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

36 Paradise Drive
Address

11/24/2020
Date

I inspected with State Trooper Corradi and took photos. Clearly wetlands filling has continued since the 11/3/2020 revised Notice of Violation and Cease + Desist Order was issued. We knocked on the door. No one answered, although the red Louisville dump truck (CT comm. plate AP 28391) had arrived only moments before we knocked. There is a silver Chevy dump truck with 'asphalt innovations' logo on it CT comm. plate AE 19544. The red dump truck has a trailer with CT plate V90587.

The 11/3/2020 NOV/C+DO required Mr. Branciforte to stop filling wetlands and to install double-staked hay bales at the toe of the fill. He has not complied. He has not complied with the order to submit an application for a permit by 11/23/2020.

Commission Representative M. Washburn

Owner or Authorized Signature _____

Connecticut
V·90587
Trailer

USDOT 3025438

Connecticut
AE 19544
Constitution State

ASPHALT
INNOVATIONS
USDOT 3025428

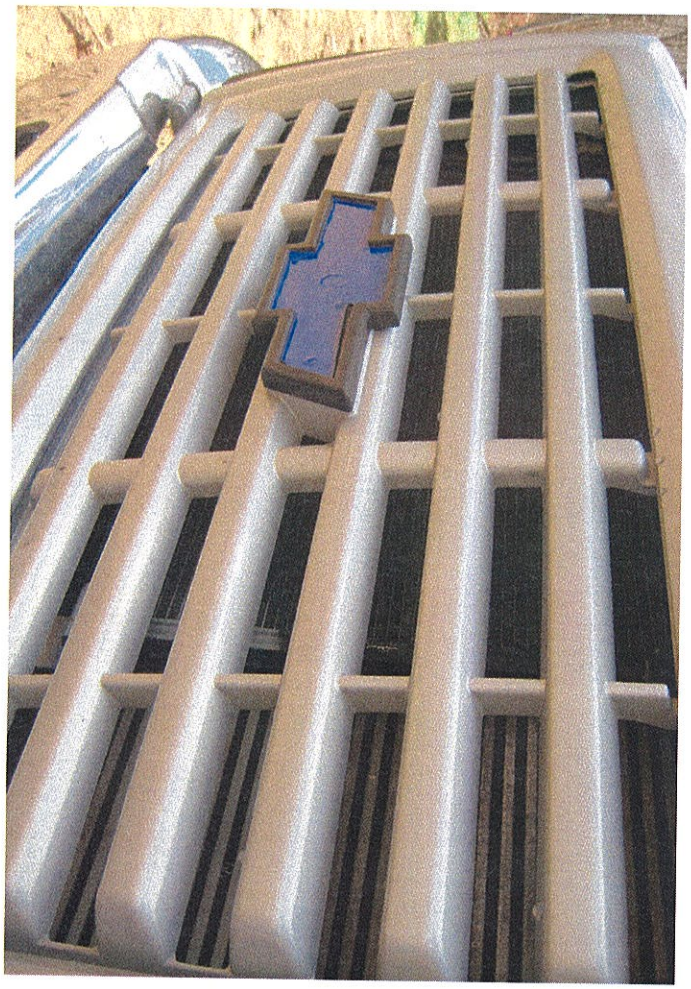
ASPHALT
INNOVATIONS

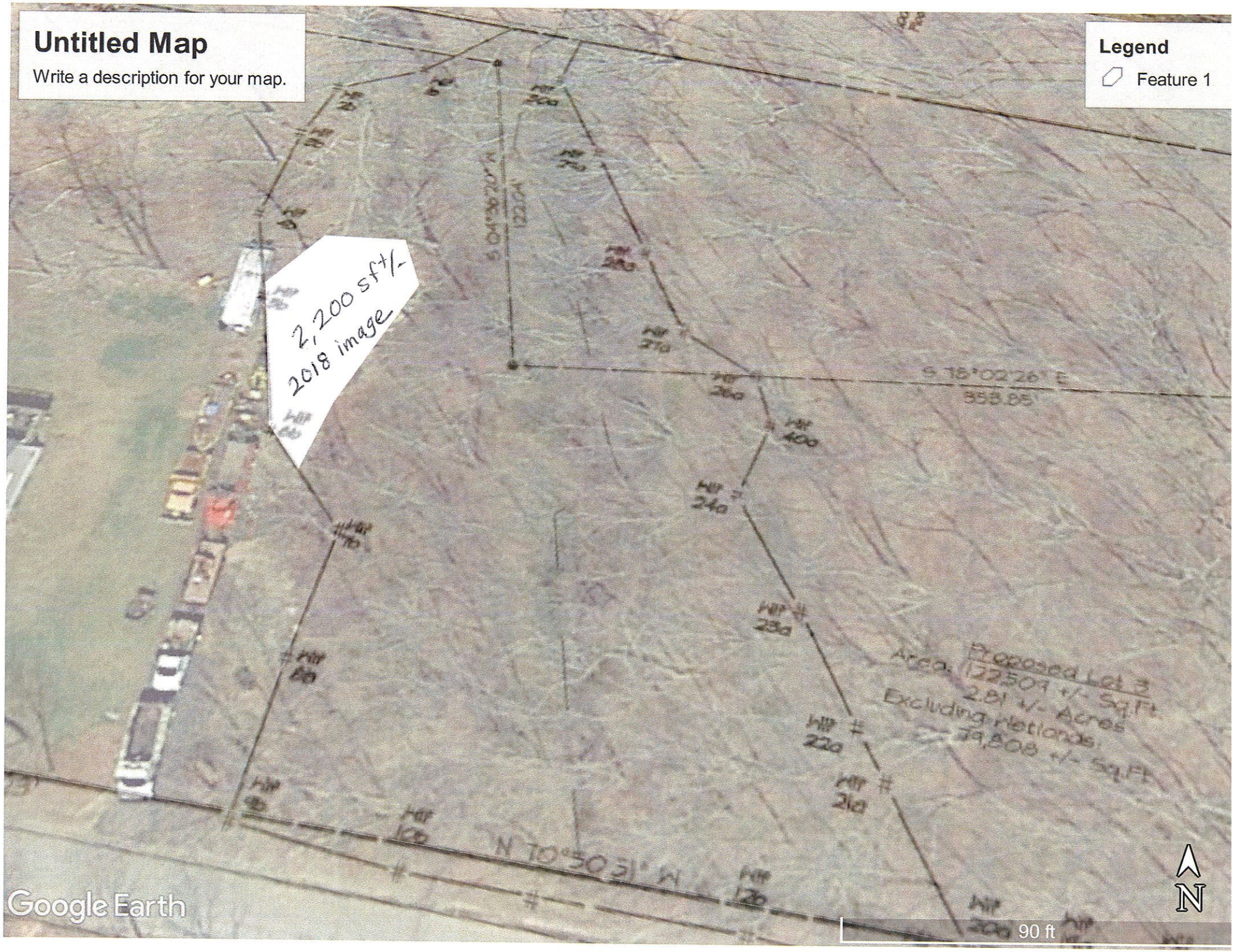
Massachusetts
1BLV5
CAMPER

Kaufman
Hi-Tensile

Connecticut
AP 28391
Constitution State

BLACKTOP #1
FREE ESTIMATES
USDOT 992503




Untitled Map
Write a description for your map.
Legend
Feature 1
2,200 sf+/-
2018 image
S 18°02'26" E
553.85'
Proposed Lot 3
Area: 122,509 +/- Sq.Ft.
2.81 +/- Acres
Excluding Wetlands
39,808 +/- Sq.Ft.
N 70°30'31" W
Google Earth
90 ft
N

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

REVISED
NOTICE OF VIOLATION AND
CEASE AND DESIST ORDER

Edward L. Branciforte
36 Paradise Drive
Brooklyn, CT 06234

November 3, 2020

Re: Violation of Inland Wetlands Permit for 36 Paradise Drive

Mr. Branciforte:

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 36 Paradise Drive (Assessors Map 14/ Lot 3-8).** On 10/22/202, I inspected the subject property safter observing a dump truck near the edge of wetlands and observing what appeared to be recent fill in or on the edge of wetlands. The fill consists of soil, logs and stumps.

