

**Town of Norfolk  
Inland Wetlands Commission  
Regular Meeting Minutes  
Norfolk Town Hall, 2<sup>nd</sup> Floor  
February 3, 2025 - 7:00PM**



**Members Present:** Hartley Mead, Chairman; Jill Chase, Bill Millard  
**Members Absent:** Richard Kessin, Alternate Phil Lovett  
**Members Excused:** Myron Kwast  
**Staff Present:** Stacey M. Sefcik, WEO  
**Staff Excused:** Marinell Crippen, Recording Secretary  
**Also Present:** Joseph Kelly of 72 Maple Avenue

**1. CALL TO ORDER & ROLL CALL.**

With three members present, quorum was achieved and the meeting was called to order at 7PM.

**2. AGENDA REVIEW**

Chairman Mead stated that he would like the Commission to add discussion of 69 Maple Avenue to New Business as Item #6B.

**3. APPROVAL OF MINUTES**

**A. January 6, 2025 Regular Meeting.**

**MOTION** Ms. Chase, second Mr. Millard to approve the minutes of the January 6, 2025 regular meeting; unanimously approved.

**4. OPPORTUNITY FOR PUBLIC COMMENT.**

Chairman Mead opened the floor to public comment, but no one present expressed a desire to speak.

**5. OLD BUSINESS**

**A. Application #24-013 Construction of Walkway Around Northern Side of Pond in the Regulated Area at 207 Westside Road. (Received at 11/4/24 Meeting and Accepted at 12/2/2024 Meeting). Applicant/Owner: Confucian Study Association, Inc.**

Ms. Sefcik informed the members that she had received an email earlier that day from Ted Chiu of the Confucian Study Association indicating that the cost of the proposed walkway was greater than originally anticipated and because of this, he wanted to withdraw the pending application with thanks for the Commission's assistance and time. S. Sefcik had advised Mr. Chiu via email that the permit, once approved, could be valid for several years and even then extended should they wish to obtain the permit and wait to start work. However, Mr. Chiu had responded via email that they still wanted to withdraw the pending application and resubmit at a later date.

**B. Continued Discussion Regarding Inland Wetlands Application Fees.**

Ms. Sefcik stated that she had spoken with former WEO Mike Halloran in order to ask how he had used the current fee chart; he had only used the first five fees listed on the schedule, and had only applied the calculation of the regulated area to subdivision applications. Members briefly discussed wetlands fees they researched from other towns, but Chairman Mead stated that he would prefer to table further discussion until member Myron Kwast returned.

**C. Discussion & Possible Action Regarding New Inland Wetlands Commission Members.**

No business was discussed.

6. **NEW BUSINESS**

A. **Informal Discussion Regarding Submission of Technical Information Concerning a Proposal to Construct a Wireless Telecommunications Facility at 78 Goshen East Street, Norfolk, CT dated January 2, 2025.**

Ms. Sefcik explained that any applicant to the Connecticut Siting Council is required to provide written notice to town in which an application is proposed 90 days prior to the submission of an application to the Siting Council. Notice was therefore provided on this matter to the First Selectman, Ms. Sefcik, and the chairmen of both the Planning & Zoning Commission and the Inland Wetlands Commission. While the Siting Council has jurisdiction over the tower, the municipality can review the application and provide information to the applicant and the Siting Council. If the commissioners so chose, they could request a public presentation about the project.

Members had received the reports as a part of their pre-meeting packet; however, this was the first opportunity to review maps and plans as they are oversize and multicolor and were therefore not able to be scanned. Ms. Sefcik noted that the plans indicated all work was taking place outside the regulated area. However, she noted that the soil stockpile area was proposed in the corner closest to the downslope wetlands. While the plans did provide for E&S controls, she suggested the Commission may want to ask if the stockpile could be relocated to the opposite corner furthest from the wetlands area. Chairman Mead and Mr. Millard also noted that they believed there were possible watercourses that traversed the narrow strip where the accessway was proposed. Mr. Millard stated that he was fairly sure there was a culvert in the area; however, this was not on the plans.

