

COPY RECEIVED  
DATE 11/31/11  
TIME 11:40 p.m.  
TOWN CLERK'S OFFICE

MINUTES – REGULAR MEETING  
SEYMOUR INLAND WETLANDS COMMISSION  
MONDAY, JANUARY 24, 2011  
NORMA DRUMMER ROOM, SEYMOUR TOWN HALL

Members in Attendance: Steve Plotkin, John Conroy, Elise Wood, Bill Banks

Also Present: Peter Jezierny, Inland Wetlands Enforcement  
Officer, Atty. Fred Stanek

Chm. Plotkin called the meeting to order at 7:30 p.m.

O&G Closure Plan, North Main Street

Chm. Plotkin stated that the annual report from O&G was submitted.

Broad Street Park

Mr. Conroy stated that a group is trying to revitalize the Park for Town use and have a walkway along the river. They may have to remove some trees. He stated that they will submit a plan and the trees will be marked by the town tree warden. The item was tabled.

Cease and Desist Order, Seymour SWPCA.

Chm. Plotkin stated that the hearing is being held pursuant to Section 9.0, 9.1, 9.2, 9.3 and 9.4 of the regulations. This will provide an opportunity for them to be heard to show cause why the cease and desist order dated 11/29/10 should not remain in effect. This is continued from the December 6, 2010 meeting when the Commission and Atty. Kulas agreed to the continuance.

Mr. Jezierny stated that in early November, 2010 he received telephone calls from neighbors in the Emma Street area that they heard chainsaws. He investigated and did not find anyone doing any work but did find tree cutting machinery at the corner of Lorraine and Emma. Mr. Jezierny stated that he noted that one of the machines was doing work in another area along the stream on Bungay Road and was there at the convenience of the WPCA to do maintenance work on the sewer line. He told the individual doing the work that a permit was needed from this Commission. He sent a certified letter to the Seymour WPCA dated 11/18/10 along with an application and a copy of the enforcement page with the violations listed (Exhibit A attached).

Mr. Jezierny stated that approximately one week later he was notified that a person with a chainsaw was cutting down timber in that area. He questioned the person and learned that he was an employee of Jim Weed Landscaping. He informed him that he needed a permit to do this work. The employee left the area. He spoke with Atty. Stanek and send another certified letter to the WPCA dated 11/29/2010 issuing the

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cease and desist order (Exhibit B attached). Mr. Jezierny stated that he has not heard anything back from the WPCA and no application has been filed. Mr. Plotkin asked if the regulated activities fall under the Seymour Inland Wetlands regulations and Connecticut State Statutes and Mr. Jezierny stated that they do.

Mr. Conroy stated that this problem has been going on for several years and needs to be stopped.

Chm. Plotkin asked if there was anyone present on behalf of the SWPCA and there was no one present.

Atty. Stanek stated that the action that the Commission should take under 9.2 of the regulations is whether the cease and desist order should remain in effect; should be revised or withdrawn.

MOTION: B. Banks/E. Wood, the existing cease and desist order should remain in effect.  
Motion Carried 4-0.

Mr. Banks asked why no other cease and desist orders have been issued to them and Chm. Plotkin stated that they are not doing any other work at this time. Mr. Conroy stated that the Commission will have to wait until spring to see what was done in that area. He also stated that if they start doing any work then fines should be levied. Mr. Banks asked who would enforce the fines. Atty. Stanek stated that the Commission would levy the finds and then instruct him to take legal action. Atty. Stankey stated that it is necessary to inform the SWPC by certified mail within ten days that the motion was made to uphold the cease and desist order. Mr. Jezierny stated that he will send the necessary letter by certified mail.

#### Broad Street Park

Al Yagovane was present and stated that Keith Mitchell, the tree warden, is looking at the trees along the top edge that need to be removed. They will also be cleaning up the brush. Mr. Banks asked if they will be doing anything on River Street and Mr. Yagovane stated that there is a stonewall that is in disrepair that they would like to do something with; but do not plan to do anything else in that area.

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MINUTES

MOTION: J. Conroy/E. Wood to accept the minutes of the 11/22/10 meeting  
Motion Carried 4-0.

MOTION: B.Banks/J. Conroy to accept the minutes of the 12/06/10 hearing.  
Motion Carried 4-0.

Mr. Banks asked about an update on the Chatfield School project and Mr. Jezierny stated that the project is proceeding.

