Brooklyn Land Use Department

69 South Main Street
Brooklyn CT 06234
(860) 779-3411 x 31

Inland Wetlands ✓ Zoning Enforcement_____ Blight Enforcement_____

SITE INSPECTION NUMBER 1 2 3 4 5

117 Tatnic Rd. — Address

1/5/2021 — Date

I inspected and took photos. There are hay bales stored under a tarp near the stream.

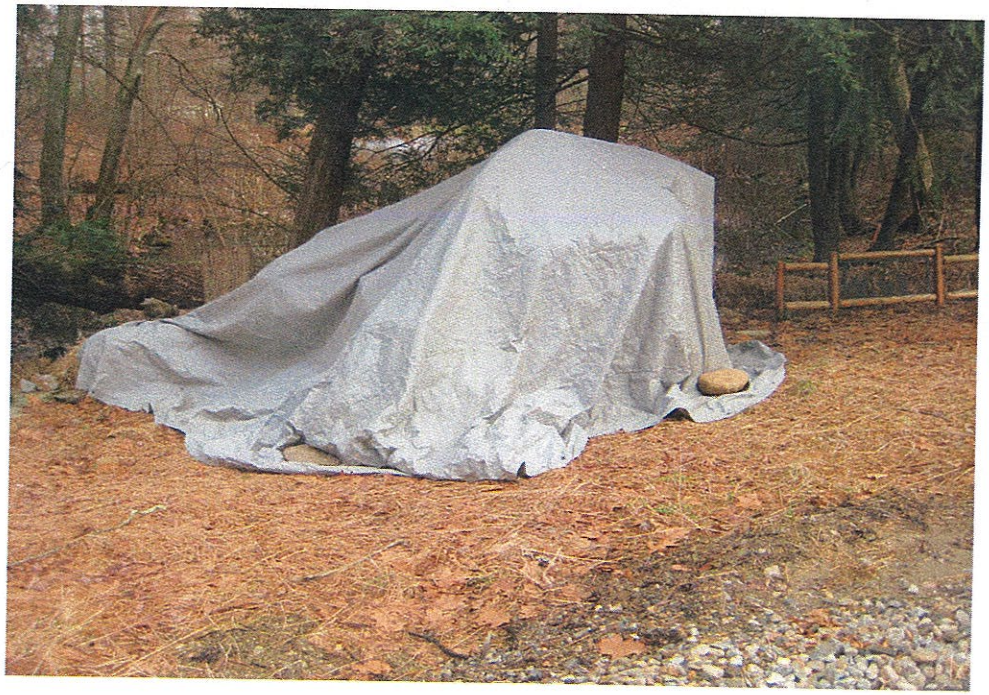
There is no water in the stream today.

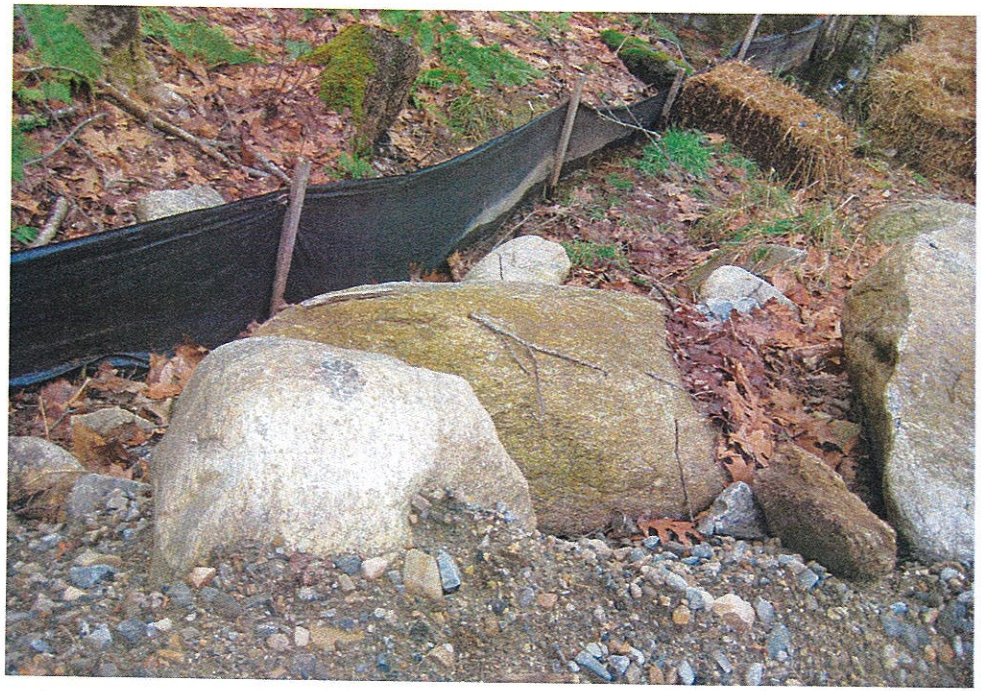
The stone berm has not been constructed.