Refer to attached photographs and maps showing wetlands on the subject property. There are no sediment controls visible.

Also, refer to the copy of the approved site plan dated 10/24/13, showing wetlands delineated at that time.

This letter serves as a NOTICE OF VIOLATION that you are in violation of the following sections of the Brooklyn Inland Wetlands and Watercourses (IWWC) Regulations:

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.

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

Refer to the following documents issued by Martha Fraenkel, Zoning/Wetlands/Blight Official:
3/8/2018 Warning Notice for Zoning and Wetlands Violations
3/22/18 Warning Notice for Zoning and Wetlands Violations
3/25/2018 Municipal Citation for $300.00
3/26/2018 Notice of Violation
Photographs taken by Martha Fraenkel in 2018 showing asphalt dumped in or near wetlands

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

The IWWC may require that all the fill be removed from the wetlands and may require that the area where fill is removed be stabilized.

You are hereby required to:

1. **Immediately CEASE AND DESIST from all site work in the Upland Review Area (Buffer Zone) and in the wetlands at your property at 36 Paradise Drive.**

2. **Immediately install double-staked hay bales at the toe of the slope of the fill that has been deposited on the east side of your property. Refer to attached map indicating where hay bales are to be installed.**

3. **Call me at the phone number shown below as soon as the hay bales have been installed for a re-inspection.**

4. **Complete and submit the enclosed Wetlands Permit application form by Monday, November 23, 2020. Submit a check for $210.00, which pays for the Town fee of $150.00 and the State fee of $60.00. The application must include a plan showing wetland flags and sediment controls at the limit of work.**

5. **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; Town Planner, Jana Roberson; Town Counsel, Peter Alter.

INLAND WETLANDS & WATERCOURSES COMMISSION
TOWN OF BROOKLYN, CONECTICUT

Date _____ Application # _____

APPLICATION -- INLAND WETLANDS & WATERCOURSES

APPLICANT _____ MAILING ADDRESS _____
APPLICANT'S INTEREST IN PROPERTY _____ PHONE _____ _____ EMAIL _____

PROPERTY OWNER IF DIFFERENT _____ PHONE _____ _____
MAILING ADDRESS _____ EMAIL _____

ENGINEER/SURVEYOR (IF ANY) _____
ATTORNEY (IF ANY) _____

PROPERTY LOCATION/ADDRESS _____
MAP # _____ LOT # _____ ZONE _____ TOTAL ACRES _____ ACRES OF WETLANDS ON PROPERTY _____

PURPOSE AND DESCRIPTION OF THE ACTIVITY _____
_____
_____
_____

WETLANDS EXCAVATION AND FILL:
FILL PROPOSED _____ CUBIC YDS _____ SQ FT _____
EXCAVATION PROPOSED _____ CUBIC YDS _____ SQ FT _____
LOCATION WHERE MATERIAL WILL BE PLACED: ON SITE _____ OFF SITE _____
TOTAL REGULATED AREA ALTERED: SQ FT _____ ACRES _____

EXPLAIN ALTERNATIVES CONSIDERED (REQUIRED): _____
_____
_____

MITIGATION MEASURES (IF REQUIRED): WETLANDS/WATERCOURSES CREATED: CY _____ SQFT _____ ACRES _____

IS PARCEL LOCATED WITHIN 500FT OF AN ADJOINING TOWN? _____ IF YES, WHICH TOWN(S) _____
IS THE ACTIVITY LOCATED WITHIN THE WATERSHED OF A WATER COMPANY AS DEFINED IN CT GENERAL STATUTES 25-32A? _____

THE OWNER AND APPLICANT HEREBY GRANT THE BROOKLYN IWWC, THE BOARD OF SELECTMAN AND THEIR AUTHORIZED AGENTS PERMISSION TO ENTER THE SUBJECT PROPERTY FOR THE PURPOSE OF INSPECTION AND ENFORCEMENT OF THE IWWC REGULATIONS OF THE TOWN OF BROOKLYN. IF THE COMMISSION DETERMINES THAT OUTSIDE REVIEW IS REQUIRED, APPLICANT WILL PAY CONSULTING FEE.

NOTE: DETERMINATION THAT THE INFORMATION PROVIDED IS INACCURATE MAY INVALIDATE THE IWWC DECISION AND RESULT IN ENFORCEMENT ACTION.

APPLICANT: _____ DATE _____

OWNER: _____ DATE _____

REQUIREMENTS

_____ APPLICATION FEE $_____ STATE FEE ($60.00) _____

_____ COMPLETION OF CT DEEP REPORTING FORM

_____ ORIGINAL PLUS COPIES OF ALL MATERIALS REQUIRED - **NUMBER TO BE DETERMINED BY STAFF**

_____ PRE-APPLICATION MEETING WITH THE WETLANDS AGENT IS RECOMMENDED TO EXAMINE THE SCOPE OF THE ACTIVITY

_____ SITE PLAN SHOWING LOCATION OF THE WETLANDS WITH EXISTING AND PROPOSED CONDITIONS. APPLICANT MAY BE REQUIRED TO HAVE A CERTIFIED **SOIL SCIENTIST IDENTIFY THE WETLANDS.**

_____ COMPLIANCE WITH THE CONNECTICUT EROSION & SEDIMENTATION CONTROL MANUAL

_____ IF THE PROPOSED ACTIVITY IS DEEMED TO BE A "SIGNIFICANT IMPACT ACTIVITY" A PUBLIC HEARING IS REQUIRED ALONG WITH THE FOLLOWING INFORMATION:

- NAMES AND ADDRESSES OF ABUTTING PROPERTY OWNERS
- ADDITIONAL INFORMATION AS CONTAINED IN IWWC REGULATIONS ARTICLE 7.6

ADDITIONAL INFORMATION/ACTION NEEDED:

_____

_____

_____

OTHER APPLICATIONS MAY BE REQUIRED. CONTACT THESE AGENCIES FOR FURTHER INFORMATION:

APPLICATION TO STATE OF CONNECTICUT DEEP
INLAND WATER RESOURCES DIVISION
79 ELM ST.
HARTFORD, CT. 06106
1-860-424-3019

DEPARTMENT OF THE ARMY CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MA. 01742
1-860-343-4789

STAFF USE ONLY:

