

**Town of Warren
Inland Wetlands & Conservation Commission
Regular Meeting – Minutes
Thursday, January 24, 2019 – 7:00PM
Warren Town Hall – 50 Cemetery Road**

Present: **Chairman:** Absent **Members:** Cynthia Shook, Tom Caldwell, Nancy Binns, John Favreau
 Inland Wetlands Enforcement Officer: Absent; **Land Use Secretary:** Brenda Zampaglione
 Alternate: Tom Caldwell for Nora Hulton
 Absent: Keith Jewell, Nora Hulton, Darin Willenbrock, Stacey Sefcik

1. CALL TO ORDER AND DESIGNATION OF ALTERNATES.

- a. The regular meeting was called to order at 7:11PM by Vice Chairperson, Cynthia Shook. The proceedings were recorded digitally, and copies are available in the Land Use Office. All Regular members were seated for the meeting.

2. PUBLIC HEARINGS

No business

3. SHOW CAUSE HEARING

- a. **Matthew J. Clark and Heather A. DeJulia, 155 Cornwall Road (Assessor's Map 33, Lot 65) – Earthwork and Stockpiling in the Regulated Area Without Required Permits.**

Secretary Zampaglione distributed copies of testimony as given and written by Stacey Sefcik, Inland Wetlands Enforcement Officer who is absent due to illness. A copy of the Cease and Desist letter written on January 14, 2019 by Ms. Sefcik was also distributed to the Commission. Vice Chairperson Ms. Shook read Ms. Sefcik's testimony into the record.

Ms. Sefcik was approached in the matter of 155 Cornwall Road regarding construction of a garage. Possible blasting was mentioned at which time Ms. Sefcik informed the property owner that proper permits would be needed and to check with the Building Inspector.

Ms. Sefcik then received several complaints regarding work being done at 155 Cornwall Road. Ms. Sefcik did a site visit based upon the complaints in the beginning of November 2018. Ms. Sefcik found Large Equipment Within the Regulated Area, Fill Material had been added, Silt Fencing had been installed at the base of the Slope, but not toed in. The entire disturbed area was muddy and wet, compounded by recent heavy rains.

Ms. Sefcik spoke to Mr. Clark onsite of 155 Cornwall Road and Mr. Clark stated he was clearing material and moving stones for the proposed garage. Ms. Sefcik explained that the entire area was either Wetlands or within a 100 foot area surrounding Wetlands and that a permit would be required. Ms. Sefcik explained the After-The-Fact permit requirements. Mr. Clark stated to Ms. Sefcik that his father in-law would come in to fill out the permit paperwork and pay the fee. Ms. Sefcik spoke to Mr. DiTullio and explained the permitting process. Ms. Sefcik invited Mr. DiTullio to the next upcoming November 29, 2018 meeting and informed him that a permit application could be accepted. No application was received and there was no one present to represent 155 Cornwall Road at the November 29, 2018 IWC meeting.

During the interim, Ms. Sefcik had received further questions regarding 155 Cornwall Road from residents and staff. Ms. Sefcik then sent a "Cease & Desist" letter dated January 14, 2019 from the Town of Warren with the 10 days noticing required for a Show Cause Hearing. Prior to sending the Cease & Desist letter, Ms. Sefcik made one more site visit to 155 Cornwall

Road and observed there were now three pieces of heavy equipment onsite, including a bulldozer directly adjacent to the disturbed area that was the subject of the original complaint in addition to a sizable rock stockpile on the driveway.

Mr. Bob DiTullio and Matthew Clark were present to represent 155 Cornwall Road. Mr. DiTullio prepared a letter dated January 24, 2019 for the Commission explaining the site work that had been done to 155 Cornwall Road thus far and read the letter into the record for the Commission. Ledge removal at the end of the driveway was begun before Thanksgiving of 2018. Ledge removal entailed moving broken rock material. Relocation of the rock material was to be distributed on the front lawn of 155 Cornwall Road as the lawn was not level in many areas and was described as “wavy”. A Silt Fence was installed adjacent to the edge of a grade drop off that receives water from a neighboring property when it is overwhelmed with run-off water. The Silt Fencing has now been “toed” in properly per Mr. Clark. A conduit pipe runs from the edge of a neighbor’s pond and distributes flow of water to 155 Cornwall Road. The Conduit Pipe is located under the driveway of 155 Cornwall Road. Before distributing the broken ledge material on the front lawn, the topsoil was stripped first and Mr. Clark was planning to replace the topsoil for stabilization after the area is filled in. Large Machines are no longer on the front lawn and have been moved to the rear of the property. Mr. Clark provided a site map from 2010 for the Commission to review. Mr. Clark assured the Commission that all work has ceased at 155 Cornwall Road.

Mr. DiTullio stated that he was not a soil scientist but has a lot of experience in soil science and a Soil Science test was not done before work started. Mr. Clark stated that the area is only wet when the neighboring pond overflows and runs off onto his property. Mr. DiTullio and Mr. Clark questioned as to whether there are Wetlands on 155 Cornwall Road. Per the Land Use Office Map, Assessor’s Map 33 Lot 65 (155 Cornwall Road) has a Watercourse running through it.

Commission members requested a Delineation of the Wetlands be done by a certified Soil Scientist. Commission members explained the process to Mr. Clark. A list of Soil Scientists was provided to Mr. Clark for his perusal.

Mr. Clark will submit his Application as requested as well as provide the following: After-the-Fact Application fee of \$280.00; Pictures of the Area in question; Drawing/Plans for the work area including how much material has already been placed and how much more is proposed to be placed; Verification that the Silt Fence has been correctly installed; a report from a certified Soil Scientist with the delineation of Wetlands. Mr. Clark has been advised to cease all activities in the Regulated Area until further directed by the Commission and to move all of the heavy equipment from the Regulated Area.

MOTION: Mr. Favreau, 2nd Mr. Caldwell **TABLED** the **Application** in the Matter of **155 Cornwall Road (Assessor’s Map 33, Lot 65)** until the February 28, 2019 regular meeting due to an incomplete application; **UNANIMOUSLY APPROVED.**

MOTION: Ms. Binns, 2nd Mr. Caldwell **CONTINUE** the **Show Cause Hearing** in the Matter of **155 Cornwall Road (Assessor’s Map 33, Lot 65)** until the February 28, 2019 regular meeting; **UNANIMOUSLY APPROVED.**

4. APPROVAL OF MINUTES

- a. November 29, 2018 regular meeting.

MOTION: Mr. Favreau, 2nd Mr. Caldwell **APPROVE** the **MINUTES** of the **November 29, 2018** Regular meeting; **UNANIMOUSLY APPROVED.**

5. OLD BUSINESS

No business

6. NEW BUSINESS – RECEIVE AND DETERMINE SIGNIFICANCE

No business

7. INLAND WETLANDS ENFORCEMENT OFFICER'S REPORT

No written report available at this time.

MOTION: Mr. Favreau, 2nd Ms. Binns **TABLED** the Inland Wetlands Enforcement Officer's report until February 28, 2019 regular meeting; **UNANIMOUSLY APPROVED.**

8. CORRESPONDENCE.

a. Ms. Shook distributed the quarterly Newsletter *Habitat* for the Commission to peruse.

9. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION

No business

10. ADJOURNMENT

MOTION: Mr. Favreau, 2nd Ms. Binns **ADJOURN** the meeting at 7:43PM; **UNANIMOUSLY APPROVED.**

Respectfully submitted,

Brenda Zampaglione

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Land Use Secretary