Mr. Conroy asked about the Williams Lane subdivision and stated that the applicant is looking to P&Z to have his bond reduced. Mr. Conroy stated that he felt that a lot of work has not been done and there are issues with the driveways and flows. Mr. Jezierny stated that there are problems with the catchbasins and they have been made aware of the problems.

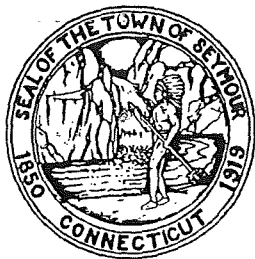
MOTION: B. Banks/E. Wood to adjourn the meeting.  
Motion Carried: 4-0.

The meeting was adjourned at 8:00 p.m.

Respectfully submitted:

Maryanne DeTullio, Rec. Secretary

Exhibit A



## Town Of Seymour

Town Hall: 1 First Street • Seymour, Connecticut 06483  
Telephone: 203-881-5008

### INLAND WETLANDS COMMISSION

November 18, 2010

Seymour Water Pollution Control Authority  
723 Derby Ave.  
Seymour, CT 06483

Dear Sirs:

This office was informed of tree cutting activities on land between Emma Street and Lorraine Avenue. Investigation has found that the trees were removed along a sanitary sewer right-of-way. At one point the sewer line crosses a brook that runs parallel to Emma Street. Trees were cut close to the brook. This activity requires a permit be issued by the Inland Wetland Commission. No application has been made for a permit and none issued so far.

Town agencies are not exempt from the requirement to obtain a permit from Inland Wetlands to carry out a Regulated Activity within a wetland. Tree cutting (removal of material) is a Regulated Activity. Enclosed please find a permit application. Conducting further Regulated Activities within a Wetland or along a watercourse will result in enforcement action by the Agent.

If you have any questions please feel free to contact me at 203-463-3026 or 203-751-2505.

Sincerely yours,

Peter Jezierny  
Wetlands Enforcement Officer  
Cc: Attorney Fred Stanek, Land Use Counsel  
Mr. Paul Roy, First Selectman  
Mr. Steve Plotkin, Chairman Inland Wetlands Commission

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <input checked="" type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee	
1. Article Addressed to: SEYMOUR WATER POLLUTION CONTROL AUTHORITY 723 DERBY AVE SEYMOUR, CT 06483		B. Received by (Printed Name) C. Date of Delivery Jonathan Marrero	
2. Article Number (Transfer from service label)		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
PS Form 3811, February 2004		Domestic Return Receipt	
102595-02-M-1540		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		7007 0710 0002 8541 3917	

U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only, No Insurance Coverage Provided)	
For delivery information visit our website at <a href="http://www.usps.com">www.usps.com</a>	
OFFICIAL USE	
Postage \$	
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees \$	
Sent To SEYMOUR WATER POLLUTION CONTROL AUTHORITY Street, Apt. No., or PO Box No. 723 DERBY AVE City, State, ZIP+4 SEYMOUR, CT 06483	
PS Form 3800, August 2006 See Reverse for Instructions	

SEYMOUR INLAND WETLANDS COMMISSION

A.        APPLICATION permit for:

- 1) Approval for wetland/watercourse delineation and/or road layout.
- 2) Approval of site plan.
- 3) Activity in, impact to/disturbance of wetland, watercourse and/or setback area.

B.        NOTIFICATION to Planning & Zoning, Building, and/or Health Department that no Inland Wetlands permit it is required. Approval by IW Enforcement Officer.

*Please print clearly or type*

1) Applicants Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

2) Property Owner (if different from applicant): \_\_\_\_\_ Phone: \_\_\_\_\_

(If not owner, attach a letter of consent)

Address: \_\_\_\_\_ Zip: \_\_\_\_\_

3) Location of site: \_\_\_\_\_ Map: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_  
Subdivision Name: \_\_\_\_\_

4) Total size and dimension of site: \_\_\_\_\_

5) Proposed use/activity/alteration: \_\_\_\_\_

6) Total acreage/dimensions of wetlands/watercourse on site: \_\_\_\_\_

7) Wetlands Impacted (s/t): \_\_\_\_\_ Upland Review Area Impacted (s/t): \_\_\_\_\_

8) Amount of material to be Removed: \_\_\_\_\_ Deposited: \_\_\_\_\_

9) Date of SIGNED map (latest revision date only): \_\_\_\_\_

10) Attach names & addresses of adjoining property owners, letters of consent, if obtained, and a copy of necessary easements.

