

Inland Wetlands & Watercourses Commission

Special Meeting

Final Minutes

November 8, 2012

Chairman Lee Reichart called the meeting to order at 6:14 P.M. In attendance: Vice Chairman Alisa Morrison, Jon Mitchell, Nick Salerno. Also present were Alternate Amanda Lindberg and Wetlands Enforcement Officer Candace Palmer. Absent: Nat Trumbull and Phil Biondo. Alternate Amanda Lindberg was seated for Nat Trumbull.

Show Cause Hearing:

CEASE AND DESIST ORDER #W12-008 Richard Fiore - 110 & 116 South Broad St., Pawcatuck. Assessor's Map 25, Block 1, Lots 7 & 8; Zone LS-5 for the following activities or uses at the above referenced property found to be in violation of the Stonington Inland Wetlands and Watercourses Regulations and the Stonington Zoning Regulations:

1. [WR6.1] 'No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands Commission of the Town of Stonington.]
2. [WR6.2 "Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Agency, or violating any other provision of these Regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of these Regulations and any other remedies as provided by law.]

Staff Report: Wetlands Enforcement Officer Candace Palmer shared the history of this project. Ms. Palmer reported the following:

On November 7, 2001 Mr. Fiore was given approval to build two buildings. The renewal should have taken place on November 7, 2006. However, no paperwork was found in the Town's files to confirm that the building permit was renewed.

Ms. Palmer feels that it is in the Town's and Wetland's best interest to allow this project to move forward by completing the work. The completion of this project will help to protect wetlands. Ms. Palmer can appreciate the fact that Mr. Fiore thought he had a proper building permit therefore continuing the work. However, since work was continued after the Cease and Desist order was given to Mr. Fiore, He should be held responsible and Ms. Palmer recommended a \$500 fine be issued to Mr. Fiore.

Mr. Reichart asked to be shown where the work was being done. Ms. Palmer pointed out the location on a map.

Tom Collier representing Rick Fiore stated that he feels Ms. Palmer's description of the history of this project was fair and accurate. He understands the concerns from Mr. Burns. Mr. Fiore recently found someone who he can afford to pay to finish the work. Mr. Fiore believed he had valid permits. He did not mean any disrespect. He did not mean to ignore the Cease and Desist Order. So far, the work was completed in the upland area of Wetlands. Mr. Reichart asked if the Town would like Mr. Fiore to pave the area pointed out to him – yes was the response. Ms. Lindberg asked Mr. Collier if he has his letter from Jason Vincent. Mr. Collier said, no he did not have access to the letter since he separated from his old company.

There was a consensus among IWWC to extend the permit and a \$500 fine issued for ignoring the Cease and Desist Order. Mr. Fiore was in agreement.

A motion was made by Ms. Morrison and seconded by Mr. Salerno to renew IW permit number #01-22 effective and retroactive to November 7, 2006. The motion was unanimously approved.

A motion was made by Ms. Morrison, and seconded by Ms. Lindberg to issue a \$500 fine for violations of Cease and Desist Order #12-008 with the fine to be paid within 14 days. The motion was unanimously approved.

Adjournment:

A motion was made by Ms. Morrison, and seconded by Mr. Salerno to adjourn. The motion was unanimously approved. Vice Chair Reichart adjourned the meeting at 6:42 p.m.



Nick Salerno, Secretary