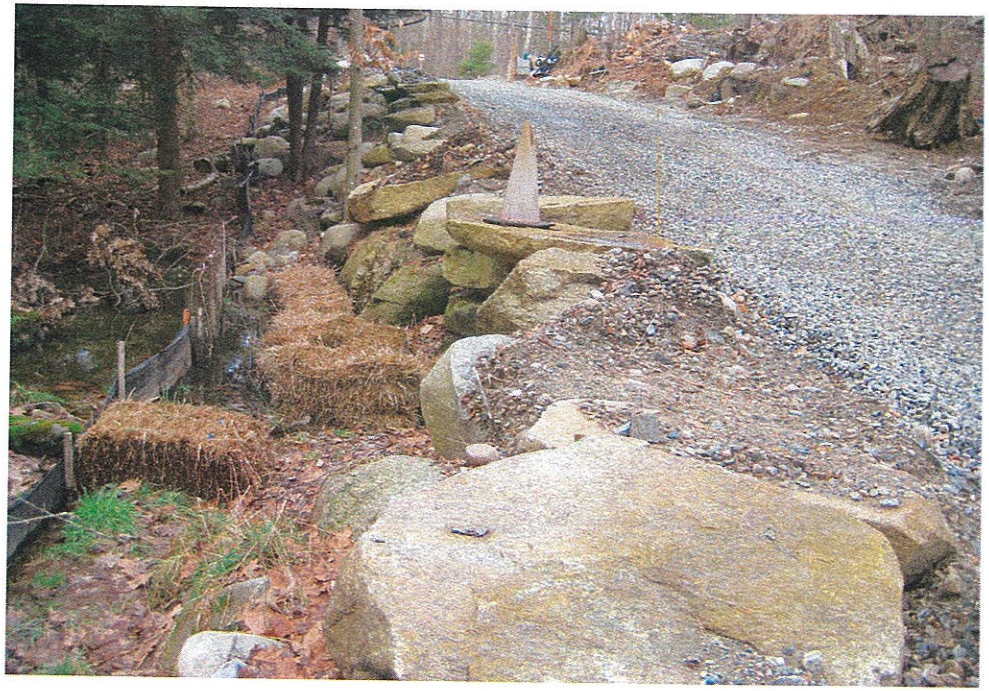
Terry has continued to pile boulders on both sides of the driveway. This wasn't shown on the approved plan.

Commission Representative M Washburn

Owner or Authorized Signature _____







Brooklyn Inland Wetlands
Commission
P.O. Box 356
Brooklyn, Connecticut 06234

**NOTICE OF VIOLATION AND
CEASE AND DESIST ORDER**

Terence Veazie
117 Tatnic Road
Brooklyn, CT 06234

November 30, 2020

Re: Violation of Inland Wetlands Permit for 117 Tatnic Road

Mr. Veazie:

You are hereby required to immediately CEASE AND DESIST from all site work in the Upland Review Area and in the wetlands at your property 117 Tatnic Road (Assessors Map 16/ Lot 84), except for installing sediment and erosion controls (see below) .

On 11/26/2020, the abutter downstream of your property emailed me the attached message and photographs. Sediment has clearly moved from your property into the abutter's pond downstream.

