



March 6, 20232

Notice of Non-Compliance

Inland Wetlands & Watercourses Regulations
Inland Wetland Permit #09-06

To: Raymond Lenart & Angela Del Grosso
577 Vauxhall Street Extension
Waterford, CT 06385

Re: Notice of Non-Compliance, 577 Vauxhall Street Extension
Unauthorized Activity Within Inland Wetlands & Watercourses

Mr. Lenart:

This letter is a notification that you have conducted activity within inland wetland and watercourse areas in violation of Waterford Conservation Commission permit #09-06 and Section 6 of the Waterford Inland Wetlands & Watercourses Regulations.

On March 3, 2023 this office observed that modifications have been made to wetlands bordering Lake Brandegee on the east side of your property at 577 Vauxhall Street Extension. It appears that vegetation has been removed and materials placed on the wetland, including wetland area in ownership of the City of New London, in excess of that authorized by inland wetland permit #09-06 issued for this property.

A review of Town inland wetland files indicates that no permits have been issued for the extent of activity conducted. On April 16, 2009, the Waterford Conservation Commission issued inland wetland permit #09-06 to Daniel Del Grosso for construction of a residence and on-site septic system at this property. A 6 ft. wide pathway was authorized to cross the wetlands for access to the water's edge. Conditions of that permit included establishment of a 25 ft. width non-encroachment boundary upslope of the wetland. Further clearing, grading, filling or vegetation removal within the non-encroachment area required review and approval by the Conservation Commission.

By this letter, you are requested to:

1. Please contact the Waterford Planning & Development office within 10 days of your receipt of this notice to schedule an inspection date to discuss the activity conducted, and any required restoration measures to remove unauthorized fill material and restore the affected wetland.
2. Within 45 days of receipt of this notice, submit a restoration plan to the Waterford Conservation Commission which addresses removal of fill materials from the wetland and restoration of the wetland vegetation. The restoration plan should include a detailed methodology for how you propose to remove the materials, any equipment proposed, and any plantings to reestablish the affected wetland and shoreline. The restoration plan will be reviewed by the Waterford Conservation Commission for approval or modification.

Notice of Non-Compliance
577 Vauxhall Street Extension
03/06/2023

This notice is issued in accordance with Section 14 of the Town of Waterford Inland Wetlands and Watercourses Regulations. Failure to comply with the terms of this letter may result in further enforcement action by the Waterford Conservation Commission, including but not limited to the issuance of a cease and desist order or referral to Town counsel for legal action.

Your cooperation in resolving this matter is appreciated. Questions should be directed to Maureen FitzGerald, Environmental Planner, 860 444-5813 or by email to mfitzgerald@waterfordct.org.

Respectfully,



Maureen FitzGerald
Environmental Planner
Town of Waterford, CT

Certified Mail: #9171 9690 0935 0184 4159 56

attachments: Photograph of shoreline area taken 3/3/2023
Permit #09-06 with site plan

cc: Waterford Conservation Commission
Joseph Lanzafame, Director of Public Utilities, City of New London, CT





**WATERFORD CONSERVATION COMMISSION
PERMIT #09-06: 573A Vauxhall St. Extension,
Waterford, Connecticut**

The Conservation Commission hereby authorizes the applicant to conduct regulated activities in designated areas that fall under the jurisdiction of the Inland Wetlands and Watercourses Act, as amended, Section 22a-36 to 22a-45, inclusive, of the Connecticut General Statutes.

This permit is a grant of approval from the Waterford Conservation Commission to conduct the following regulated activities:

1. Excavation, fill and grading for construction of a residential structure and on-site septic system up-gradient of inland wetlands and Lake Brandegee within the Upland Review Area.
2. Clearing of above-ground vegetation in a 6 ft. wide pathway across 25 ft. of wetlands to create a pedestrian access to the water's edge. [@ 150 square ft. of wetland disturbance].

These regulated activities are associated with the proposed residential development of a 0.28 acre parcel located at 573A Vauxhall Street Extension, Waterford, Connecticut. The proposed activity is shown on site plans entitled; "Sewage Disposal System Design Plan Proposed Single-Family Residence, prepared for Dan DelGrosso for Property Located At Assessors Map 10, Lot 573A, 573A Vauxhall Street Extension, Town of Waterford, New London County, Connecticut" prepared by SITE & STRUCTURES. LLC, dated April 2005, revised through 02/09/09.

The Conservation Commission has reviewed the application materials and site plan and attaches the following conditions to minimize impacts associated with the proposed regulated activities and further protect the inland wetlands and watercourses on this site:

SPECIAL CONDITIONS:

1. A 25 ft. wide wetland non-encroachment area shall be designated up-gradient of the wetland perimeter and identified on the final site plans. The purpose of the non-encroachment area is to maintain vegetative cover and soil stabilization up-gradient of the wetland and to prevent sedimentation and hydrologic impacts to the receiving wetlands and waterbody from adjacent residential development and land use.
2. The wetland non-encroachment boundary shall be located in the field by a licensed surveyor and permanently marked with boulders, a stone wall, plantings or other type of approved permanent structure to clearly identify the boundary of the non-encroachment area.

