

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
November 13, 2018**

I. CALL TO ORDER

Ms. Destefanis called the meeting to order at 6:00 PM.

II. ROLL CALL

Ms. Cherichetti took the roll call.

PRESENT: Karen Destefanis, Vice Chair; John Moeling; Robert Mercurio; and Thomas Keegan

III. RECEIPT & DISCUSSION

- a) **#S09-353C – 5 Driftwood Lane – Allimant** – Renewal/Extension of Permit #S09-353B for corrective action removal of fill, grading and landscaping adjacent to a wetland and watercourse

Ms. Cherichetti reviewed the history of this corrective action permit, beginning with the issuance of a Cease & Desist Order in June 2009 and ending with a June 2018 decision by the Agency to call the posted bond if the work was not completed by the end of October 2018. Ms. Cherichetti reviewed the permit expiration dates, determined by State Statutes, which control the timeframe of permits.

Ms. Destefanis inquired about the Agency's obligation to approve permit extensions. Ms. Cherichetti read from the Regulations that they shall be granted unless there is a change in circumstance or there is an enforcement action.

Mr. Allimant, property owner, spoke of his need to extend the permit and get his posted bond back. He indicated that house was in pre-foreclosure and up for short sale.

There was discussion regarding the corrective action work, the sale of the property, the seizure and use of the bond, and the timing of all of these things. The Agency members asked Ms. Cherichetti to discuss the issues of pending sale and calling of the bond with the Law Department.

Mr. Allimant stressed he intends to disclose the entire situation to any potential purchaser and have the new property owner post a new bond as a condition of the sale. He noted it is most important to him to have his bond money returned.

Ms. Destefanis indicated the item would return to the next meeting's agenda on November 27th.

- b) **#S18-528 – 34A Bayne Street – Papadopoulos** – Corrective Action landscaping in and adjacent to a wetland and watercourse

Ms. Cherichetti noted this was also a corrective action permit application resulting from a Notice of Violation issued last month. She noted the application is currently incomplete. She is

composing a preliminary review letter to the applicant. Additionally, a portion of the filing fee remains due.

Ms. Cherichetti observed the applicant was not present at the meeting.

The item was tabled to the November 27, 2018 meeting.

IV. DISCUSSION AND/OR DECISION

There were no items eligible for decision.

IV. FEE WAIVER/REDUCTION REQUESTS

- a) **#S09-353C – 5 Driftwood Lane – Allimant** – Renewal/Extension of Permit #S09-353B for corrective action removal of fill, grading and landscaping adjacent to a wetland and watercourse

Ms. Cherichetti noted the applicants were seeking a waiver of the application fee. She stated the Fee Schedule established in the Regulations treats the renewal of a permit as a new permit and has the application fee be the same as the original permit application fee. Ms. Cherichetti noted the original application fee, for a Significant Corrective Action Permit application, was \$1,780. She also noted the Agency in 2009 granted a waiver and allowed the fee to be the Intermediate Corrective Action Permit application fee of \$780.

There was consensus to table a determination on the fee until staff had reported back about the Law Department's opinion on the timing of a permit extension and permit enforcement.

V. BOND RELEASES

- a) **#V16-938 – 252 Richards Avenue – Ceja** – Release of bond held (\$2,730.00) for corrective action following degradation of a wetland and watercourse through unauthorized site work.

Ms. Cherichetti recalled the history of the violation. She indicated Ms. Hrtanek had recently inspected the site and found the planted buffers to be in generally good condition.

***** MS. DESTEFANIS MADE A MOTION TO RELEASE THE BOND.**

***** MR. MERCURIO SECONDED THE MOTION.**

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

- b) **#S16-498 – 4 Kristen Lane - Schneider** – Release of bond held (\$3,363.00) for Corrective Action mitigation activities in and adjacent to a wetland and watercourse

Ms. Cherichetti provided recent photographs of the site. Plant mortality was discussed. Mowing was noted to be occurring beyond the demarcation boulders. There was discussion regarding the holding of the bond or releasing a portion of the bond and informing the permittee that the area beyond the boulders may not be mowed.

- *** MR. KEEGAN MADE A MOTION TO RELEASE ONE HALF OF THE BOND AND REQUIRE THE PERMITTEE TO REPLACE DEAD PLANTS AND MAINTAIN THE AREA BEYOND THE BOULDERS AS NATURAL VEGETATION, NOT LAWN.**
- *** MR. MERCURIO SECONDED THE MOTION.**
- *** THE MOTION PASSED UNANIMOUSLY.**

VI. APPROVAL OF MINUTES

a) October 23, 2018 meeting minutes

- *** MS. DESTEFANIS MADE A MOTION TO ACCEPT THE MINUTES.**
- *** MR. MERCURIO SECONDED THE MOTION.**
- *** THE MOTION PASSED UNANIMOUSLY**

VII. PUBLIC COMMENTS

There were none.

VIII. COMMENTS OF STAFF

Ms. Cherichetti noted the Ordinance Committee of the Common Council was considering a plastic bag ban and considering which department was best equipped to enforce such a ban. She indicated the Conservation Office did not have enough staff to enforce the ban.

IX. COMMENTS OF COMMISSIONERS

There were none.

X. ADJOURNMENT

- *** MR. MERCURIO MADE A MOTION TO ADJOURN.**
- *** MR. KEEGAN SECONDED THE MOTION.**
- *** THE MOTION PASSED UNANIMOUSLY.**

Meeting adjourned at 7:05PM.