a) **#S21-571 – 40 Cross Street – City of Norwalk TMP** – Construction of a trail connection to the Norwalk River Valley Trail (NRVT) adjacent to the Norwalk River

Mr. Moeling noted the Agency was already somewhat familiar with the concept presented in the application following the Commission's discussion regarding the access easement on the property.

Ms. Cherichetti introduced Mike Yeosock, Principal Engineer with Transportation, Mobility and Parking, the design consultants from Stantec, and Karly Cramer from the Redevelopment Agency.

Mr. Moeling noted he had a concern regarding stormwater management. He was concerned about runoff from the trail and impact the river. Mr. Yeosock described the proposed sedimentation and erosion control measures.

Jeff Olszewski, PLA with Stantec, noted a vegetated swale could be included parallel and adjacent to the trail in some areas to slow and treat some of the runoff.

Mr. Moeling asked about the wetland impacts and noted while there would not be any direct wetland impacts, it appears there are indirect impacts. He noted the additional of the vegetated swale would help in reducing any impacts.

Mr. Moeling observed the existing steep slopes adjacent to the river and inquired about fencing or other safety measures. Mr. Olszewski indicated they would review the design and confirm there is fencing proposed where the trail is adjacent to particularly steep areas.

IV. DISCUSSION &/OR DECISION

- a) **#S21 568 – 4 Half Mile Road – Alfano** – Corrective Action landscaping and debris removal in and adjacent to a wetland and watercourse

Ms. Cherichetti described the most recent revised plan and discussed the proposed planting of twelve (12) native shrubs in the disturbed wetland area and buffer.

Mr. Moeling stated the latest plan was good.

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

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

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

- b) **#S21-569 – 40 Princes Pine Road – Tate & Associates LLC** – Installation of an in-ground pool and associated retaining walls adjacent to a wetland and watercourse

Mr. Moeling asked Ms. Cherichetti to provide an update on the application.

Ms. Cherichetti noted Otto Theall had returned to the site and provided an updated wetland delineation and sketch. She shared her screen and displayed his sketch. She noted the applicant had also updated the site plan.

Mr. James Tate, applicant's representative, described the changes to wetland flags 6 through 8.

Mr. Moeling noted he had reviewed the submitted materials as well as the photographs of the site. He stated his concern regarding the deposition of woodchips right up to the wetland area. He also noted the tree removal was substantial and the loss of cover is very concerning. He remained concerned about the impacts of the unpermitted activities on the wetland.

Ms. Balliett expressed agreement with Mr. Moeling's concerns. She stated there appeared to be quite a lot of trees.

Mr. Tate asked if they had seen the photographs of the site. Mr. Moeling confirmed they had seen all the posted sets of photos. Mr. Tate noted the trees were in process of being removed prior to or during his initial retention by the applicant.

Mr. Moeling asked about the amount of fill proposed. Mr. Tate confirmed all excavated material would be used to construction the retaining walls.

Mr. Tate noted he had also submitted a map of the off-site watercourse on an aerial photo.

Ms. Cherichetti acknowledged that receipt, but noted his distances were off – he indicated the pool work would be more than 87 feet from the watercourse, but she indicated the distance was only about fifty (50) feet. She described the location of the wetland limit line in relation to the rear property line, indicating the tax map was off by about twenty feet. She noted the location of the wetland, when located relative to the house and not the property line, was consistent with her observations. There was a discussion regarding the extent of the upland review area from the watercourse.

Ms. Cherichetti also discussed the amount of fill and observed the estimated 190 to 200 cubic yards of material within the upland review area warranted a Significant Permit application. Mr. Tate the proposed retaining walls and terrace were pulled as close to the house as possible, but he would revisit the design.

Ms. Cherichetti asked if they had contacted the Health Department in regarding to any septic system requirements for upgrade or reserve system. Mr. Tate indicated they had, but did not yet have definitive information.

Mr. Tate suggested he do a more detailed fill analysis to see if the application could stay an Intermediate Permit application.

- c) **#S21-570 – 40 Fullin Road – FRAP LLC** - Construction of twenty-eight (28) buildings (forty (40) residential units), with associated parking, site grading, wetland crossing and wetland creation, landscaping, utility connections and drainage systems, adjacent to a wetland and watercourse

Ms. Cherichetti gave a brief summary of the discussion at the previous meeting when the application was received. She described the proposed activities and the extent of work in the wetland. She noted she had received revised landscaping and civil site plans.

Attorney Adam Blank, representing the property owner and applicant, reviewed the updated plans. He answered questions posed at the last meeting about the woodland and also details regarding the proposed wetland creation.