On 11/30, I received the email and called you to request that you meet me for an inspection at 11:00 am. When I arrived at the property, the driveway was completely blocked by a backhoe and a "No Trespassing" sign was posted on the gate. Refer to the attached inspection report and photographs.

Refer to the attached plan titled "Revised Wetland crossing Forson Subdivision Prepared for Terrance M. Veazie Tatnic Road Brooklyn, Connecticut" for details of the approved erosion/sediment controls.

The failure to install/maintain erosion and sediment controls as shown on the approved plan is in violation of your IWWC permit, #21107A, issued on 1/8/2008, extended by the Commission on 1/10/2012, extended by the Commission to January, 2022, and transferred

from George R. Forson and Joanne K. Forson to Terrance M. Veazie and Lisa D. Veazie on 11/21/2017.

Refer to the attached copy of the CT Wetlands Statutes, Section 22a – 44(b) which enables municipalities to assess civil penalties for violations.

Refer to the attached copy of Section 6 of the Town of Brooklyn IWWC Regulations, which states that any person violating provisions of these regulations shall be subject to enforcement proceedings and penalties.

Refer to the attached Section 20-2 of the Brooklyn Town Ordinance regarding citation procedures and fines for wetlands violations.

You are hereby required to:

Immediately CEASE AND DESIST from all site work in the Upland Review Area and in the wetlands at your property at 117 Tatnic Road.

Immediately install sediment controls as shown on the attached plan titled "Revised Wetland Crossing Forson Subdivision Prepared for Terrance M. Veazie Tatnic Road Brooklyn, Connecticut".

Call me at the phone number shown below as soon as the silt fence reinforced with hay bales and the 55-foot stone check dam have been installed for a re-inspection.

Attend the Webex IWWC meeting at 6:00 p.m. on Tuesday, December 1, 2020, by using your phone or your computer. Instructions for attending the Webex meeting are on the draft meeting agenda, attached. At that meeting, a hearing will take place to provide you the opportunity to be heard and show cause why the Cease and Desist Order should not remain in effect.

Issued by:

Margaret Washburn

Margaret Washburn
Brooklyn Zoning/Wetlands/ Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 Ext. 31
m.washburn@brooklynct.org

CC: First Selectman, Rick Ives, Joseph Szarkowicz.

RECEIVED
NOV 30 2020
Received 11/30/2020
Re: 117 Tatnic Road
sent 11/26/2020

Hello Margaret,

It has been close to a year since we have talked and up until now a quiet one, unfortunately that has ended.
In the past week there has been considerable activity at the Veazie property in what looks like an attempt to trench for his electrical conduit. I have attached pictures of what that work combined with this morning's rain have resulted in, taken at 12:00 noon today.

I know when we last spoke we had discussed the fact he still had to trench through the wetlands crossing at some point for his conduit and you had assured me that the sedimentation controls would be maintained and in place prior to this work, you can see in the pictures and from what is out there, that they appear to have been untouched (down/missing) for a VERY long time - some I would venture to say since they where installed three years ago.

Also, the trenching, if you call it that, has been performed in such a haphazard way that there are spoils material strewn everywhere about driveway and sides of it through the wetlands crossing and upgradient of it - this is the material that is ending up in my pond. There is a silt plum that covers approximately 1/4 of the pond on the shallow end that is thankfully being held back somewhat by the cattails growing there - but the last time I checked cattails are not a sediment control device.

It seems that every time there is earthwork performed on that property I end up paying the price for for the shortcomings of the so called contractor (and there have been many over the last 3 years). The Town goes out and makes him perform some work to make the site marginally acceptable and then we wait until the next time it happens - and it always seem to. The fact he is a homeowner self performing his own work does not alleviate him from the requirements the Town would hold any legitimate contractor to and that is all I have asked for all along. At the last Wetlands meeting I attended (Dec. 2019) it was referenced that this was a feud going on between myself and Mr. Veazie - I did take great offense to this and would point out that everything I have ever brought up has been clearly denoted on the approved plans for this site or as the result of a clear violation of regulation/siltation incident. When I read the Wetlands Meeting Minutes I see where the Town is not shy to issue Cease and Desist orders in some cases, yet with the number of incidents that have happened here you will not ?

