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TOWN OF SALISBURY  
CONNECTICUT

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1  
2 August 29, 2024

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4  
5 Richard & Madlyn Primoff  
6 105 Interlaken Road  
7 Lakeville, CT 06039

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9 Re: Consent Order for Phragmites Removal and Shoreline Restoration at 105 Interlaken Road

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12 Whereas, the Salisbury Inland Wetlands & Watercourses Commission (“Commission” or  
13 “Agency”) has jurisdiction over regulated activities affecting wetlands and watercourses in the  
14 Town of Salisbury;

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16 Whereas, “regulated activity” means any operation within or use of a wetland or watercourse  
17 involving removal or deposition of material, or any obstruction, construction, alteration or  
18 pollution, of such wetlands or watercourses, and any earth moving, clearing, filling, grading,  
19 paving, excavating, construction, depositing or discharging of storm water on land or clear  
20 cutting of trees within 75 feet of wetlands and watercourses, but shall not include the specified  
21 activities in Section 4 (22a-40 of the Connecticut General Statutes) of these regulations. The  
22 location of any active portion of any subsurface waste disposal system within 150 feet of the  
23 mean waterline of any watercourse or 75 feet of all wetlands measured horizontally from the  
24 boundary of any wetland or watercourse is deemed a regulated activity;

25  
26 Whereas, on August 1, 2024 a Cease and Correct Order was issued on behalf of the Agency for  
27 an operation within a wetland or watercourse involving alteration and the removal of material  
28 and clearing within 75 feet of wetlands and watercourses conducted at 105 Interlaken Road  
29 without the benefit of a permit. Specifically, vegetation removal along the southern shoreline of  
30 Lakeville Lake;

31 Whereas, on August 12, 2024 the landscaping contractor Blake Morrison on behalf of property  
32 owners Richard & Madlyn Primoff, met in the Land Use Office with the Commission’s agent to  
33 discuss the extent of activities and disclose that he would not be available to attend the Show  
34 Cause Hearing on the August 12, 2024 Commission agenda;

35 Whereas, at the August 12, 2024 meeting with the Agent, Mr. Morrison proposed a remedy  
36 including but not limited to a restoration plantings and invasive plant management plan targeting  
37 phragmites;

38 Whereas, at the August 12, 2024 meeting of the Commission, the Commission’s Agent presented  
39 the Cease and Correct Order and proposed remedy as discussed with Mr. Morrison;  
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41 Whereas, the Commission upheld the original Cease and Correct Order but was amenable to a  
42 Consent Order including restoration plantings and invasive plant management plan as a remedy  
43 to the violation;  
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45 Whereas, Mr. Morrison has agreed to immediately cease all regulated activities at the site and  
46 wishing to take actions that protect wetlands and watercourses, and which are acceptable to the  
47 Commission, as expeditiously as possible, proposes this Consent Order to be issued by the  
48 Commission and accepted by Mr. Morrison on behalf of the orderees Mr. and Mrs. Primoff;  
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50 The Salisbury Inland Wetlands & Watercourses Commission hereby issues this Consent Order:  
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- 52 1. The Primoffs have retained Mr. Morrison of the Lignin Group LLC (contractor) a  
53 construction company affiliated with MKM Landscape Architecture and shall continue to  
54 retain him, or another similarly qualified professional, until the terms of this Consent  
55 Order have been completed. Mr. and Mrs. Primoff shall notify the Commission in writing  
56 of any change in professional, who shall be authorized to carry out the remedy herein.  
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- 58 2. No later than October 15, 2024, Mr. and Mrs. Primoff agree to install the restoration  
59 buffer plantings as shown on Planting Plan prepared by MKM Landscape Architecture  
60 for the Primoff Residence dated 8-13-2024, revised 8-29-2024 to include a “no mow  
61 zone” (mow 1-2 times annually).  
62
- 63 3. Mr. and Mrs. Primoff agree to a three-year maintenance plan whereby phragmites is  
64 managed through hand pulling/cutting and any failed plantings are replaced ensuring the  
65 successful restoration of the vegetative buffer.  
66
- 67 4. The Orderee or their designee agree to seven total inspections:  
68 a. one to confirm the satisfaction of the condition in paragraph 2.  
69 b. two annual inspections during the course of the three-year maintenance period the  
70 first occurring June 15-30 and the second between August 15-30.  
71

72 **The inspections shall be conducted with by the Land Use Office? Northwest Conservation**  
73 **District? Fee?** In conjunction with the contractor.  
74

- 75 5. This Consent Order resolves the matter between the Commission, Mr. Morrison and Mr.  
76 and Mrs. Primoff as of the date this Order is issued.  
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- 78 6. Notice required under this Consent Order shall be made to the Commission by notifying  
79 the Inland Wetlands Agent by electronic mail.  
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- 81 7. This Consent Order is final, non-appealable and immediately enforceable for the terms  
82 contained therein.  
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84 8. Upon the issuance of this Consent Order Mr. and Mrs. Primoff or their contractor are  
85 authorized to commence the regulated activities required for the restoration buffer  
86 plantings  
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92 Salisbury Inland Wetlands & Watercourses Commission Date

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98 Blake Morrison Date

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104 Richard and/or Madlyn Primoff Date

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