_____ DECLARATORY RULING: AS OF RIGHT & NON-REGULATED USES (SEE IWWC REGULATIONS SECTION 4)

_____ PERMIT REQUIRED:

_____ AUTHORIZED BY STAFF/CHAIR (NO ACTIVITY IN WETLANDS/WATERCOURSE AND MINIMAL IMPACT)

_____ CHAIR, BROOKLYN IWWC _____ WETLANDS OFFICER

_____ AUTHORIZED BY IWWC

_____ SIGNIFICANT ACTIVITY/PUBLIC HEARING

_____ NO PERMIT REQUIRED

_____ OUTSIDE OF UPLAND REVIEW AREA

_____ NO IMPACT

_____ CHAIR, BROOKLYN IWWC _____ WETLANDS OFFICER

_____ TIMBER HARVEST

Connecticut Department of
ENERGY & ENVIRONMENTAL PROTECTION

GIS CODE #: ___ ___ ___ ___ ___ ___ ___ ___ ___
For DEEP Use Only

79 Elm Street • Hartford, CT 06106-5127 www.ct.gov/deep Affirmative Action/Equal Opportunity Employer

Statewide Inland Wetlands & Watercourses Activity Reporting Form

Please complete and mail this form in accordance with the instructions on pages 2 and 3 to:
DEEP Land & Water Resources Division, Inland Wetlands Management Program, 79 Elm Street, 3rd Floor, Hartford, CT 06106
Incomplete or incomprehensible forms will be mailed back to the inland wetlands agency.

PART I: Must Be Completed By The Inland Wetlands Agency

1. DATE ACTION WAS TAKEN: year: _____ month: _____
2. ACTION TAKEN (see instructions, only use one code): _____
3. WAS A PUBLIC HEARING HELD (check one)? yes ☐ no ☐
4. NAME OF AGENCY OFFICIAL VERIFYING AND COMPLETING THIS FORM:
   (print name) _____ (signature) _____

PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant

5. TOWN IN WHICH THE ACTION IS OCCURRING (print name): _____
   does this project cross municipal boundaries (check one)? yes ☐ no ☐
   if yes, list the other town(s) in which the action is occurring (print name(s)): _____, _____
6. LOCATION (see instructions for information): USGS quad name: _____ or number: _____
   subregional drainage basin number: _____
7. NAME OF APPLICANT, VIOLATOR OR PETITIONER (print name): _____
8. NAME & ADDRESS / LOCATION OF PROJECT SITE (print information): _____
   briefly describe the action/project/activity (check and print information): temporary ☐ permanent ☐ description: _____
   _____
9. ACTIVITY *PURPOSE* CODE (see instructions, only use one code): _____
10. ACTIVITY *TYPE* CODE(S) (see instructions for codes): _____, _____, _____, _____
11. WETLAND / WATERCOURSE AREA ALTERED (must provide acres or linear feet):
    wetlands: _____ acres open water body: _____ acres stream: _____ linear feet
12. UPLAND AREA ALTERED (must provide acres): _____ acres
13. AREA OF WETLANDS / WATERCOURSES RESTORED, ENHANCED OR CREATED (must provide acres): _____ acres

DATE RECEIVED:

PART III: To Be Completed By The DEEP

DATE RETURNED TO DEEP:

FORM COMPLETED: YES NO

FORM CORRECTED / COMPLETED: YES NO

Connecticut Department of
ENERGY &
ENVIRONMENTAL
PROTECTION

79 Elm Street • Hartford, CT 06106-5127 www.ct.gov/deep Affirmative Action/Equal Opportunity Employer

STATEWIDE INLAND WETLANDS & WATERCOURSES ACTIVITY REPORTING FORM

Pursuant to section 22a-39(m) of the General Statutes of Connecticut and section 22a-39-14 of the Regulations of Connecticut State Agencies, inland wetlands agencies must complete the Statewide Inland Wetlands & Watercourses Activity Reporting Form for **each** action taken by such agency.

This form may be made part of a municipality's inland wetlands application package. If the municipality chooses to do this, it is recommended that a copy of the Town and Quadrangle Index of Connecticut and a copy of the municipality's subregional drainage basin map be included in the package.

Please remember, the inland wetlands agency is responsible for ensuring that the information provided is **accurate** and that it reflects the **final** action of the agency. Incomplete or incomprehensible forms will be mailed back to the agency. Instructions for completing the form are located on the following pages.

The inland wetlands agency shall mail completed forms for actions taken during a calendar month no later than the 15th day of the following month to the Department of Energy and Environmental Protection (DEEP). Do **not** mail this cover page or the instruction pages. Please mail **only** the **completed** reporting form to:

DEEP Land & Water Resources Division
Inland Wetlands Management Program
79 Elm Street, 3rd Floor
Hartford, CT 06106

Questions may be directed to the DEEP's Inland Wetlands Management Program at (860) 424-3019.

INSTRUCTIONS FOR COMPLETING

THE STATEWIDE INLAND WETLANDS & WATERCOURSES ACTIVITY REPORTING FORM

Use a separate form to report EACH action taken by the Agency. Complete the form as described below. Do NOT submit a reporting form for withdrawn actions.

PART I: Must Be Completed By The Inland Wetlands Agency

1. Choose the year and month the Inland Wetlands Agency took the action being reported. If multiple actions were taken regarding the same project or activity then multiple forms need to be completed.

2. Choose ONE code letter to describe the final action or decision taken by the Inland Wetlands Agency. Do NOT submit a reporting form for withdrawn actions. Do NOT enter multiple code letters (for example: if an enforcement notice was given and subsequent permit issued - two forms for the two separate actions are to be completed).

   A = A Permit Granted by the Inland Wetlands Agency (not including map amendments, see code D below)
   B = Any Permit Denied by the Inland Wetlands Agency
   C = A Permit Renewed or Amended by the Inland Wetlands Agency
   D = A Map Amendment to the Official Town Wetlands Map - or -
   An Approved/Permitted Wetland or Watercourse Boundary Amendment to a Project Site Map
   E = An Enforcement Action: Permit Revocation, Citation, Notice of Violation, Order, Court Injunction, or Court Fines
   F = A Jurisdictional Ruling by the Inland Wetlands Agency (i.e.: activities "permitted as of right" or activities considered non-regulated)
   G = An Agent Approval pursuant to CGS 22a-42a(c)(2)
   H = An Appeal of Agent Approval Pursuant to 22a-42a(c)(2)

3. Check "yes" if a public hearing was held in regards to the action taken; otherwise check "no".

4. Enter the name of the Inland Wetlands Agency official verifying that the information provided on this form is accurate and that it reflects the FINAL action of the agency.

PART II: To Be Completed By The Inland Wetlands Agency Or The Applicant - If Part II is completed by the applicant, the applicant MUST return the form to the Inland Wetlands Agency. The Inland Wetlands Agency MUST ensure that the information provided is accurate and that it reflects the FINAL action of the Agency.

5. Enter the name of the municipality for which the Inland Wetlands Agency has jurisdiction and in which the action/project/activity is occurring.

   Check "yes" if the action/project/activity crosses municipal boundaries and enter the name(s) of the other municipality(ies) where indicated. Check "no" if it does not cross municipal boundaries.

6. Enter the USGS Quad Map name or number (1 through 115) as found on the Connecticut Town and Quadrangle Index Map (the directory to all USGS Quad Maps) that contains the location of the action/project/activity. Click on the following website for USGS Quad Map information: http://ct.gov/deep/lib/deep/gis/resources/Index_NamedQuadTown.pdf

   ALSO enter the four-digit identification number of the corresponding Subregional Drainage Basin in which the action/project/activity is located. If the action/project/activity is located in more than one subregional drainage basin, enter the number of the basin in which the majority of the action/project/activity is located. Town subregional drainage basin maps can be found at UConn CLEAR's website: http://clear.uconn.edu/data/map_set/index.htm (no roads depicted) or at CTECO: http://www.cteco.uconn.edu/map_catalog.asp (depicts roads, choose town and a natural drainage basin map).

