

**CITY OF NORWALK  
INLAND WETLAND AGENCY  
SPECIAL MEETING  
November 16, 2009**

**PRESENT:** D. Seeley Hubbard, Acting Chair; Emily Wilson; Elizabeth Ackerman; Gwen Briggs; Matthew Caputo

**STAFF:** Alexis Cherichetti, Senior Environmental Officer Yarifalia Bletsas, Environmental Compliance Officer

**CALL TO ORDER**

Mr. Hubbard called the meeting to order at 4:00 pm.

**ROLL CALL**

Ms. Cherichetti took the roll call.

**ENFORCEMENT ACTIONS**

- a) **#V09-849 – 6 Styles Lane – Valadares** – Removal of vegetation, deposition of fill, grading and piping of a watercourse in and adjacent to a wetland and watercourse.

Ms. Cherichetti described the initial Notice of Violation letter that was sent to the respondents following a complaint that filling and grading were occurring on the property adjacent to a pond. Following a site inspection with the property owner during the first week of November, a Cease & Restore Order was issued.

Ms. Cherichetti noted that the Order also cited removal of vegetation, deposition of fill, and grading, and added that it appeared that the respondent had piped portions of a watercourse.

Ms. Cherichetti distributed aerial photographs of the site from 1995, 2003 and 2007 and discussed the changes in the landscape at each time. She also distributed and described photographs taken at the site on November 4, 2009. Ms. Cherichetti initially thought that the respondent purchased the property in 2003.

Mr. Candido Valadares, who stated that he owned the property, and Ms. Elizabeth Merrihew, who stated that she resided at 6 Styles Lane, attended the hearing. Mr. Valadares clarified that he purchased the eastern portion in 1995, and that the parcel which contains the pond on the property was subsequently purchased a year later.

Mr. Valadares noted the widespread growth of vines and explained that the vines were choking the trees and causing there to be much dead debris on the ground. He described the recent activity along the northern property line by the abutting pond and indicated that he had just removed the vines and put compost on the pile of logs and debris.

Mr. Valadares explained that he received a permit in 2003 for the installation of a pool. He said that the clearing that has occurred in the eastern portion of his property was just preparation for the installation of the pool. Ms. Cherichetti clarified that the respondent received a zoning permit, not an inland wetlands permit, for the pool.

Mr. Caputo suggested that the respondent look at the aerial photographs provided by staff and then explain the work that has been done. Mr. Valadares again described the work observed at the site by Conservation Office staff. There was continued discussion regarding the activities that occurred within the watercourse and adjacent wetland and upland review areas.

Ms. Ackerman stated that she would like more information about all of the activities that have occurred without a permit. Ms. Wilson agreed and noted that it was important to verify when each parcel was purchased. Mr. Caputo suggested that the hearing be continued to the next regular meeting, and that the respondent should prepare a chronological timeline of events.

- \*\*\* Mr. Caputo made a motion to continue the show-cause hearing to the regular meeting on December 8, 2009.
- \*\*\* Seconded by Ms. Wilson.
- \*\*\* Motion carried unanimously.

- b) **#V09-850 – 105 Richards Avenue – The Carriage House Association, Inc. –** Removal of vegetation, clearing, grubbing and grading in and adjacent to a wetland and watercourse.

Ms. Cherichetti described the Order, which cited removal of vegetation, grubbing and grading in and adjacent to a wetland and watercourse. She distributed an aerial photograph of the property from spring of 2007 that showed the extent of the watercourse buffer vegetation. She also showed the approved mitigation landscaping plan that was part of the 1980's permit approval to construct the condominiums.

She then distributed on-site photographs taken by Yarifalia Bletsas, Environmental Compliance Officer, in early November. Those photos show that, save for a couple of trees, the vegetation within the wetland and designated buffer area had been cut and grubbed.

Mr. Karl Kuegler, Jr. and Ms. Claudia Ainsworth, both of Imagineers, LLC, the property management company for the Condominium Association, were present. Mr. Kuegler explained that the two members of the condo association board could not be present because they happened to be out of state.

Mr. Kuegler distributed a letter from Mr. Stefan Marquardt, one of the board members not present at the hearing. In the letter, Mr. Marquardt states that all of the work was just routine maintenance and disputes that the activities are a violation.

Mr. Hubbard observed that it appeared that the activities went well beyond what could be considered 'routine maintenance'.

Ms. Cherichetti noted that his letter notes that he is responding to a notice of violation from the Zoning Commission as well. She observed that the extent of clearing activity is also considered a violation of the Special Permit issued by the Zoning Commission.

Mr. Caputo inquired if staff had a count of trees removed or if they could calculate the area that had been cleared.

\*\*\* Mr. Caputo made a motion to continue the show-cause hearing to the regular meeting on December 8, 2009.

\*\*\* Ms. Wilson seconded the motion.

\*\*\* Motion passed unanimously.

## **ADJOURNMENT**

\*\*\* Mr. Caputo made a motion to adjourn.

\*\*\* Motion passed unanimously.

The meeting ended at 6:15 p.m.