Members agreed that cell service in the area was indeed spotty and that this was likely a less intrusive location to the neighborhood than what had previously been proposed. The Commission requested that Ms. Sefcik contact the applicant and request a presentation and additional information regarding the proposed accessway. The Commission also requested four additional copies of the oversized maps and plans.

B. **Discussion of 69 Maple Avenue Proposal.**

Chairman Mead noted that Ms. Chase should recuse herself from the discussion, and Ms. Chase agreed. However, it was also noted that without Ms. Chase, the Commission did not have the required quorum. Ms. Sefcik advised the members present that if they wished to discuss this application at their March meeting, there was time, as the P&Z public hearing was definitely going to be continued to March 11, 2025. With that information, the members agreed to schedule this discussion for the March 3, 2025 regular meeting. It was agreed that they would try to get the other absent members to attend the March meeting in order to ensure a quorum without Ms. Chase, so that she could recuse herself as she wished.

Chairman Mead stated that he would at least like this meeting's minutes to reflect that both he and Ms. Sefcik had reviewed the materials for the proposal at 69 Maple Avenue which is currently before the Planning & Zoning Commission. He stated that to his and Ms. Sefcik's knowledge, none of the proposed activities occur within the regulated area.

Ms. Sefcik also distributed a copy of her memorandum to the Planning & Zoning Commission dated January 14, 2025.

7. **WEO REPORT.**

Ms. Sefcik noted that the memorandum above was going to be part of her WEO report; she deferred additional comment since the matter had been postponed to the March meeting. She then reviewed with the Commission a *Permit Application for the Use of Pesticides in State Waters* that had been received for 321 Winchester Road. While not an official Inland Wetlands Application, this is notice the pesticide applicator is required to provide to the town

where the application is proposed. Ms. Chase asked for the notice to be forwarded to members so that they could review the pesticides selected to use at the site.

**8. COMMUNICATIONS & BILLS.**

Ms. Sefcik reminded the Commission of the upcoming CT Bar Association online training on March 22, 2025. Mr. Millard indicated he was not able to attend. Ms. Chase stated that she would like to be signed up for the event. Chairman Mead indicated that annual budget requests were due two weeks ago; he had reviewed the current budget and keeping it at its current level was acceptable.

**9. ADJOURNMENT.**

**MOTION** Ms. Chase, second Mr. Millard, to adjourn the meeting at 7:30PM; unanimously approved.

Respectfully submitted,

Stacey M. Sefcik  
Inland Wetlands Enforcement Officer





**TO:** Town of Norfolk Planning & Zoning Commission  
**FROM:** Stacey M. Sefcik, CZEO, Land Use Administrator  
**DATE:** January 14, 2025  
**RE:** Staff Opinion Regarding Inland Wetlands Application Requirement

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On December 3, 2024, the property owners submitted an application to modify the existing special permit approval and its associated site plan.

The application was accepted at the December 10, 2024 regular meeting and scheduled for public hearing on January 14, 2025. Due to anticipated high attendance of this public hearing, the suggestion was made and adopted to move the hearing to the Hall of Flags at Botelle Elementary School. Upon consultation with the Town Clerk, it was determined that the planned change of location from the usual meeting site was cause to cancel the regularly scheduled meeting and instead hold a special meeting.

At the time the application was accepted, the Commission noted the following information was still required:

- (1) Letters from both the Sewer Department and Aquarion Water Company to confirm that the changes proposed by the applicant would not adversely impact continued service to the site.
- (2) Confirmation that, to the best of the applicant's knowledge, any and all documents pertaining to the original 1996 special permit approval have been submitted and made part of this application.
- (3) Any written opinions issued by the Commission's attorney, Daniel Casagrande regarding the use of 69 Maple Avenue.
- (4) A letter from the Town of Norfolk Fire Marshal confirming the permitted indoor seating capacity.
- (5) Information from the applicant's professionals commenting on why an Inland Wetlands application was not necessary for this proposal.
- (6) A copy of the Torrington Area Health District Class 3 Food License.
- (7) Comment from the Town of Norfolk Public Works Director ensuring that the proposed changes to the driveway from Mills Way are acceptable.