7. Enter the name of the individual applying for, petitioning, or receiving the action.

8. Enter the name and address or location of the action/project/activity. Check if the action/project/activity is TEMPORARY or PERMANENT in nature. Also provide a brief DESCRIPTION of the action/project/activity. It is always best to provide as much information as possible (i.e., don't just state "forestry", provide details such as "20 acre forestry harvest, permit required for stream crossing".)

9. Carefully review the list below and enter ONLY ONE code letter which best characterizes the action/project/activity. All state agency projects must code "N".

A = Residential Improvement by Homeowner
B = New Residential Development for Single Family Units
C = New Residential Development for Multi-Family / Condos
D = Commercial / Industrial Uses
E = Municipal Project
F = Utility Company Project
G = Agriculture, Forestry or Conservation
H = Wetland Restoration, Enhancement, Creation
I = Storm Water / Flood Control
J = Erosion / Sedimentation Control
K = Recreation / Boating / Navigation
L = Routine Maintenance
M = Map Amendment
N = State Agency Project
P = Other (this code includes the approval of concept plans with no-on-the-ground work)

10. Enter between one and four code numbers to best characterize the project or activity being reported. Enter "NA" if this form is being completed for the action of map amendment. You MUST provide code 12 if the activity is located in an established upland review area. You MUST provide code 14 if the activity is located beyond the established upland review area or no established upland review area exists.

1 = Filling
2 = Excavation
3 = Land Clearing / Grubbing (no other activity)
4 = Stream Channelization
5 = Stream Stabilization (includes lakeshore stabilization)
6 = Stream Clearance (removal of debris only)
7 = Culverting (not for roadways)
8 = Underground Utilities Only (no other activities)
9 = Roadway / Driveway Construction
10 = Drainage Improvements
11 = Pond, Lake Dredging / Dam Construction
12 = Activity in an Established Upland Review Area
14 = Activity in Upland

Examples: Jurisdictional ruling allowing construction of a parking lot in an upland where the municipality does not have an established upland review area must use code 14, other possible codes are 2 and 10. Permitted construction of a free standing garage (residential improvement by homeowner) partially in an established upland review area with the remainder in the upland must use code 12 and 14, other possible codes are 1 and 2.

11. Leave blank for TEMPORARY alterations but please indicate action/project/activity is temporary under question #8 on the form. For PERMANENT alterations, enter in acres the area of wetland soils or watercourses altered. Include areas that are permanently altered, or are proposed to be, for all agency permits, denials, amendments, renewals, jurisdictional rulings, and enforcement actions. For those activities that involve filling or dredging of lakes, ponds or similar open water bodies enter the acres filled or dredged under "open water body". For those activities that involve directly altering a linear reach of a brook, river, lakeshore or similar linear watercourse, enter the total linear feet altered under "stream". Remember that these figures represent only the acreage altered not the total acreage of wetlands or watercourses on the site. You MUST provide all information in ACRES (or linear feet as indicated) including those areas less than one acre. To convert from square feet to acres, divide square feet by the number 43,560. If this report is being completed for an agency jurisdictional ruling and detailed information is not available, provide an estimate. Enter zero if there is no alteration.

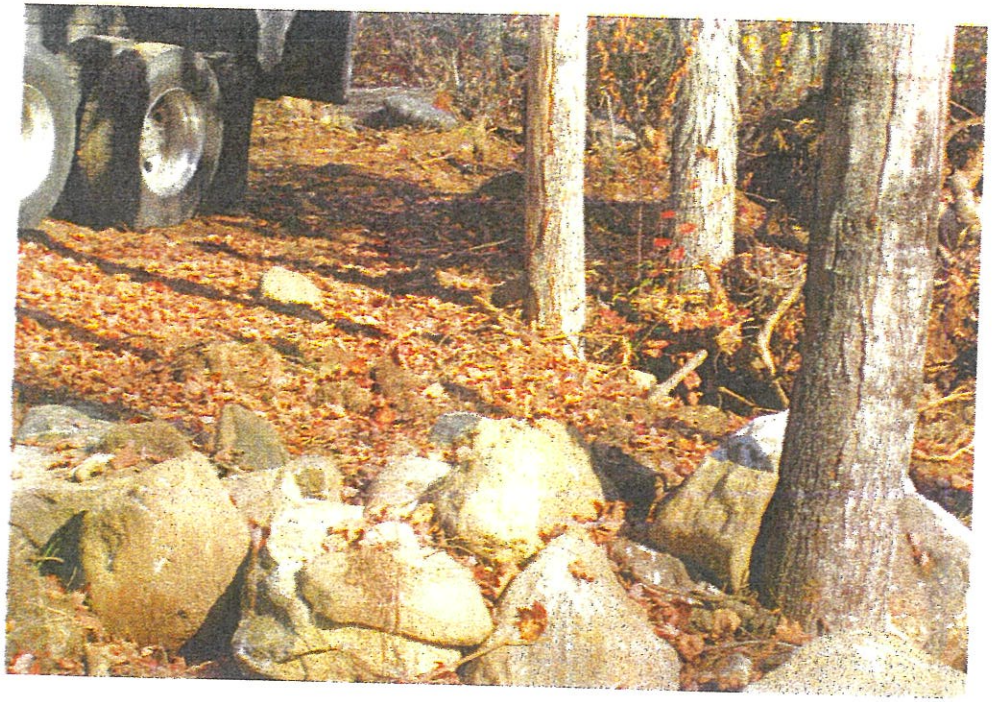
12. Enter in acres the area of upland altered as a result of an ACTIVITY REGULATED BY the inland wetlands agency, or as a result of an AGENT APPROVAL pursuant to CGS section 22a-42a(c)(2). Leave blank for TEMPORARY alterations but please indicate action/project/activity is temporary under question #8 on the form. Include areas that are permanently altered, or proposed to be permanently altered, for all agent approvals, agency permits, denials, amendments, renewals, jurisdictional rulings, and enforcement actions. You MUST provide all information in ACRES including those areas less than one acre. See directions above (#11) for conversion factor. If this report is being completed for an agent approval or an agency jurisdictional ruling and detailed information is not available, provide an estimate. Enter zero if there is no alteration.