Mr. Matt Popp displayed the revised landscaping plan and pointed to the area wetland area and the 1,800 square feet of direct wetland impact. He pointed to the area proposed to be created wetland. He showed the new plan sheet that included a cross-section of the proposed created wetland area. He described the proposed excavation to match the grade of the adjacent existing wetland. He pointed to the notes on the next sheet which includes maintenance of the created wetland and a description of the factors that would be used to measure wetland creation success. He noted the wetland creation area would be about 4,000 square feet.

Mr. Moeling asked about the five houses proposed directly adjacent to the created wetland. He asked if there would be a basement in each dwelling. He noted there would be a bit of fill needed between the houses and the wetland.

Ms. Cherichetti asked if there were any alternative plans considered as far as the wetland crossing proposed.

Derek Daunais, Professional Engineer with D'Andrea Surveying & Engineering PC, noted they needed to access the site and described the location of the crossing and why that location was chosen. Attorney Blank noted they do not have permission from any of the neighbors to access the site from their properties. Attorney Blank noted they had considered a traditional subdivision, but that would require the road to meet City standards and would result in more impervious surface. Mr. Popp recalled that they initially looked at installing just a pipe, but then went to the larger culvert.

Ms. Balliett noted she had visited the property earlier in the day. She asked for more information regarding the previous statement made that the proposed development would be more environmentally friendly to the wetland than just leaving the property in its current condition. She also asked for cross-section of the wetland fill area of the proposed road.

Mr. Daunais noted the impervious area within the setback would be reduced within the upland review area. He noted they are creating wetlands. He added that currently there is no stormwater runoff treatment. Mr. Popp added there would be non-native plant management as well. He noted the new development would have more vegetated areas.

Mr. Daunais described the proposed 36-inch pipe culvert and the adjacent wetland filling for the road and retaining walls.

Ms. Balliett asked if a bridge was considered. Mr. Daunais stated that would be more expensive, but it could be an option. Open box culverts were discussed. Mr. Popp noted that generally bridges would be used only where the wetland-watercourse system was more intact and not as degraded as at this site. He noted the same number of trees would need to be removed.

Mr. Moeling noted a different design would result in less wetland impact. He added that he did not have enough technical knowledge to know whether the proposed wetland creation was sufficient to mitigate the wetland loss. He noted he would like a second opinion.

Mr. Popp noted they did not need to create wetland, but leave it as a buffer to the existing wetland. Mr. Daunais stated an open bottom culvert could be considered.

There was discussion regarding the outside consultant fee and its use.

Mr. Levin asked why a bridge was not proposed. Mr. Popp detailed the reasons why he felt the conditions of the wetland and watercourse did not warrant a bridge. There was discussion regarding the disturbed wetland conditions, intermittent watercourse, lack of wetland-dependent wildlife, and potential impacts. He noted there would be more general wildlife habitat post-development.

Mr. Pentz asked for the update on the woodland clearing. Mr. Daunais indicated 0.12 acre of woodland in the buffer would be removed adjacent to the eastern wetland.

Mr. Pentz asked if there would be a net loss or gain of total trees on the property. Mr. Popp did not have exact numbers, but noted that was difficult to quantify. Mr. Pentz asked about trees within the development envelope.

There was consensus among the members present to require an outside wetland scientist consultant to provide a peer review of the wetland conditions and impacts.

V. CONSERVATION COMMISSION BUSINESS

- a) **Open Space Fund Request - Norwalk Land Trust – Hoyt Island** – Request for \$200,000.00 for contamination remediation costs on Hoyt Island

Mr. Moeling noted he would be recused from this item.

Ms. Cherichetti noted his recusal would result in the loss of the quorum, so the item could not be discussed tonight. She noted she had emailed the Land Trust at the start of the meeting when it was apparent that only four Commissioners were present.

VII. MINUTES

VII. April 27, 2021 meeting minutes

Mr. Moeling and Mr. Levin requested some minor revisions.

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

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

***** MOTION PASSED UNANIMOUSLY.**

VIII. May 11, 2021 meeting minutes

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

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

***** MOTION PASSED UNANIMOUSLY.**

VIII. PUBLIC COMMENT

There were none.

IX. COMMENTS OF STAFF

- a) Report of the Senior Environmental Officer

Ms. Cherichetti gave an update on the reopening of City Hall. She noted for now meetings will remain on Zoom; she noted there is anticipated guidance coming in July.

X. COMMENTS OF COMMISSIONERS

- a) Report of the Commission Chair

Mr. Moeling brought up the support of House Bill 6441, which may include a funding source for the Open Space Fund.

Mr. Pentz volunteered to draft a letter of support.

IX. ADJOURNMENT

***** MS. BALLIETT MADE A MOTION TO ADJOURN.**

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

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

Meeting adjourned at 7:38PM.

DRAFT