3. Placement of boulders or plantings along the non-encroachment line shall be coordinated with the Commission's agent to provide permanent demarcation of this limit.
4. Removal of debris and rusted metal automobile parts from the property, including the wetland and non-encroachment area shall be conducted during the initial site clearing and grading activities. Prior to removal, the permittee shall contact the Commission's agent and schedule a site coordination meeting to address the extent of this clean-up activity. The materials shall be removed from the wetland area without destruction of vegetation or soil disturbance. Machinery is not authorized to operate within the wetland or non-encroachment area.
5. The pedestrian access path across the wetland to the edge of Lake Brandegee shall be a maximum of 6 ft. wide. The location of the pedestrian access to the lakeshore shall be identified in the field prior to initiation of vegetation cutting, shall avoid woody vegetation and minimize disturbance to the wetlands. The permittee shall contact the Commission's agent prior to conducting any cutting, clearing or removal of vegetation or material from the wetland non-encroachment area or the wetland area.
6. The surface of the pedestrian access path shall be protected from soil erosion by placement of flat stones within the designated pathway extending from the non-encroachment boundary to the edge of Lake Brandegee.
7. Removal of invasive vines and shrubs within the wetland non-encroachment area is authorized upon condition that the activity is coordinated with the Commission's agent. Cutting and removal shall be conducted during the initial site clearing and grading activity. Species and individual plants proposed to be cut and removed by the permittee shall be approved by the Commission's agent prior to initiating any vegetation disturbance within the non-encroachment area.
8. Further clearing, vegetation management or invasive species control measures within the designated wetland buffer or wetland area itself are not authorized at this time. This additional activity requires review and approval by the Conservation Commission as a regulated activity. Protection and enhancement of the native wetland vegetation along the Lake Brandegee shoreline shall be the primary goal and objective for any vegetation management plan proposed for this resource area.
9. No activity, including but not limited to clearing, grading, filling or removal of vegetation shall be conducted within the designated wetland non-encroachment area without specific authorization from the Waterford Conservation Commission.
10. The approved limits of clearing and disturbance shall be marked by a licensed land surveyor and approved by the Commission's agent prior to the start of site construction. Field markings must be adequate to serve throughout the duration of the site construction activity.
11. The final site plan for residential development on this parcel shall include temporary run-off control measures for the driveway and house construction to control run-off and sediment control measures at the approved limits of clearing and grading to control impacts to receiving wetlands and waterbodies.

12. The final site plan shall limit proposed clearing and grading activities to the subject property boundaries. Construction, clearing and grading activity is not herein authorized on the adjacent properties without written consent or proof of easement rights from the abutting property owners.
13. Footing drain and roof drain outlets shall discharge to the ground surface in rain gardens or energy dissipators to reduce the potential soil erosion from the construction site into the wetlands.

STANDARD CONDITIONS:

14. The Conservation Commission's agent shall be notified at least 48 hours prior to commencement of any regulated activity.
15. Final stabilization of disturbed soil areas shall be stabilized with the application of loam, seed, required plantings and appropriate erosion control measures.
16. At all times during site work and until soil areas are stabilized, the applicant shall install and maintain erosion and sediment control measures such as fabric filter fence, staked hay bales or other measures deemed necessary by the Commission's agent to prevent erosion and sedimentation impacts to wetlands and watercourses.
17. Erosion control and soil stabilization measures shall comply with the approved plans and the guidelines as established in the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control, CTDEP Bulletin 34.
18. Upon direction of the Commission's agent, erosion and sediment control measures shall be removed by the applicant following stabilization of the site.

All work and all regulated activities conducted pursuant to this authorization shall be consistent with the terms and conditions of this permit. Any structures, excavation, fill, obstructions, encroachments or regulated activities not specifically identified and authorized herein shall constitute a violation of this permit and may result in permit modification, suspension or revocation.

In the event that any additional wetland or watercourse regulated activities are required as a result of other agency permitting to support the proposed facility, the Waterford Conservation Commission reserves the right to reconsider development of this site and may require design modifications to minimize the impact to regulated resources.

In evaluating this application, the Commission has relied on information provided by the applicant. If such information subsequently proves to be false, incomplete and/or inaccurate, this permit shall be modified, suspended or revoked.

This permit shall be valid for a period of 2 years. If the regulated activity is not completed within this time frame, the permit may be held to be invalid by the Conservation Commission and the

applicant may be required to petition the Commission for an extension or re-issuance of the permit. The Commission may require the applicant to furnish additional information at that time.

The Conservation Commission renders this Summary Ruling in accordance with the Waterford Inland Wetlands and Watercourses Regulations based on the following considerations:

- A. The proposed construction does not involve direct impacts to wetlands or watercourses. A wetland non-encroachment area is identified adjacent to the wetland boundary to protect the adjacent wetlands and watercourses from soil and slope erosion, minimizing potential indirect wetland impacts from the proposed development. The proposed 6 ft. wide pedestrian footpath access to the Lake Brandegee shoreline will be constructed to avoid woody vegetation and minimize soil disturbance in the wetland.
- B. The proposed septic system is located a minimum distance of 100 feet from the open water of Lake Brandegee.
- C. Short-term impacts from the proposed development will be controlled by installation and maintenance of specified erosion and sediment controls and construction run-off controls.
- D. Strict adherence to the terms and conditions imposed with this permit will protect the quality of wetlands and surface waters on this property.

This permit will be strictly enforced. If the Conservation Commission finds that the applicant has not complied with the permit conditions or has exceeded the scope of this permit as set forth herein, or, if the intended use of the general site is not as represented by the application or the plan of record, the Commission may suspend or revoke this permit, direct the Environmental Officer to issue a cease and desist order, require the applicant to modify, extend or revise the site work, or require the applicant to restore the area to its original condition.

Dated at Waterford, Connecticut this 16th day of April, 2009.

By:


Chairman, Gary Johnson

(IN FEET)
1 inch = 20 feet