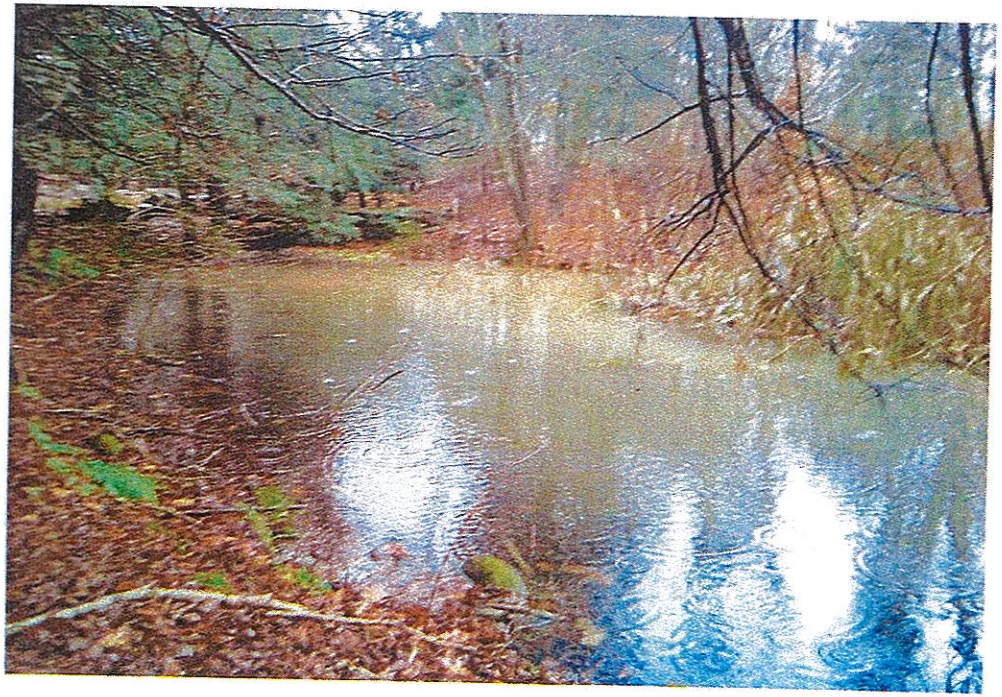
With more heavy rain predicted on Monday I am hoping you might get this before then and take some sort of action but am am not holding out

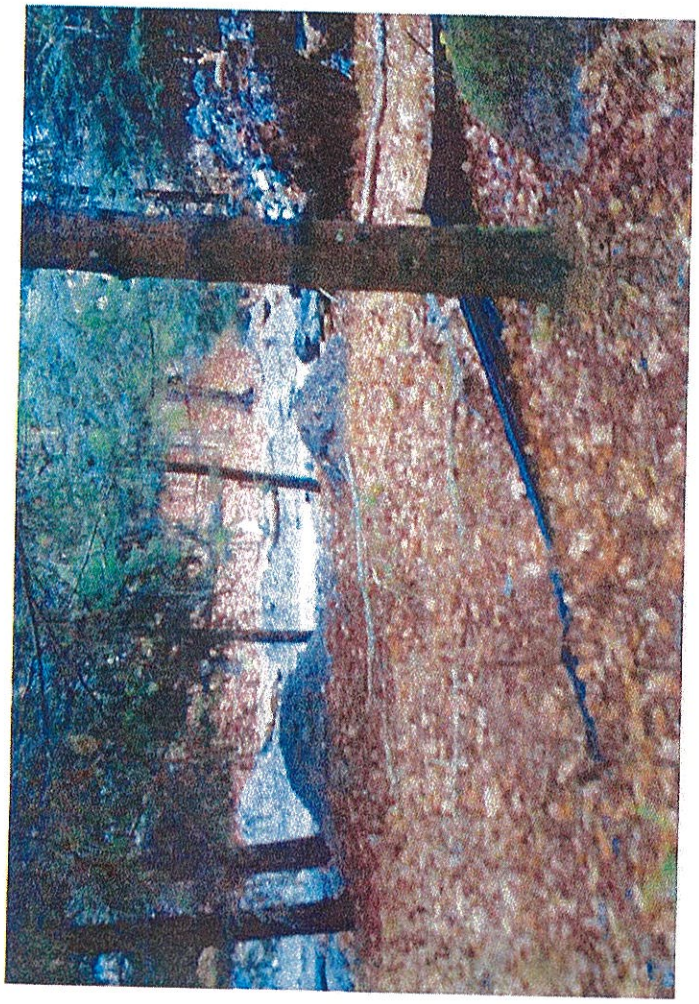
much hope, I'm sure I will be sending you a new round of photos on Monday.. I would appreciate as soon as you get this that you would reach out to me and explain what the Town will do (again) to correct/mitigate this issue. It seems that this type of work is always planned around a Holiday/long weekends where there is little chance of the Town witnessing first hand or potentially shutting down his work.

