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September 21, 2023

VIA E-MAIL

Weston Conservation Commission
c/o Its Chair, Sarah Schlechter
56 Norfield Road
Weston, CT 06883

RE: Opposition of Application of Amanda Babb to Conduct a Regulated Activity (the "Application")

Dear Members of the Conservation Commission:

My law firm represents Lucas Bickford and Lauren Dilello with respect to this matter. They own the property abutting Ms. Babb's property. We are writing to express our strong opposition to the Application.

At the outset, the Application is deficient in that:

- 1) She did not include a site plan showing existing and proposed feature of the site, as required by the Commission's Application Submittal Requirements.
- 2) She has not included a site improvement plan with delineated wetlands locations and distance from the proposed activity to the wetlands and/or watercourses, as required by the Commission's Application Submittal Requirements.
- 3) She has failed to identify the location of the wetlands and watercourses as required by Section 7.3(d) of the Regulations.
- 4) She has failed to identify alternatives that would cause less or no environmental impact to wetlands or watercourses. It is obvious that one alternative is that she should not build a fence in wetlands.
- 5) She has failed to address any remedial activity to cure her violation of the Regulations by performing a Regulated Activity without a permit. These remedial activities should include removal of the fence and the planting of appropriate vegetation in the area that she illegally cleared.

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In terms of the substance of the Application, it seeks to legalize, after the fact, an unpermitted regulated activity that Ms. Babb conducted. It is undisputed based on her own environmental consultant's report that **she caused direct impacts to wetlands**. Ms. Babb admits that 25-30 feet of the fence cross through wetlands, including four concrete footings. Danzer Report at p. 2 of 3. The concrete footings "are located within the wetland area." Danzer Report at p. 3 of 3.

In addition, Danzer fails to disclose that Ms. Babb removed a significant amount of vegetation in the area and not just in the area of that she erected the fence. Ms. Babb cleared a large swath of vegetation in wetlands and around wetlands to allow herself physical access to the area in which she built the fence. Ms. Babb has failed to address this unpermitted activity has in any way in the Application. Ms. Babb must address it.

It is axiomatic that both the erection of the fence and the significant clearing of vegetation constitute regulated activities under the Inland Wetlands and Watercourses Regulations for the Town of Weston (the "Regulations"). The Regulations define "Regulated activity" as follows:

"Regulated activity" means any operation within, or use of, a wetland or watercourse involving removal or deposition of material or any obstruction, construction, alteration or pollution of such wetlands or watercourses, but shall not include the specified activities in Section 4 of these regulations. Furthermore, any clearing, grubbing, filling, grading, paving, excavating, constructing, depositing or removing of material and discharging of storm water on the land within 100 feet (measured horizontally from the boundary) of any wetland or watercourse and any other activity located within such Upland Review Area or in any other non-wetland or non-watercourse area that is likely to impact or affect wetlands or watercourses is a regulated activity.

Without question, Ms. Babb's activities constitute a Regulated Activity, and she was required to first obtain a permit to conduct them under Section 6.1 of the Regulations.

Moreover, Ms. Babb's activities constitute a "significant activity" under the Regulations because she caused direct impacts to wetlands by filling them with concrete to locate the four fence posts and run the fence across the wetlands. Because the Application seeks to legalize, after the fact, an unpermitted "significant activity," Ms. Babb is also required to comply with Section 7.4 of the Regulations by providing the Commission with additional information, including detailed site plans, engineering reports, and soil mapping. She has failed to provide any of these materials.

Given the numerous deficiencies in the Application, we request that the Commission deny the Application without prejudice and direct Ms. Babb to file a complete Application. If

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she fails to do that timely, we urge the Commission to start enforcement proceedings against her to fine her and force her to comply with the Regulations.

Very truly yours,



Philip C. Pires

cc: Members of the Weston Conservation Commission