Number of attachments: \_\_\_\_\_

II) Estimated time until completion: \_\_\_\_\_ Cost: \$ \_\_\_\_\_ Name of Liability Insurance: \_\_\_\_\_

Please read: A fee must be paid at the time of submission. Application Fee: Checks payable to the Seymour Inland Wetlands Commission. Some applications may require an additional State Fee due at time of submission. State Fee: Checks payable to the Town of Seymour.

The undersigned: 1) Understands that submission is complete only when all required fee, necessary information, supporting documents, maps, etc. has been submitted. 2) Warrants that all information submitted herein, including all material and supporting documents are true and correct to the best of my knowledge. 3) Grants permission for the Inland Wetlands Agency to conduct site inspections and investigate all information provided for this application.

Signature of Applicant / Agent: \_\_\_\_\_ Date: \_\_\_\_\_

THIS SECTION TO BE COMPLETED BY AGENCY

Date application received / accepted: \_\_\_\_\_ Fees received: \_\_\_\_\_ Receipt #: \_\_\_\_\_

Other material received:

Disposition and date:

Date of Final Approved Map: \_\_\_\_\_ Expiration date of Permit: \_\_\_\_\_

Last Revised: 1/19/05



## Town of Seymour INLAND WETLAND ENFORCEMENT

### VIOLATIONS :

- A. Failure to install and maintain silt control measures – silt fence, hay bales, riprap, plantings, etc.
- B. Filling in regulated area – wetland swamp / stream
- C. Clearing brush – cutting trees adjacent to or upslope from wetlands or watercourses
- D. Diverting, damming or otherwise changing the course of a watercourse
- E. Discarding or allowing litter and debris to enter wetland or conservation area
- F. Discharge of silt, colloidal material, chemicals, polluted materials, and other materials into a wetland or stream
- G. Changing actual locations of buildings (and/or driveways, utilities, slopes) from location on approved application
- H. Failure to maintain sediment control measures after construction is completed
- I. Failure to install conservation wetland boundary markers
- J. Relocation, removal or destruction of boundary markers
- K. Planting non-native or invasive plants in wetlands or conservation area

### FINE STRUCTURE

- 1. Minor infractions : \$ 50.00
- 2. Repeat infractions : \$150.00
- 3. Cease and desist on building permit plus per day fine,  
remedial costs for clean-up and cost of repairs of damage to wetlands \$150.00 per day
- 4. Per day charge for major infractions which cause public and  
environmental safety and/or irreversible damage \$1,000.00 per day

**BONDING :** To be determined by Town Attorney and Town Engineer on a site by site basis

I have read and understand the above enforcement rules: \_\_\_\_\_  
Applicant



## Town Of Seymour

Town Hall: 1 First Street • Seymour, Connecticut 06483  
Telephone: 203-881-5008

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### INLAND WETLANDS COMMISSION

EXHIBIT B

November 29, 2010

Seymour Water Pollution Control Authority  
723 Derby Ave.  
Seymour, CT 06483

Dear Sirs:

At 10:34 AM today, I witnessed tree cutting taking place on the corner of Lorraine Avenue and Gloria Avenue. The WPCA has previously been informed by this office that such tree cutting requires a permit from the Inland Wetlands Commission. An application for a permit was sent to you on November 18, 2010. To date no such application has been received by this office.

You are therefore ordered to CEASE AND DESIST from ANY FURTHER ACTIVITY IN THIS AREA.

A Hearing will be held on Monday December 6, 2010 in the Norma Drummer Room in Town Hall at 7:30 PM. The purpose of this meeting will be to allow you to show cause why this order should not remain in effect.

Sincerely yours,

Peter Jezierny, Wetlands Enforcement Officer

Cc: Attorney Fred Stanek, Land Use Counsel  
Mr. Paul Roy, First Selectman  
Mr. Steve Plotkin, Chairman Inland Wetlands Commission  
Mr. Robert Looker, Town Planner



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1. Article Addressed to:

Seymour Water Pollution  
Control Authority  
723 Derby Avenue  
Seymour, CT 06483

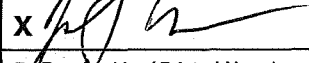
2. Article Number

(Transfer from service label)

7007 0710 0001 7548 4317

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X 

- ☐ Agent  
☐ Addressee

B. Received by (Printed Name)

Jonathan Marro

C. Date of Delivery

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If YES, enter delivery address below: ☐ No

3. Service Type

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☐ Registered ☒ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

- ☐ Yes