. I hope that your Thanksgiving was more enjoyable than mine.

Regards,

Joseph Szarkowicz
103 Tatnic Road
Brooklyn, CT 06234
(860) 774-4246 - Home
(203) 278-7729 - Cell
jszark@sbcglobal.net





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Inland Wetlands ✓ Zoning Enforcement_____ Blight Enforcement_____

SITE INSPECTION NUMBER 1 2 3 4 5

117 Tatnic Rd
Address

11-30-2020
Date

I inspected from the road. A backhoe is completely blocking the driveway, with a No Trespassing sign on the gate. Photos were taken. I called the Vice Chairman. I had left a message for Mr. Veazie asking him to meet me.
☐ Issue Cease + Desist order based on neighbor's complaint.

Commission Representative M. Washburn

Owner or Authorized Signature _____

CASE

POSTED
PRIVATE PROPERTY
HUNTING, FISHING, TRAPPING OR
TRESPASSING FOR ANY PURPOSE
IS STRICTLY FORBIDDEN
VIOLATORS WILL BE PROSECUTED

117 TATNIC RD
VEAZIE
FORSON

LEGEND

- IRON PIN FOUND
- UTILITY POLE
- STONEWALL
- 330 EXISTING CONTOUR
- 330 PROPOSED CONTOUR
- 330.7 PROP. SPOT ELEVATION
- SILT FENCE

STONE LINED TRENCH AT EDGE OF DRIVEWAY

ELIMINATE THIS DRIVEWAY AND CROSS CULVERT

PROPOSED DRIVEWAY CULVERT 1
34 L.F. 15" CPP @ S = 1.0%
FES FL IN = 306.0
FES FL OUT = 305.6

INSTALL STONE CHECK DAM

SILTFENCE REINFORCED WITH STAKED HAYBALES

ALTERNATIVE LOCATION OF PROPOSED DRIVEWAY

PROPOSED DRIVEWAY CULVERT 1
34 L.F. 15" CPP @ S = 1.0%
FES FL IN = 305.25
FES FL OUT = 304.90

PROPOSED DRIVEWAY CULVERT 2
24 L.F. 15" CPP @ S = 1.0%
FES FL IN = 314.50
FES FL OUT = 314.25

PROPOSED FOUNDATION DRAIN

PROPOSED TRAPROCK SURFACE DRIVEWAY

POND

n/f
Joseph Szarkowicz, Jr.
&
Cheryl Szarkowicz

TATNIC ROAD

SIDE YARD SETBACK

APPROXIMATE LOCATION OF SEPTIC AREA

EXISTING 1 STORY HOUSE

WOOD PORCH

BARN

DRIVE

FRONT YARD SETBACK

GRAVEL

N 77°07'50" W

N 13°54'47" E

14.85'

46.05'

97.67'

63.57'

252.66'

327.64'

75.88'

50.00'

56.75'

290.29'

Revised Wetland Crossing
FORSON SUBDIVISION
Prepared For
TERRANCE M. VEAZIE
TATNIC ROAD
BROOKLYN, CONNECTICUT

SCALE: 1" = 40'

DATE: NOVEMBER 17, 2017

KWP associates
SURVEYING ~ ENGINEERING ~ SITE PLANNING

K W P associates
P.O. BOX 195, POMFRET CENTER, CT. 06259

11/17/2017
DAVID A. SMITH, P.E. #14173 DATE

NOT VALID UNLESS SEAL IS AFFIXED HERETO

its inland wetlands regulations, or (2) for which an approval is required under sections 22a-36 to 22a-45, inclusive, and for which such approval has not been obtained.