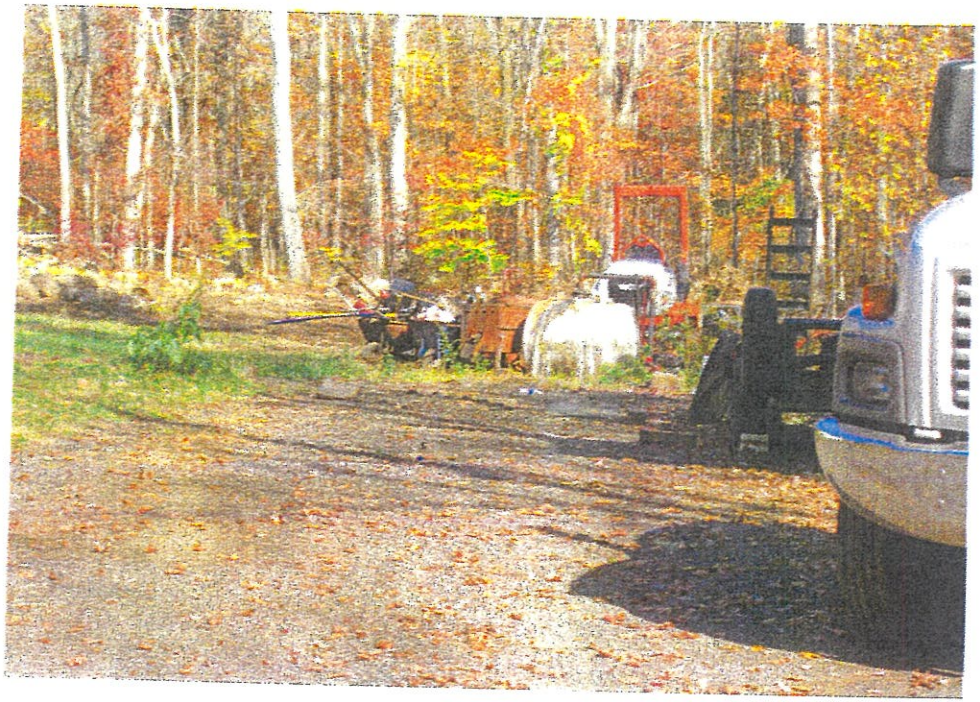
13. Enter the acres that are, or are proposed to be, restored, enhanced or created for all agency permits, denials, amendments, renewals, jurisdictional rulings and enforcement actions. NOTE restored or enhanced applies to previously existing wetlands or watercourses. Created applies to a non-wetland or non-watercourse area which is converted into wetlands or watercourses (question #10 must provide 12 and/or 14 as an answer, and question #12 must also be answered). You MUST provide all information in ACRES including those areas less than one acre. See directions above (#11) for conversion factor. Enter zero if there is no restoration, enhancement or creation.

PART III: To Be Completed By The DEEP - Please leave this area blank. Incomplete or incomprehensible forms will be mailed back to the inland wetlands agency.

36 Paradise Dr

Next door ↓ 10/22/2020 photos





ASPHALT
INNOVATIONS

36 Paradise Dr. wetlands shown on Google Earth Map

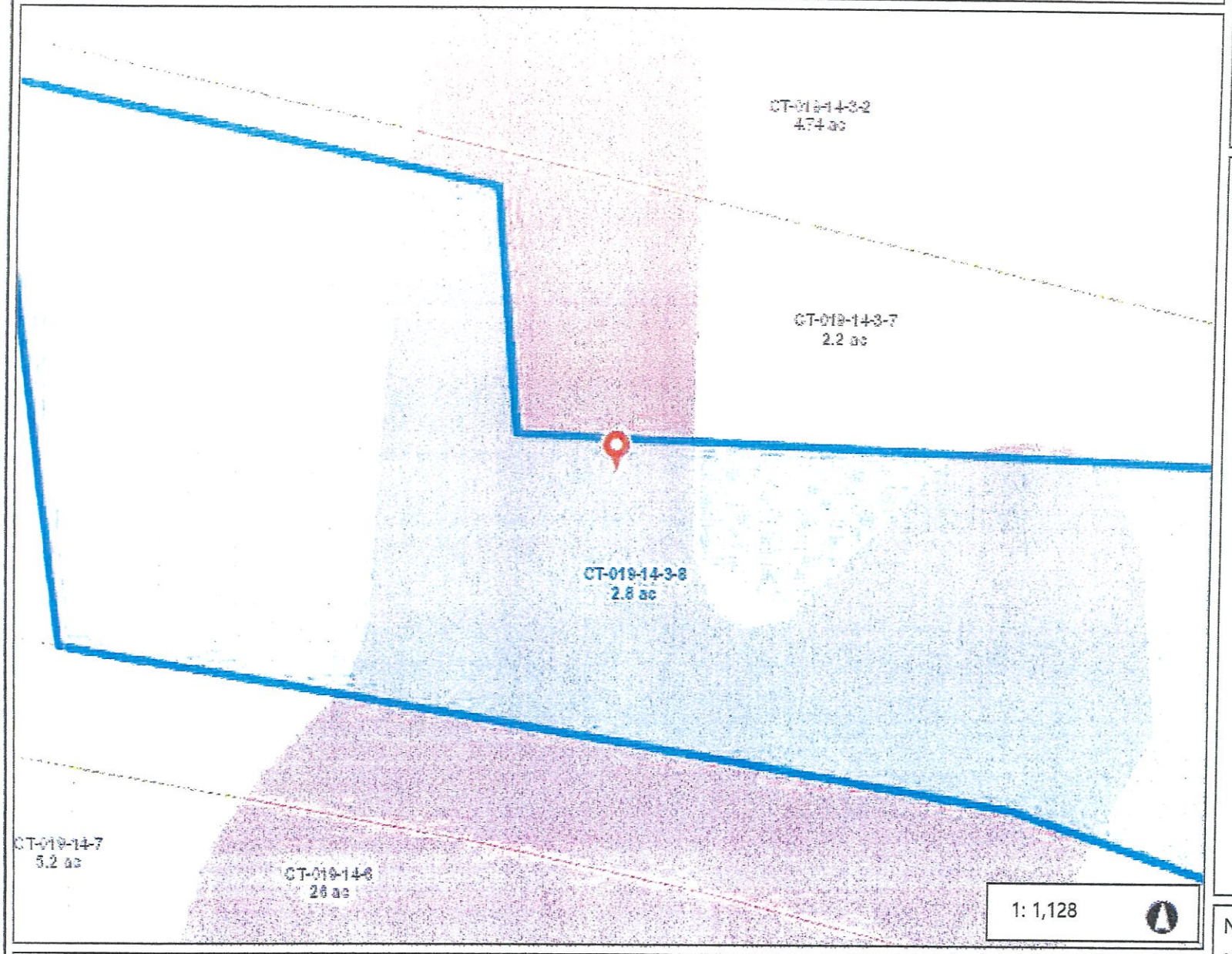
April 2018 Image

Legend

- Alluvial and Floodplain Soils
- CT600
- Feature 1
- Poorly Drained and Very Poorly Drained Soils

N

neccog



Legend

- Town
- Buildings 2012
- Parcels
- Wetlands
  - Alluvial and Floodplain Soils
  - Poorly Drained and Very Poorly Dra

