

**Town of Norfolk**  
**Inland Wetlands Agency**  
**Town Hall**  
Regular Meeting  
December 4, 2023 @ 7:00 p.m.  
**Approved Minutes**

**Present:** Hartley Mead-Chair, Myron Kwast, Rich Kessin, Jill Chase, alt.  
Marinell Crippen recording secretary.

**Also Present:** IWO Michael Halloran

1. **Call to Order**-7:00 pm
2. **Roll Call**-Jill Chase will sit for Clint Webb. Marinell Crippen arrived at 7:10pm.
3. **Agenda Review**- Add application 23-30 Wetlands review for a subdivision. Myron Kwast made a motion to add application 23-30 Wetlands review for a subdivision to become agenda item 6A, Rich Kessin seconded it and it was approved unanimously.
4. **Approval of Minutes**-
  - A. Myron Kwast made a motion to approve minutes as amended from the October 2<sup>nd</sup>, 2023, regular meeting, seconded by Rich Kessin and approved unanimously.
  - B. Myron Kwast made a motion to approve minutes from the October 25<sup>th</sup> Special Meeting, seconded by Rich Kessin and approved unanimously.
5. **Public Comment**-Diana Ruopp said she was interested in the tennis court application. Hartley Mead said it was on the agenda and she could comment later.
6. **New Business**
  - A. **#23-30 Carlene Laughlin subdivision at 305 Mountain Road**

George Johannesen from Allied Engineering Associates in North Canaan is representing Carlene Laughlin. Mrs. Laughlin wants to create two new lots to be deeded, one to her son and one to a nephew from her existing lot. Mr. Johannesen explains where the Laughlin property is on the map. The existing lot consists of 53.29 acres with a single-family home. Proposed lots are on the west end of the property, and one will be 6.895 acres and the other 7.39 acres, leaving approximately 31 acres for the existing house. Property is steep with a lot of exposed ledge and two wetland areas that merge and go into Tobey Pond. The property slopes north to south and the wetlands were flagged and taken from Lidar provided by DEEP. Dave Beers was hired to provide management advice for the forest. The proposed new lots had soil testing provided by

Torrington area health. The proposed lots are each designed for 4-bedroom houses. Erosion and sedimentation controls (E&S) will be installed, and the utility poles exist to tie into. The lots meet all zoning requirements, and they will be going to Planning and Zoning. Because of all the ledge they did not come up with any additional storm runoff. One lot has no work in the regulated area, no work in any wetlands, and the other lot has a small portion where there is fill on the outside edges and a small portion of the driveway. Michael Halloran said that in the spring Mr. Johannesen got a permit for testing the fill and Mr. Halloran said that before the Agency can approve the subdivision, they need to put the septic sand in. There are two small areas that are in regulated areas, a total of .05 acres. Mr. Johannesen said that they tried to make sure the houses were not in the regulated area.

Hartley Mead wanted to table this until next month. Myron Kwast asked if there was anything that the applicant needed to do and Mr. Johannesen said that they are not doing anything in Wetlands, just some in upland review. He said the septic system will be exposed for a couple of weeks. Mr. Halloran asked for Dave Beers report. Mr. Johannesen said that the location for the septic was dictating where the houses would go and all of the exposed ledge made it hard to find a spot. The driveway will probably be gravel. Mr. Johannesen said that they may not build the houses for some time. The agency decided there was no need for a public hearing. The next meeting is January 8<sup>th</sup>, 2024, and they will approve the application once the sand for the septic, 48" of soil, has been put in.

Since Mr. Halloran just received the Dave Beers report, he will make copies and send to everyone. The agency also needs a letter from Aquarian that they have hookups.

**B. #23-029 Michael Karbelnikoff work in regulated area. New tennis courts and driveway extension.**

There is not a house on the property, only a sugar shack. Michael Halloran said that you have a right to put a tennis court on your property. There will be no lighting on the courts or driveway, and they are for personal use only. Mr. Halloran had correspondence with Mr. Karbelnikoff and told him that if other people are going to be using the courts it would require a special permit and Mr. Karbelnikoff assured Mr. Halloran that they were for personal use only. Mr. Mead would like to see a better map and a cutaway, profile, right in the middle of the tennis court to see elevations and fills. It appears to be in Wetlands from the drawing presented. Mr. Kwast said he would like to know how much wetlands they are disturbing and what mitigation they plan on doing. Mr. Mead said that it is a very poor application.

Several members had questions regarding the proposed work.

Mr. Mead opened it to the public.

Diana Ruopp of 329 Ashpohtag is a neighbor to the east of the property, and she said she has a few concerns. First, the parking at the bottom on the map is

intended for private use and currently there are half a dozen vehicles using it from the next property on a regular basis. The house to the west of this is run by Mountainside and these are who are parking here.

Mr. Halloran said that if people are going to get to speak the owner should have an opportunity to speak. There are for sale signs on the property, and he said the owner wants to build a tennis court for personal use. The construction company that put in the basketball court at the Mountainside property is also the company that Mr. Karbelnikoff is using to build the tennis court. Mr. Halloran was unaware of cars being parked there.

Mrs. Ruopp is also concerned about the noise from pickleball. She said that pickleball is 70 decibels and city noise is 50 decibels.

Myron Kwast made a motion to hold a public hearing on January 8<sup>th</sup> at 7:15 at the regular meeting on the grounds that the application may have a significant effect on Wetlands and would be in the public interest, Rich Kessin seconded it and it was approved unanimously.

Hartley Mead would like to see a cut away view down the middle of the tennis court to see how much is being disturbed and is he filling or cutting into the bank? Also, tree removal, what are they doing with the stumps and the logs? Myron Kwast would like to see what kind of mitigation they are planning on doing.

Mr. Halloran has a concern with the fact that they are stockpiling in Wetlands. He would also like to know whose cars are parked there.

**C. 2024 Calendar of meetings-**

Mr. Halloran gave out copies of the dates of meetings.

Jill Chase made a motion to approve the dates, Myron Kwast seconded, and it was approved unanimously.

**D. Appointment of members-**

Jill Chase, Myron Kwast and Clint Webb's terms are expiring. Jill Chase and Myron Kwast both said they wanted to remain on for the next 3-year term till 12/28. Clint Webb said yes in absentia to remaining on as well.

Michael Halloran also read a notification from Matt Riiska explaining the work to be done on the bridges in town on Old Goshen and Smith Road.

**7. Old Business-none**

**8. WEO Report-**

Mr. Halloran stated how busy the year has been. This year he has done the most permits he has ever done since 2010. Between Wetlands and Zoning the most he has ever done in a year was 54 in 2021 and this year already he has done 74.

**9. Communications and Bills**

Hartley Mead let everyone know that Mr. Halloran is resigning his post this year. Mr. Mead thanked him and let him know how valuable he was to him and how he

couldn't have conducted without his guidance and how Mr. Halloran always stressed the to need to read the regulations.

**10. Bills and Correspondence**

**Conservation Commission minutes November 13, 2023**

Mr. Mead said that the Conservation Commission will contact him about the perch pipe on Mountain Road that has been discussed before.

Rich Kessin made a motion to adjourn at 8:13 pm, seconded by Myron Kwast and approved unanimously.

**11. Adjournment-**

A handwritten signature in black ink, appearing to read "Marinell Crippen". The signature is stylized with a large, sweeping "M" and a long, thin vertical line extending upwards from the end of the name.

Respectfully submitted,  
Marinell Crippen, Secretary