(b) Any person who commits, takes part in, or assists in any violation of any provision of sections 22a-36 to 22a-45, inclusive, including regulations adopted by the commissioner and ordinances and regulations promulgated by municipalities or districts pursuant to the grant of authority herein contained, shall be assessed a civil penalty of not more than one thousand dollars for each offense. Each violation of said sections shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Superior Court, in an action brought by the commissioner, municipality, district or any person, shall have jurisdiction to restrain a continuing violation of said sections, to issue orders directing that the violation be corrected or removed and to assess civil penalties pursuant to this section. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the commissioner, municipality, district or person which brought such action. All penalties collected pursuant to this section shall be used solely by the Commissioner of Energy and Environmental Protection (1) to restore the affected wetlands or watercourses to their condition prior to the violation, wherever possible, (2) to restore other degraded wetlands or watercourses, (3) to inventory or index wetlands and watercourses of the state, or (4) to implement a comprehensive training program for inland wetlands agency members.

(c) Any person who wilfully or knowingly violates any provision of sections 22a-36 to 22a-45, inclusive, shall be fined not more than one thousand dollars for each day during which such violation continues or be imprisoned not more than six months or both. For a subsequent violation, such person shall be fined not more than two thousand dollars for each day during which such violation continues or be imprisoned not more than one year or both. For the purposes of this subsection, "person" shall be construed to include any responsible corporate officer.

(1972, P.A. 155, S. 9; P.A. 75-387, S. 2; P.A. 76-330; P.A. 77-599, S. 4, 7; P.A. 81-125, S. 1; P.A. 87-338, S. 9, 11; P.A. 95-151, S. 2; 95-218, S. 13, 24; P.A. 96-269, S. 2; P.A. 11-80, S. 1.)

History: P.A. 75-387 made previous provisions Subsec. (b) and inserted new Subsec. (a) re orders issued upon discovery of violation of Secs. 22a-36 to 22a-45 or regulations of inland wetlands agency; P.A. 76-330 allowed assessment of attorneys fees against violator and required that all costs, etc. be awarded to the initiator of the action; P.A. 77-599 amended Subsec. (a) to allow issuance of orders to cease an activity as well as orders to correct facilities or conditions; P.A. 81-125 amended Subsec. (a) to authorize

Section 6

Regulated Activities to be Licensed

6.1 No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Brooklyn Inland Wetlands and Watercourses Commission of the Town of Brooklyn.

6.2 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Commission, 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.

ZONING PERMITS	
New Residential Dwelling	$200.00
Residential Accessory Uses/Additions	$50.00
Addition/Modification of a Nonresidential Building	$75.00
New Commercial Building	$250.00
Change of Use in Existing Commercial Building	$75.00
Sign Permit	$20.00
SUBDIVISION APPROVAL	
Basic Application	$250.00
Subdivision Plan Review	$250.00 per lot
Engineering Review for New Road(s) and Drainage	*
Inspection and Supervision of Road Construction and Utilities	*
Text Amendment to Subdivision Regulations	$250.00
ZONING BOARD OF APPEALS	
All Applications	$250.00
INLAND WETLANDS APPLICATION FEES	
Residential (Single Lot)	$150.00
Subdivision Application	$150.00 plus $150.00 per lot in the regulated area
Commercial/Industrial	$200.00
Additional fee based on total impervious surface included in commercial/industrial application	
< 20,000 sq. ft.	$400.00
20,001–50,000 sq. ft.	$800.00
> 50,000 sq. ft.	$1,200.00
Additional Fee for Significant Activity Requiring Public Hearing	$250.00

*Included in Plan Review Fee but may be subject to the payment of additional fees as set forth in this chapter.

All fees payable pursuant to this chapter are nonrefundable.

In addition to any other remedies permitted by law, any land use application submitted after work has started on a project shall be subject to a surcharge of $500.00.