Notes

36 Paradise Drive

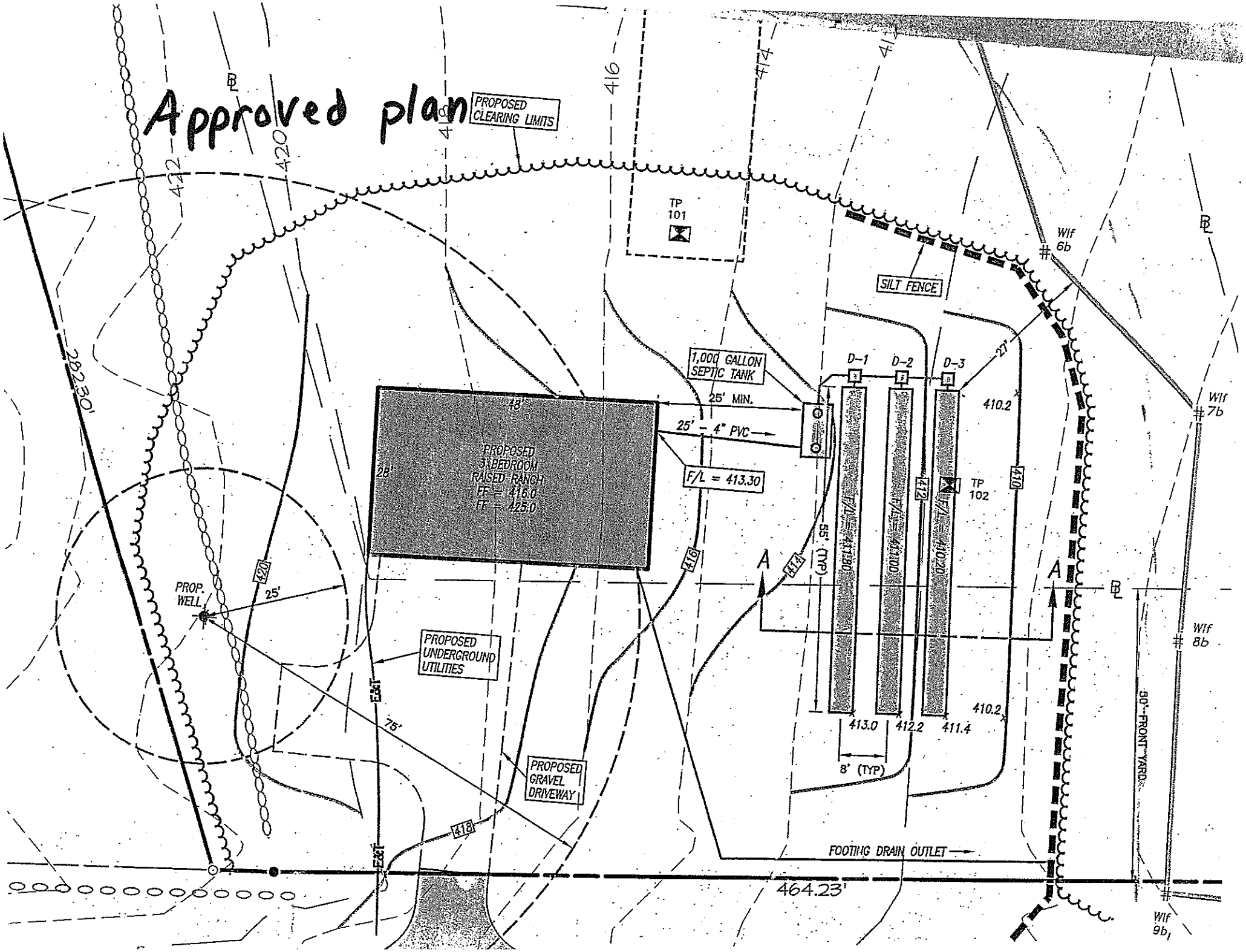
0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION


Approved plan
PROPOSED CLEARING LIMITS
TP 101
SILT FENCE
Wlf 6b
Wlf 7b
Wlf 8b
Wlf 9b
1,000 GALLON SEPTIC TANK
25' MIN.
25' - 4" PVC
F/L = 413.30
PROPOSED 3 BEDROOM RAISED RANCH FF = 416.0 FF = 425.0
48'
28'
D-1
D-2
D-3
27'
410.2
TP 102
55' (TYP)
F/L = 413.80
F/L = 411.00
F/L = 410.20
413.0
412.2
411.4
8' (TYP)
A
A
BL
PROP. WELL
25'
75'
PROPOSED UNDERGROUND UTILITIES
PROPOSED GRAVEL DRIVEWAY
E&T
FOOTING DRAIN OUTLET
50' FRONT YARD
464.23'
282.30'
420
418
416
414
412
410

Section 6
Regulated Activities to be Licensed

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.

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.

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

TOWN OF BROOKLYN
69 South Main Street
BROOKLYN, CONNECTICUT 06234

1.

March 8, 2018

Edward L. Branciforte
36 Paradise Drive
Brooklyn, CT 06234

SUBJECT: WARNING NOTICE
UNPERMITTED CONTRACTOR YARD OPERATION: 36 PARADISE DRIVE

Dear Mr. Branciforte:

I have reviewed records in the Town Clerks Office and viewed the property owned by you at 36 Paradise Drive.

VIOLATION: 1) ZONING REGULATIONS SECTION 1.2.1 UNPERMITTED CONTRACTOR'S YARD.

2) WETLANDS REGULATIONS SECTION 4.3 ACTIVITIES CONSISTING OF CONTRACTOR'S YARD WITHOUT PERMIT IN THE UPLAND REVIEW AREA

ACTION REQUIRED: REMOVE ALL CONTRACTOR/CONSTRUCTION EQUIPMENT AND VEHICLES INCLUDING TRAILERS **NO LATER THAN 14 DAYS FROM DATE OF RECEIPT OF THIS NOTICE**.

FAILURE TO REMOVE WITHIN 14 DAYS: FINE OF ONE HUNDRED FIFTY DOLARS PER DAY.

I may be reached at 860-779-3411 x 31 or x 12 if you have any questions.

Signed,

Martha Fraenkel
Zoning/Wetlands/Blight Official

ENCL: photos
c: CT Dept Consumer Protection

1.

TOWN OF BROOKLYN

69 South Main Street
BROOKLYN, CONNECTICUT 06234

March 22, 2018

Edward L. Branciforte
36 Paradise Drive
Brooklyn, CT 06234

SUBJECT: WARNING NOTICE
UNPERMITTED CONTRACTOR YARD OPERATION: 36 PARADISE DRIVE

Dear Mr. Branciforte:

I have reviewed records in the Town Clerks Office and viewed the property owned by you at 36 Paradise Drive.

VIOLATION: 1) ZONING REGULATIONS SECTION 1.2.1 UNPERMITTED CONTRACTOR'S YARD.

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Signed,

Martha Fraenkel
Zoning/Wetlands/Blight Official

ENCL: photos
c: CT Dept Consumer Protection

TOWN OF BROOKLYN, CONNECTICUT
LAND USE DEPARTMENT
69 SOUTH MAIN STREET
BROOKLYN, CT 06234
(860) 779-3411 X 12

MUNICIPAL CITATION

CITATION #: 1-18 **AMOUNT OF FINE:** 2 days @$150/day = **$300.00**

TO: Edward L. Branciforte

DATE: April 25, 2018

ADDRESS: 36 Paradise Drive, Brooklyn, CT RA- Zone

VIOLATION:
Conducting an unauthorized use; operation of a home business and contractors' yard at 36 Paradise Drive on Monday, April 23 and on Wednesday, April 25, 2018.

ZONING REGULATION VIOLATED:
Section 1.3.2 of the Town of Brooklyn Zoning Regulations.

CITATION: You are cited for violation of the Zoning Regulations at the Town of Brooklyn. As indicated In Brooklyn Ordinance 20-2.1 and pursuant to Section 8-12(a) of the Connecticut General Statutes, Rev. 1958, as amended, and in addition to the remedies provided in Section 8-12 thereof, your violation has caused a fine to be levied against you.

You have thirty (30) days to make full payment by mail (check payable to Treasurer, Town of Brooklyn) to: **Town of Brooklyn, 69 South Main St, Brooklyn, CT 06234** or in person at the same address.

If payment is not received during that thirty day uncontested period, you will receive a second notice regarding this citation which will include information regarding your to right to contest your liability before a Citation Hearing Officer as provided by the Brooklyn Ordinances.

