

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
May 14, 2019**

I. CALL TO ORDER

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

II. ROLL CALL

Ms. Cherichetti took the roll call.

PRESENT: John Verel, Chair; Steven Klocke; John Moeling; Lisa Shanahan; and Thomas Keegan

III. RECEIPT & DISCUSSION

- a) **#S19-532 – 34A Bayne Street – Papadopoulos** – Corrective Action landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti described the application and explained that the applicant submitted mitigation plans to correct the landscaping that was done without a permit and he provided a narrative.

Ms. Cherichetti noted that the applicant's representative was present.

Mr. Lukas Thomas from Owens, Schine, and Nicola, PC, introduced himself and noted that also there was Alexander Papadopoulos, the property owner, and Tony Palmer, who is the landscaper.

Mr. Palmer, owner of Palmer Landscaping of Westport, described the landscaping plan to correct the landscaping that was done without a permit.

Ms. Cherichetti asked about the area in the northwest of the property that the applicant has proposed as being cleared. Mr. Palmer confirmed that it would be cleared and graded. Mr. Palmer stated that the idea is not to disturb anymore that has already been disturbed but to remove bramble and vines.

Ms. Cherichetti asked about the clearing near the two intermediate watercourses and Mr. Palmer stated that they would only be removing bramble and vines. Ms. Cherichetti stated that there would need to be a silt fence installed.

There was discussion on limit of lawn and the buffer zone. Mr. Klocke suggested a consistent 25 foot non-lawn buffer and Ms. Shanahan agreed. It was agreed to revise the plans with the Agency's recommendations and come back to the Agency for approval.

- b) **#S19-533 – Kellee Drive – City of Norwalk DPW** – Maintenance of existing drainage ways
c) **#S19-534 – Hunters Lane – City of Norwalk DPW** – Maintenance of existing drainage ways
d) **#S19-535 – Lloyd Street – City of Norwalk DPW** – Maintenance of existing drainage ways
e) **#S19-536 – June Avenue – City of Norwalk DPW** – Maintenance of existing drainage ways
f) **#S19-537 – Friendly Road – City of Norwalk DPW** – Maintenance of existing drainage ways

Ms. Cherichetti explained that all applications have the same goal and are listed together.

Mr. Berndlmaier, Senior Civil Engineer from the Department of Public Works, explained the applications where each project will need sediment removal and obstruction removal to increase water flow.

Mr. Verel asked what the work will do to the watercourses and wetlands. Mr. Berndlmaier stated that it will not be affected and the sediment will be removed off site and taken to a different location.

Ms. Cherichetti stated that she would make a location map showing all locations of these applications for the Agency.

Mr. Klocke expressed concern that the activity might increase water flow velocities and effect other residences.

Ms. Varghese, from Jacobs Engineering, stated that there is a study being conducted on it.

Ms. Cherichetti stated that these applications will be put on the May 28, 2019 agenda for continued discussion.

IV. FEE WAIVER/REDUCTION REQUESTS

- a) **#S19-532 – 34A Bayne Street – Papadopoulos** – Waiver of application fee for Corrective Action landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti explained the request for the waiver and read the letter out loud, as well as the section in the regulations pertaining to fee waivers.

***** MR. KEEGAN MADE A MOTION TO DENY THE REQUEST FOR FEE WAIVER.**

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

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

V. PUBLIC HEARINGS (begin at 7:00PM)

- a) **#A19-068 – 10 Norden Place – Norwalk Center LLC** – Petition for Wetland Map amendment to remove previously delineated wetlands and watercourse at the southwestern corner of the property

Ms. Cherichetti noted the public hearing had been held open to allow time for the Agency members to visit the site themselves.

***** MR. KEEGAN MADE A MOTION TO CLOSE PUBLIC HEARING.**

***** MS. SHANAHAN SECONDED THE MOTION.**

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

- b) **#S18-529 – 405 Rowayton Avenue – Vega** – Corrective Action work following filling and wall construction in and adjacent to a watercourse (Keelers Brook)

Ms. Cherichetti stated notice of the public hearing was properly noticed in The Hour. The applicant's attorney provided Ms. Cherichetti with proof of mailing of notice to adjacent property owners.

Mr. Roina, representing the applicant, stated that their engineer is on his way and asked the Agency to postpone the public hearing a few minutes until the engineer was present. The Agency agreed to postpone the hearing and moved to next item on the Agency.

VI. DISCUSSION &/OR DECISION

- a) **#A19-068 – 10 Norden Place – Norwalk Center LLC** – Petition for Wetland Map amendment to remove previously delineated wetlands and watercourse at the southwestern corner of the property

No Commissioners had any comments on the application.

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

*** **MR. KEEGAN SECONDED THE MOTION.**

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

V. PUBLIC HEARINGS (begin at 7:00PM) - continued

- a. **#S18-529 – 405 Rowayton Avenue – Vega** – Corrective Action work following filling and wall construction in and adjacent to a watercourse (Keelers Brook)

Mr. Roina stated that they were unable to contact their engineer and distributed copies of the site plan to the Agency.

Ms. Cherichetti suggested to continue with the hearing, which would give Agency members an opportunity to review and discuss the new plan, and continue the public hearing at the next meeting. Mr. Roina agreed.

Ms. Cherichetti reviewed the Corrective Action application and the new plans that were submitted including the concrete blocks, slope, erosion control blanket and the timeline of the work.

Mr. Roina distributed photos of the area and concrete block wall. He stated that the homeowners may come back to discuss the foot bridge going across the brook.

Mr. Klocke had questions about the stone wall/concrete wall to be replaced and asked for clarification.

The Agency opened the public hearing to the public for comments and provided a sign in sheet.

One person, Robert Montlick of 407 Rowayton Avenue, came forward and spoke about the history of the street and the brook.

There was discussion on the timeline of the application.

*** **MR. VEREL MADE A MOTION TO CONTINUE THE PUBLIC HEARING TO THE NEXT REGULAR MEETING.**

*** **MR. KEEGAN SECONDED THE MOTION.**

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

- b. **#S19-531 – 230 West Norwalk Road – Morain** – Construction of a single family dwelling with associated driveway, septic system and stormwater management system within the upland review area

Ms. Cherichetti suggested that the Agency table the application, as the applicant did not yet come into the Conservation Office to discuss the concerns. Ms. Cherichetti indicated she would write him a formal preliminary review letter.

VI. ENFORCEMENT ACTIONS

- a. **#V19-985 - 45 Devils Garden Road – Welte – *Show-cause hearing*** - Filling of wetland and watercourse, clearing of a deciduous woodland, removal of vegetation, deposition of fill material in and adjacent to a wetland and watercourse

Ms. Cherichetti thought she had seen the respondent present at the meeting earlier, however he was not currently present.

Ms. Cherichetti explained the timeline and the steps that were taken by the office. She described the location and activities that were initiated with a permit. She recommended the show-cause hearing be continued to the May 28, 2019 meeting to give the respondent an opportunity to speak.

VII. APPROVAL OF MINUTES

- a. April 9th meeting minutes

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

***** MR. KEEGAN SECONDED THE MOTION.**

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

- b. April 23rd meeting minutes

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

***** MR. KEEGAN SECONDED THE MOTION.**

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

VIII. PUBLIC COMMENTS

There were none.

IX. COMMENTS OF STAFF

Ms. Cherichetti handed out a summary of permits to the Commission to review.

X. COMMENTS OF COMMISSIONERS

There were none.

XI. ADJOURNMENT

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

***** MR. KEEGAN SECONDED THE MOTION.**

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

Meeting adjourned at 8:05PM.