



MEETING MINUTES
HYBRID MEETING
March 9, 2023

PRESENT: Rick Stow (Chair), Nick Lee, Penelope Koechl, Jeremi Bigosinski, Frank Simone

ALSO PRESENT: Mike Conklin, Director of Environmental Affairs; Stephen Mogila, Mogila Law Group; Jorge Valentin, Property Owner; Louis DiMarzo, DiMarzo & Bereczky, Inc.; Jim Murphy, Gregory & Adams, P.C., Kathleen Royle, Gregory & Adams, P.C.; Kate Throckmorton, Environmental Land Solutions; Eric Lindquist, Tighe & Bond; Jesse Faneuil, The Grossman Companies, Inc.; Feliks Krut, Property Owner; Avind Baur, Kousidis Engineering

ABSENT: Miriam Sayegh (notified of intended absence)

I. CALL TO ORDER

Mr. Stow called the meeting to order at 7:30pm.

II. SHOW CAUSE HEARING

A. VALENTIN – 573 Nod Hill Road – unauthorized removal of nine trees

Mr. Conklin explained the violation and showed photos from before and after the unauthorized clearing.

Mr. Valentin commented he paid for five trees to be removed, not the nine noted in the Cease & Desist Order. He stated the removal was done due to an elderly neighbor's home being potentially in danger from falling branches. He noted three trees were dead near the pond but he did not contact a licensed arborist. Mr. Valentin stated he and his wife purchased this foreclosed and abandoned property to rehabilitate the site.

The Owner's Attorney, Stephen Mogila, stated the trees were dead and were reasonable to be removed. He noted the work would have been approved if he requested the removal prior to the violation.

Mr. Lee, a CT Licensed Arborist and Deputy Tree Warden for the Town, asked why the tree company would remove extra trees that were not paid to be removed. He stated he has driven by this site every day for the last 25 years. He confirmed the pines were not potentially hazardous and not in any danger to fall.

Mr. Lee MOVED to UPHOLD the Cease & Desist Order and require an Intermediate Level Corrective Action Application be submitted on or before April 17, 2023, SECONDED by Ms. Koechl and CARRIED 5-0-0.

III. PUBLIC HEARINGS

A. WET#2853(S) FASANO – 104 Kellogg Drive – proposed addition, new septic tank, stormwater management system and B100a

Mr. DiMarzo explained the site and the proposed addition. He identified the wetlands present and confirmed the Health Department approved the septic and the Department of Public Works had no comment.

With no further questions, the Public Hearing was closed.

Ms. Koechl MOVED to APPROVE WET#2853 with normal Special Conditions, SECONDED by Mr. Lee and CARRIED 5-0-0.

B. WET#2855(S) THE GROSSMAN COMPANIES, LLC – 372, 378, & 380 Danbury Road – proposed redevelopment of parcels to include razing buildings and creation of new parking lot

Mr. Murphy introduced the project and the intent of the proposal.

Mr. Lindquist explained the engineering of the site. There is a bioswale, level spreader, and catch basins for stormwater removal. He also reviewed the floodway and floodplain noting an enhancement for the Norwalk River with these new treatment areas within the parking area.

Ms. Throckmorton described the re-use of these sites for a new parking lot. The site is currently 80% impervious. Landscaping will reduce the coverage and existing debris on the site will be removed. There is a 3-year maintenance plan to remove invasive plants and shrubs.

Mr. Lee suggested a correction on the plant list in the amounts of certain plants. Ms. Throckmorton agreed to submit updated plans with the correction. Mr. Conklin requested Mr. Lindquist to discuss thermal pollution issue and how the infiltration cools the water prior to discharge to the river.

Mr. Bigosinski asked why closed systems were utilized for the bioretention and asked more about landscape maintenance. Mr. Lindquist answered that they wanted to capture as much stormwater as possible for this sensitive site.

Mr. Faneuil confirmed they have a typical landscaping contract for the upkeep of the property.

With no further questions or comments, the Public Hearing was closed.

Ms. Koechl MOVED to APPROVE WET#2855 The Grossman Companies, with the normal Special Conditions, SECONDED by Mr. Simone and CARRIED 5-0-0 with all in favor.

IV. APPLICATIONS TO BE REVIEWED

- A. WET#2859(I) KRUT – 134 Deforest Road** – corrective action to address unauthorized removal of sixteen trees

Mr. Krut explained he will replace full-size trees to mitigate the removal. The Commissioners noted there are more trees being planted than were removed. Mr. Conklin reminded Commissioners they can only regulate and bond the plantings within the 100 ft. regulated area.

Mr. Lee MOVED to LIFT the Cease & Desist Order for Krut at 134 Deforest Road, SECONDED by Mr. Stow and CARRIED 5-0-0 with all in favor.

Ms. Koechl MOVED to APPROVE WET#2859 with normal Special Conditions, and additional Special Condition that the plantings will be determined and field located by Staff for sizing and bonding, SECONDED by Mr. Bigosinski and CARRIED 5-0-0 with all in favor.

- B. WET#2860(I) SIDDIQUE – 34 Springbrook Lane** – proposed in-ground pool, regrading, and stormwater detention system

Mr. Baur explained the site and the proposed pool location. He noted there are significant ledge outcroppings. The proposal includes 500 sq. ft. of patio and a new stormwater detention system.

Ms. Koechl MOVED to APPROVE WET#2860 with normal Special Conditions, SECONDED by Mr. Simone and CARRIED 5-0-0 with all in favor.

V. APPLICATIONS READY TO BE ACCEPTED

- A. WET#2863(S) 144 HUCKLEBERRY HILL ROAD, LLC – 144 Huckleberry Hill Road** – proposed replacement of water pump chamber box, install a 12-inch bypass culvert below existing weir, and deepen adjoining areas of Parting Brook

- B. WET#2864(I) XIE – 105 Nod Hill Road** – proposed pool installation

Mr. Simone MOVED to ACCEPT WET#2863, and WET#2864, SECONDED by Ms. Koechl and CARRIED 5-0-0 with all in favor.

V. APPROVED MINOR ACTIVITIES

- A. WET#2857(M) SANCHEZ – 23 Snowberry Lane** – proposed screened porch with five 12-inch sonotubes 54 ft. from a wetland
- B. WET#2858(M) CRUZ – 345 Westport Road** – proposed walkout basement exit door and concrete stairs 92 ft. from a pond

Mr. Conklin provided a brief explanation of the Minor Permits issued by Staff.

VI. CORRESPONDENCE - None

VII. NEW BUSINESS - None

VIII. APPROVAL OF MINUTES

A. Meeting Minutes February 23, 2023

Ms. Koechl MOVED to APPROVE the Meeting Minutes of February 23, 2023 as drafted, SECONDED by Mr. Simone and CARRIED 4-0-1 with Mr. Lee abstained as he was not present.

IX. VIOLATIONS - None

X. PUBLIC COMMENT – None

XI. ADJOURN

Ms. Koechl MOVED to ADJOURN at 9:28 pm, SECONDED by Mr. Simone and CARRIED 5-0-0 with all in favor.

Respectfully Submitted,
Liz Larkin
Recording Secretary, Environmental Affairs