

**CONSERVATION COMMISSION &
INLAND WETLAND AGENCY MINUTES
March 12, 2019**

I. CALL TO ORDER

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

II. ROLL CALL

Ms. Cherichetti took the roll call.

PRESENT: Karen Destefanis, Vice Chair; Robert Mercurio; John Moeling; Steven Klocke; Thomas Keegan and Matthew Caputo

III. RECEIPT & DISCUSSION

- a) **#S18-523A – 216 Scribner Avenue – St. Matthew RC Church** – Modification of Permti #S18-523 to extend completion time for corrective action wetland restoration work from December 15, 2018 to July 15, 2019

Ms. Cherichetti provided a summary of events, from the initial enforcement action in the spring of 2018 to the December 2018 deadline to restore the wetland. She noted no work had begun at the site, other than preparation work related to the church's proposed recreation center addition.

Mr. Carl Lecher spoke. He indicated there were other parties responsible for the filling and the church had recently worked out an arrangement for them to at least provide machinery for the restoration operation. He noted he was just trying to get the addition project moving and Conservation Staff required the posting of the bond and this modification request first.

Mr. Caputo noted the applicant had presented a good reason for the requested extension and the timeframe was reasonable.

There were no other comments.

Ms. Cherichetti clarified that the Agency must wait fourteen days from the receipt of the application before rendering a decision.

IV. DISCUSSION AND/OR DECISION

- a) **#S18-530 – McKendry Court – Muraski** – Excavation & filling associated with installation of buried wall adjacent to a watercourse (Five Mile River)

Ms. Cherichetti recalled the application was received at the previous meeting. At that meeting the applicant and their engineer gave a brief overview of the proposal. The Agency members present determined the application did not warrant a Significant Regulated Activity Permit application. Staff was requested to draft a memorandum with a draft resolution to approve with conditions.

Mr. Moeling stated Ms. Cherichetti's summary of the previous discussion was accurate and he did not have any issue with the project.

***** MR. MOELING MADE A MOTION TO ADOPT THE RESOLUTION TO APPROVE THE APPLICATION WITH CONDITIONS AS WRITTEN IN THE MEMORANDUM BY MS. CHERICHETTI**

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

***** THE MOTION PASSED UNANIMOUSLY (5 IN FAVOR, 1 ABSTENTION - DESTEFANIS).**

- 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 noted the application is a Significant Regulated Activity application that requires a public hearing. She discussed the statutory deadlines for the application. She added the application remains incomplete and the applicant provided a four week extension of time, which pushes the public hearing date back to April 9, 2019.

V. ENFORCEMENT ACTIONS

- a) **#V19-980 – 34A Bayne Street – Papadopoulos** – Show-cause hearing – Failure to meet directives of Notice of Violation #V18-976 for clearing, removal of vegetation and grading in and adjacent to a wetland and watercourse without a permit

***** Mr. Caputo recused himself and left the room.**

Ms. Cherichetti went over the process for show-cause hearings and enforcement orders.

Ms. Cherichetti explained this enforcement action began with a Notice of Violation resulting from her office's inspection of the property following a complaint. She explained the respondent had very recently retained an attorney and the attorney has requested the show-cause hearing be tabled to tonight's meeting.

Ms. Cherichetti reviewed the extent of the wetlands and watercourses on the property. She described the recent scope of work that had occurred and the works proximity to the wetlands and watercourses. She distributed maps and photographs of the property.

Attorney Lukas Thomas represented the respondent. He provided information regarding the property owners' objectives for the property. He noted the respondent's job made it very difficult for him to tackle the permitting process without assistance, but it would get done this time.

***** MR. KLOCKE MADE A MOTION TO UPHOLD THE ORDER ISSUED BY MS. CHERICHETTI.**

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

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

Ms. Cherichetti noted it would be best to amend the deadlines in the Enforcement Order, because the deadlines had already passed.

***** MR. KLOCKE MADE A MOTION TO RESCIND HIS PREVIOUS MOTION AND TO AMEND AND UPHOLD THE ORDER ISSUED BY MS. CHERICHETTI WITH A NEW DEADLINE OF APRIL 23, 2019 TO SUBMIT A PERMIT APPLICATION.**

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

***** THE MOTION PASSED UNANIMOUSLY**

***** Mr. Caputo returned to the meeting.**

- b) **#V19-981 – 7 Kensett Ridge –Vitiello** – Show-cause hearing – Failure to meet directives of Notice of Violation #V18-978 for removal of vegetation and filling adjacent to a wetland and watercourse without a permit

Ms. Cherichetti noted this hearing had been tabled from the previous meeting when no one appeared on behalf of the respondent.

Ms. Cherichetti described the location of the property and the tree cutting that had occurred in the southern portion of the property. She reviewed the correspondence her office had with the property owner.

She noted she had very recently received a wetland delineation report from the respondent. The wetland report, by Mr. Otto Theall, indicated there were not mapped wetland soils, but there were wetland soils at the southern property line.

Ms. Cherichetti noted it had initially appeared to be clearing within the wetland itself, but apparently the clearing occurred directly adjacent to the wetland and within the 50 foot upland review area of the wetland. Ms. Cherichetti noted that luckily the only activity to occur was removal of trees and no filling or grading had occurred, though she noted she believes the activity is a regulated activity and is a violation.

Mr. Vittello, property owner, stated he was told there were not wetlands on the property when he purchased it about a year ago. He stated he is in the pool business and knows about wetlands. He stated he started to cut trees to get better use of his property. He mentioned other activities on his property that he may undertake in the future.

Ms. Destefanis asked for more detail regarding the additional activities he had in mind. There was a discussion regarding landscaping and regulated activities.

Mr. Klocke expressed concern about the scope of the future activities the property owner had in mind, but thought the extent of the work so far did not warrant a violation.

There was a discussion regarding the permit process and the declaratory ruling procedure.

***** MR. KLOCKE MADE A MOTION TO WITHDRAW THE ORDER, WITH THE UNDERSTANDING THE PROPERTY OWNER MUST FILE FOR EITHER A DECLARATORY RULING OR PERMIT PRIOR TO ANY FURTHER WORK.**

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

***** THE MOTION PASSED UNANIMOUSLY**

VI. APPROVAL OF MINUTES

- a) February 26, 2019 meeting minutes

***** MR. MERCURIO MADE A MOTION TO ACCEPT THE MINUTES.**

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

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

VII. PUBLIC COMMENTS

There were none.

VIII. COMMENTS OF STAFF

There were none.

IX. COMMENTS OF COMMISSIONERS

There were none.

X. ADJOURNMENT

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

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

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

Meeting adjourned at 6:49PM.