In addition to the fees set forth above payable to the Town of Brooklyn, each application is subject to an additional charge payable to the State of Connecticut, which, as of the effective date of this chapter is $60.00. (Ord. 5/3/10; Ord. 11/2/11)

20-2 CITATION PROCEDURES AND FINES FOR ZONING AND WETLANDS VIOLATIONS.

20-2.1 Issuance of Citations; Schedule of Fines.

The Brooklyn Land Use Officer is authorized to issue citations for violations of the Zoning Regulations and the Wetlands Regulations of the Town of Brooklyn to the extent and manner provided by this section and the Connecticut General Statutes 7-152c. Any such citation may be served either by hand or by certified mail, return receipt requested, to the person named in such citation. If the person(s) named in the citation sent by

certified mail refuses to accept such mail, the citation may be sent by regular United States mail. The Land Use Officer shall file and retain an original or certified copy of the citation, as served.

a. Citations may be issued for those types of zoning and wetlands violations specified in paragraph b. below.

b. The fine for each citation shall be in accordance with this schedule:

ZONING REGULATIONS

Nature of Violation	Amount of Fine
Construction of any building without Zoning approval	$150.00
Alteration of any building without Zoning approval	$100.00
Conducting an unauthorized use	$150.00
Illegal Sign	$100.00
Building beyond foundation without prior Foundation as-built or erosion control approval	$150.00
Failure to comply with an approved Site Plan, Special Permit, Subdivision or Re-subdivision including any conditions of approval	$150.00
Any other violation of the Zoning Regulations	$100.00
INLAND WETLAND REGULATIONS	
For each violation	$1,000.00

*In the case of a continuing violation, each day's continuation of the violation shall be deemed a separate and distinct violation.
(Ord. 8/1/13)

20-2.2 Citation Hearing Officers.

The Chief Executive Officer shall appoint one or more Citation Hearing Officers, other than Police Officers or employees or persons who issue citations, to conduct the hearings authorized by this section. (Ord. No. 06-3 § 3)

20-2.3 Notice.

At any time within twelve (12) months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to section 7-148 or section 22a-226d, for an alleged violation thereof, shall send notice to the person cited:

a. Of the allegations against him and the amount of the fines, penalties, costs or fees due;

b. That he may contest his liability before a Citation Hearing Officer by delivering in person or by mail written notice within ten (10) days of the date thereof;

c. That if he does not demand such hearing, an assessment and judgment shall be entered against him; and

d. That such judgment may issue without further notice.
(Ord. No. 06-3 § 4)

20-2.4 Liability; Payment of Fines; Costs.

If the person who is sent notice pursuant to subsection 20-2.3 wishes to admit liability for any alleged

admitted to in person or by mail to the Land Use Officer. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within ten (10) days of the date of the first notice provided for in subsection 20-2.3 shall be deemed to have admitted liability, and the Land Use Officer shall certify such person's failure to respond to the Hearing Officer. The Hearing Officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in subsection 20-2.5. (Ord. No. 06-3 § 5)

20-2.5 Hearing.

Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than fifteen (15) days not more than thirty (30) days from the date of the mailing of the notice, provided the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original certified copy of the initial notice of violation issued by the Land Use Officer or Police Officer shall be filed and retained by the Town of Brooklyn, and shall be deemed to be a business record within the scope of CGS 52-180 and evidence of the facts contained therein. The presence of the Land Use Officer or Police Officer shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. The Land Use Officer may present evidence on behalf of the Town of Brooklyn. If such person fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The Hearing Officer may accept from such person copies of Police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof, as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the Town of Brooklyn. (Ord. No. 06-3 § 6)

20-2.6 Notice of Assessment Which is Unpaid.

If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of assessment to the person found liable and shall file, not less than thirty (30) days nor more than twelve (12) months after such mailing, a certified copy of the notice of assessment with the Clerk of a Superior Court facility designated by the Chief Court Administrator together with an entry fee of eight ($8.00) dollars. The certified copy of notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The Clerk shall enter judgment, in the amount of such record of assessment and court costs of eight ($8.00) dollars, against such person in favor of the Town of Brooklyn. Notwithstanding any provision of the General Statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on such judgment may issue without further notice to such person. (Ord. No. 06-3 § 7)

20-2.7 Appeal.