ISSUED BY: Martha Fraenkel, Zoning Enforcement Officer, Town of Brooklyn

TOWN OF BROOKLYN, CT
INLAND WETLANDS & WATERCOURSES COMMISSION

91 7199 9991 7038 9490 4743

DATE: April 26, 2018

TO: Edward L. Branciforte

PROPERTY: 36 Paradise Drive, Brooklyn, CT

OWNER: Edward L. Banciforte

REGULATIONS VIOLATED:
Section 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.
Section 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 ny other remedies as provided by law.

CONDITION ON PROPERTY IN VIOLATION OF INLAND WETLANDS REGULATIONS:
Construction of a driveway within 125 feet of wetlands and 175 feet of a watercourses without a permit.

ACTION REQUIRED BY YOU:

- Appear before the Brooklyn Inland Wetlands and Watercourses Commission at its next meeting on Tuesday, May ~~9~~ 8, 2018 at 6PM OR apply for a permit for the driveway by no later than May 8, 2018.
- Do not do ANY work (such as disturbance of the earth/ driveway, either removal or placing fill) within 125 feet of wetlands) within 125 feet of wetlands or 175 feet of a watercourse without a wetlands permit.

FAILURE TO COMPLY with the required action will subject you to such penalties as are provided by law.

Please contact the wetlands officer, Martha Fraenkel, 69 South Main Street, Brooklyn CT, Monday through Thursday, phone 860-779-3411 x 31 and x 12, for further information.

SIGNED, Martha Fraenkel — 4/26/18

Brooklyn Wetlands Official — date

04/26/2018 13:35

04/23/2018 13:31

NEW HOLLAND
228
04/25/2018 10:46

04/26/2018 13:35

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 WETLANDS 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

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 violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees 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

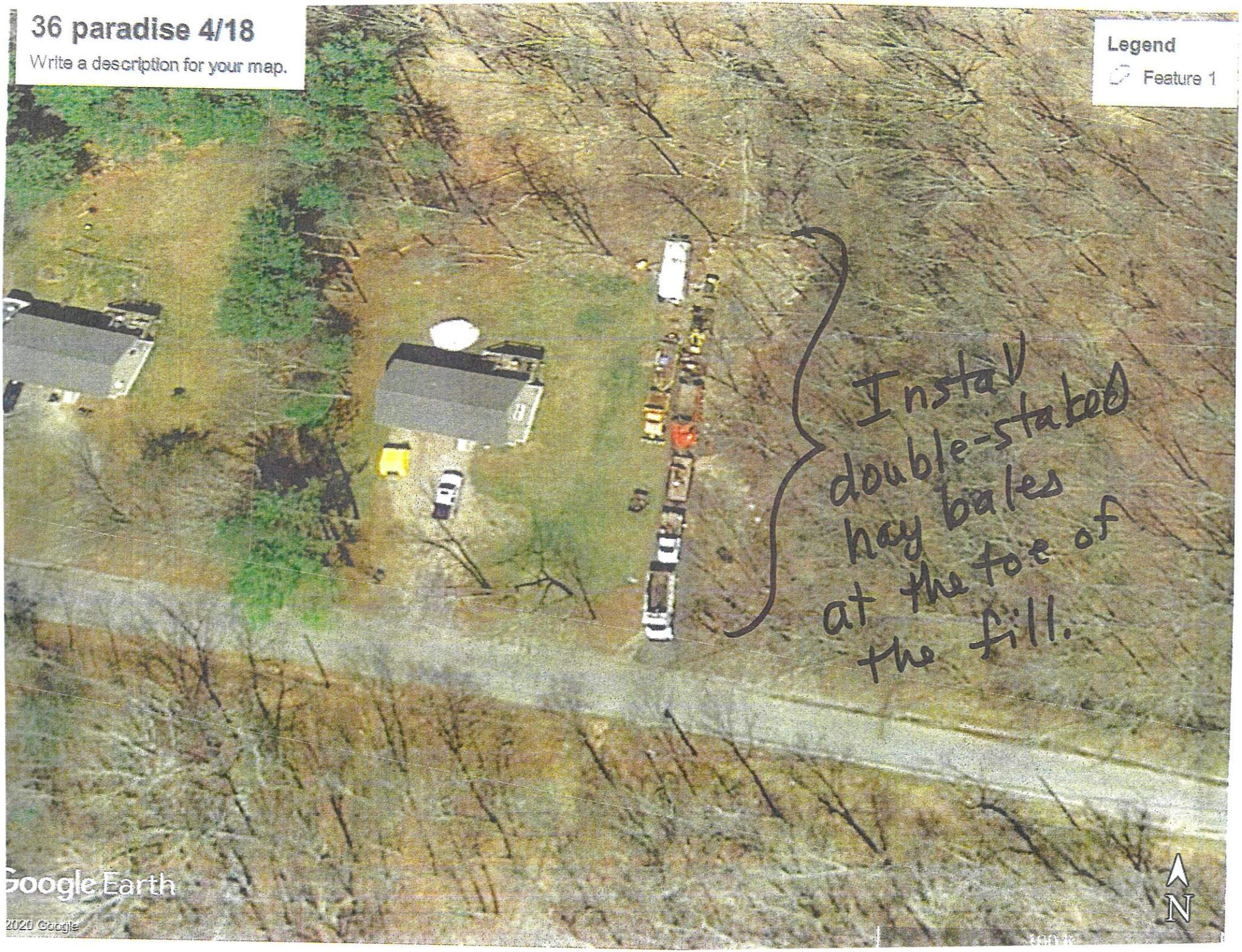
determine thereby that the appearance of such person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with such methods of proof, as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony 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)


36 paradise 4/18
Write a description for your map.
Legend
Feature 1
Install double-staked hay bales at the toe of the fill.
Google Earth
2020 Google
N

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.

Communications:

1. Wetlands Agent Monthly Report.
2. Budget Update.

Public Commentary:

Adjourn:

_____
Jeffrey Arends
Chairman

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

NOTICE OF VIOLATION AND CEASE AND DESIST ORDER

Edward L. Branciforte
36 Paradise Drive
Brooklyn, CT 06234

October 22, 2020

Re: Violation of Inland Wetlands Permit for 36 Paradise Drive

Mr. Branciforte:

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 36 Paradise Drive (Assessors Map 14/ Lot 3-8).** On 10/22/202, I inspected the subject property safter observing a dump truck near the edge of wetlands and observing what appeared to be recent fill in or on the edge of wetlands. The fill consists of soil, logs and stumps.

Refer to attached photographs and maps showing wetlands on the subject property. There are no sediment controls visible.

Also, refer to the copy of the approved site plan dated 10/24/13, showing wetlands delineated at that time.

This letter serves as a NOTICE OF VIOLATION that you are in violation of the following sections of the Brooklyn Inland Wetlands and Watercourses (IWWC) Regulations:

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.

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

Refer to the following documents issued by Martha Fraenkel, Zoning/Wetlands/Blight Official:
3/8/2018 Warning Notice for Zoning and Wetlands Violations
3/22/18 Warning Notice for Zoning and Wetlands Violations
3/25/2018 Municipal Citation for $300.00
3/26/2018 Notice of Violation
Photographs taken by Martha Fraenkel in 2018 showing asphalt dumped in or near wetlands

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

The IWWC may require that all the fill be removed from the wetlands and may require that the area where fill is removed be stabilized.