As of January 14, 2025, we are in receipt of all requested items with the exception of the letter from Aquarion Water Company.

At the December 10, 2024 regular meeting there was discussion regarding whether or not an Inland Wetlands application should have been received for the improvements proposed as a part of this proposal. At that time, the only items within the regulated area (100 feet around all wetlands/watercourse resources) were some plantings. The applicant has subsequently decided to relocate those plantings outside of the 100-foot regulated area and submitted updated plans to reflect this change.

While the P&Z must review and consider input from the Inland Wetlands Commission in the event an Inland Wetlands permit is required, it is my professional opinion that an Inland Wetlands permit

is not required for this application as submitted and revised. The most intensive work proposed in this application is located at least 100 feet away, and in most cases considerably further away, from the regulated wetlands resources. In the absence of proposed activities within the regulated area as detailed in the Town of Norfolk Inland Wetlands Regulations, either the Inland Wetlands Commission or myself as the Inland Wetlands Enforcement Officer would have to determine that the activities proposed have the potential to adversely impact the protected wetlands resources even though they are upland and outside of the customary Inland Wetlands review area. In my capacity as the Inland Wetlands Enforcement Officer for the Town of Norfolk, I do not believe the activities proposed in this application meet this standard, and as such, I have not required the submission of an Inland Wetlands application.

The applicant's proposal occurs largely outside of the regulated area, and the activity proposed closest to the regulated area is the very activity designed to protect the wetlands resources of concern – the installation of a raingarden. A raingarden is a depression in the ground designed to collect rainwater from roofs, driveways, and other hardscape. Its goal is to collect rainwater in one place to infiltrate into the ground rather than have it run into storm drains, streets, or piped untreated directly into wetlands areas. Raingardens have long been considered an effective low-impact development tool that help to treat stormwater close to its source by filtering pollutants out of the water before it ever makes it into the wetlands, and they are typically designed in a site-specific manner that takes into account the anticipated rainfall, drainage area, topography, soil characteristics, etc.

The rain gardens proposed by the applicant were designed by their engineering and landscaping professionals based on the characteristics present at the site, and I have no information in hand to indicate they are inadequate, insufficient, or would be adverse to the wetlands onsite. I had reached out to the Inland Wetlands Chairman; however, I have not yet heard back from him any concern that this matter should be brought before the Inland Wetlands Commission for their review. My understanding is that the Inland Wetlands Chairman had also attended the Conservation Commission meeting last night where this project had also been reviewed. Given the applicant's submission of mapping indicating the location of the proposed work in relation to the flagged water resources, the fact that that information indicates all activities are proposed outside of the 100-foot review area designated by the Inland Wetlands Commission, and the fact that we are in possession of the applicant's stamped and sealed engineering information detailing their findings and the design of the raingarden, I do not believe Inland Wetlands Commission review is required, and additionally, I would very respectfully point out that requirement of such a review is outside the purview of the Planning & Zoning Commission.

As the Town's Inland Wetlands and Zoning Enforcement Officer, out of an abundance of caution, I would recommend to this applicant the same thing that I would recommend to any other applicant proposing work outside of the regulated area on a property that contains wetlands: the installation of silt fencing surrounding the work area to minimize the chances of runoff during construction and which should be maintained in functional order until the site is final-graded and stabilized. Installation of orange construction fencing along the 100-foot boundary of the regulated area could also be considered as a way of ensuring that there is no inadvertent intrusion into the upland review area by construction equipment.

Stacey M. Sefcik, CZEO  
Land Use Administrator  
Town of Norfolk