A person against whom an assessment has been made pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within thirty (30) days of the mailing of the notice of such assessment by filing a petition to reopen assessment, together with an entry fee in an amount equal to the entry fee for small claims case pursuant to Connecticut General Statutes (Revision of 1958) 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the Judges of the Supreme Court. (Ord. No. 06-3 § 8)

20-3 PUBLIC IMPROVEMENT SPECIFICATIONS.

a. It is hereby found that rapid growth and development within the Town of Brooklyn are placing unprecedented strain upon Town roads and appurtenant drainage systems, culverts, and catch-basins.

b. To alleviate that siltation, and as empowered by Section 7-148 (c) of the General Statutes, the Board of Selectmen are hereby authorized to develop such regulations as they may deem appropriate to carry out the following purposes:

1. To provide the proper alignment, width, and grades and pavements of existing Town roads serving as a right of way to any proposed subdivision, to ensure that such existing Town roads remain safe and continue to conform to the plan of development of the Town;

2. To provide adequate and sufficient storm drainage systems for carrying off increased storm drainage created by any proposed subdivision and associated access road improvements, whether such additional drainage would impact upon existing Town improvements or private lands;

3. To provide that adequate and sufficient culverts, manholes, and catch-basins be installed to carry run-off water from the road surface and to divert road water from the proposed subdivision beneath or around existing roads without causing significant increases in erosion or sedimentation.

c. Compliance with the regulations adopted by the Board of Selectmen shall be a condition precedent to any application for subdivision of property within the Town of Brooklyn. Failure to comply shall be adequate cause for denial of any such application.

If any portion of this section is deemed by a court of competent jurisdiction to be impermissible, its remaining sections shall continue to be valid and enforceable.
(Ord. 6/28/89 § 1)

CHAPTER XX FEES FOR LAND USE APPLICATIONS

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Brooklyn Inland Wetlands Commission
Special Meeting Agenda
Tuesday, December 1, 2020
Clifford B. Green Memorial Center
69 South Main Street
6:00 p.m.

To join this meeting via the web or phone, follow the below instructions:

To join this meeting via the web or phone, follow the below instructions:

Web
www.webex.com
On the top right, click Join
Enter meeting information: 173 346 6744
Enter meeting password: QkNU5T7mwS9
Click join meeting

Phone
Dial 1-408-418-9388
Enter meeting number 173 346 6744
You can bypass attendee number by pressing #

Call to Order:

Roll Call:

Seating of Alternates

Public Commentary:

Additions to Agenda:

Approval of Minutes:

1. Regular Meeting Minutes October 13, 2020.

Public Hearings:

1. 081120A Shane Pollock-Applicant/BLB, LLC-Owner, Louise Berry Drive, Map 19, Lot 19, RA Zone; Construction of 51 Single Family Condominium Units with activity in the upland review area.

2. 090820A Square 1 Building Associates; Tripp Hollow Road, Map 7, Lot 12-1, RA Zone; 4-Lot Subdivision; Residential building construction consisting of houses, driveways, wells, septic systems and associated grading.

Old Business:
1. 081120A Shane Pollock-Applicant/BLB, LLC-Owner, Louise Berry Drive, Map 19, Lot 19, RA Zone; Construction of 51 Single Family Condominium Units with activity in the upland review area.

2. 090820A Square 1 Building Associates; Tripp Hollow Road, Map 7, Lot 12-1, RA Zone; 4-Lot Subdivision; Residential building construction consisting of houses, driveways, wells, septic systems and associated grading.

New Business:
1. Hearing for Edward L. Branciforte: Violation of Inland Wetlands Regulations for 36 Paradise Drive.

2. 120120A Gary McMahon; Woodward Road, Map 10, Lot 25-5 RA Zone; Proposed residential home with driveway, well and septic system.

3. Hearing for Terrance M. Veazie, 117 Tatnic Road Complaint (Permit Transfer 121107A George Forson approved November 21, 2017).

Communications:

1. Wetlands Agent Monthly Report.
2. Budget Update.
3. Meeting Dates 2021.

Public Commentary:

Adjourn:

_____

Jeffrey Arends
Chairman