You are hereby required to:

1. **Immediately CEASE AND DESIST from all site work in the Upland Review Area (Buffer Zone) and in the wetlands at your property at 36 Paradise Drive.**

2. **Immediately install double-staked hay bales at the toe of the slope of the fill that has been deposited on the east side of your property. Refer to attached map indicating where hay bales are to be installed.**

3. **Call me at the phone number shown below as soon as the hay bales have been installed for a re-inspection.**

4. **Attend the Webex IWWC meeting at 6:00 p.m. on Tuesday, November 10, 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

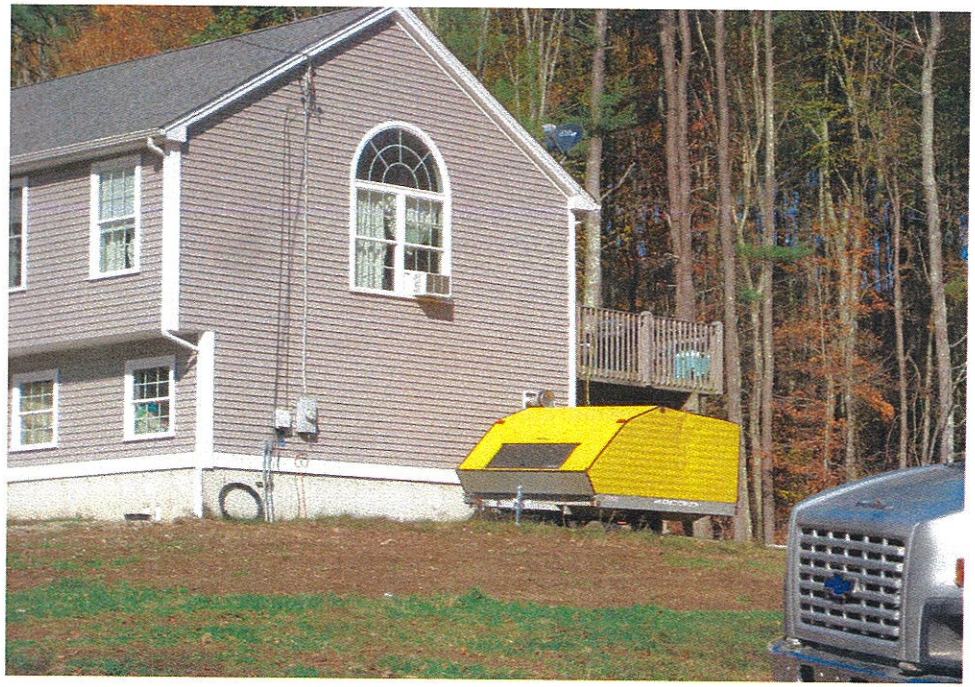
Margaret Washburn
Brooklyn Zoning/Wetlands/ Blight Enforcement Officer
69 South Main Street, Suite 23
Brooklyn, CT 06234
(860) 779-3411 Ext. 31
m.washburn@brooklynct.org

CC: First Selectman, Rick Ives; Town Planner, Jana Roberson; Town Counsel, Peter Alter.

36 Paradise Dr

Next door ↓

10/22/2020 photos



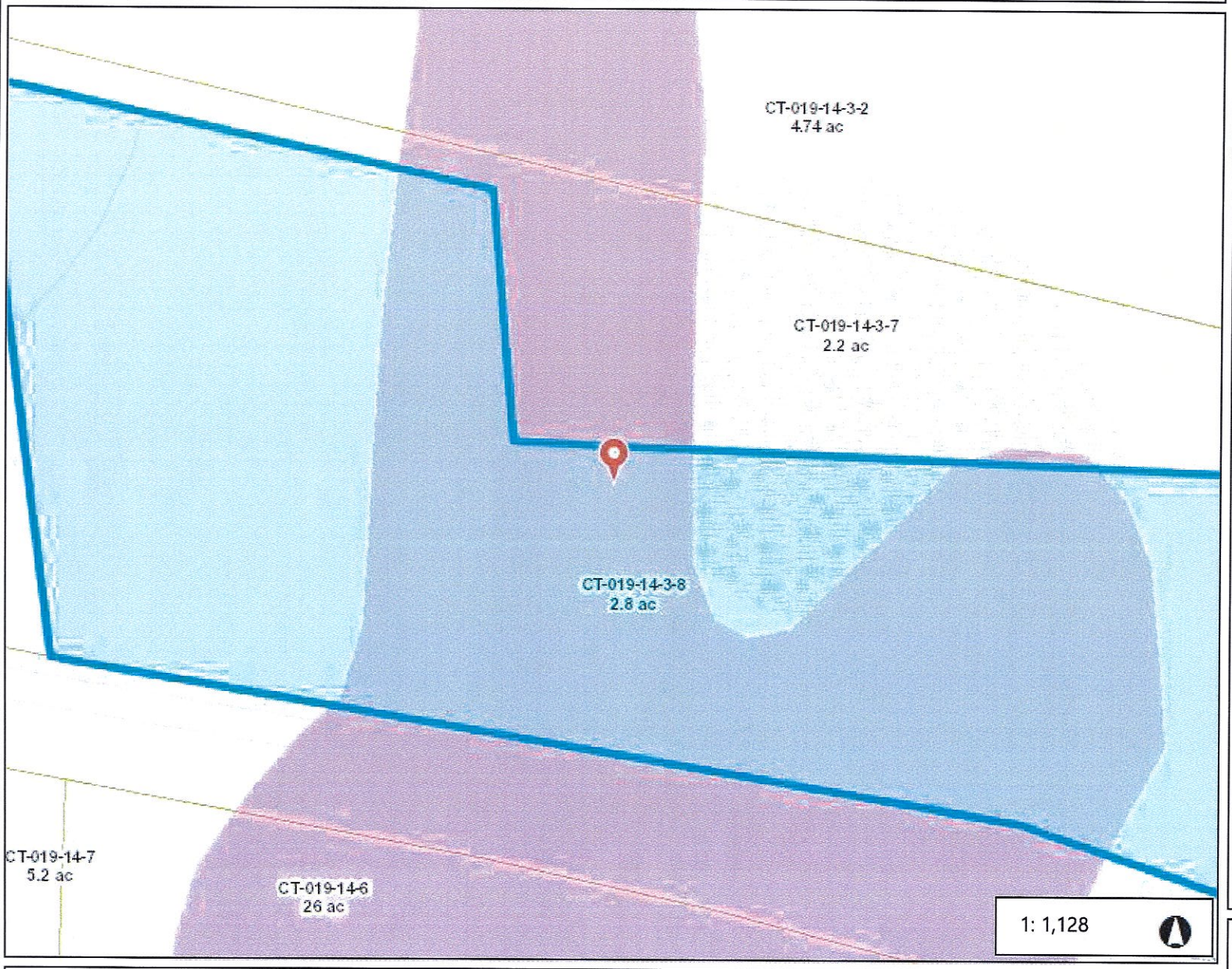
ASPHALT
INNOVATIONS

36 Paradise Dr. wetlands shown on Google Earth Map

April 2018 image

neccog

Neccog GIS Site



Legend

- Town
- Buildings 2012
- Parcels
- Wetlands
  - Alluvial and Floodplain Soils
  - Poorly Drained and Very Poorly Dra

Notes

36 Paradise Drive

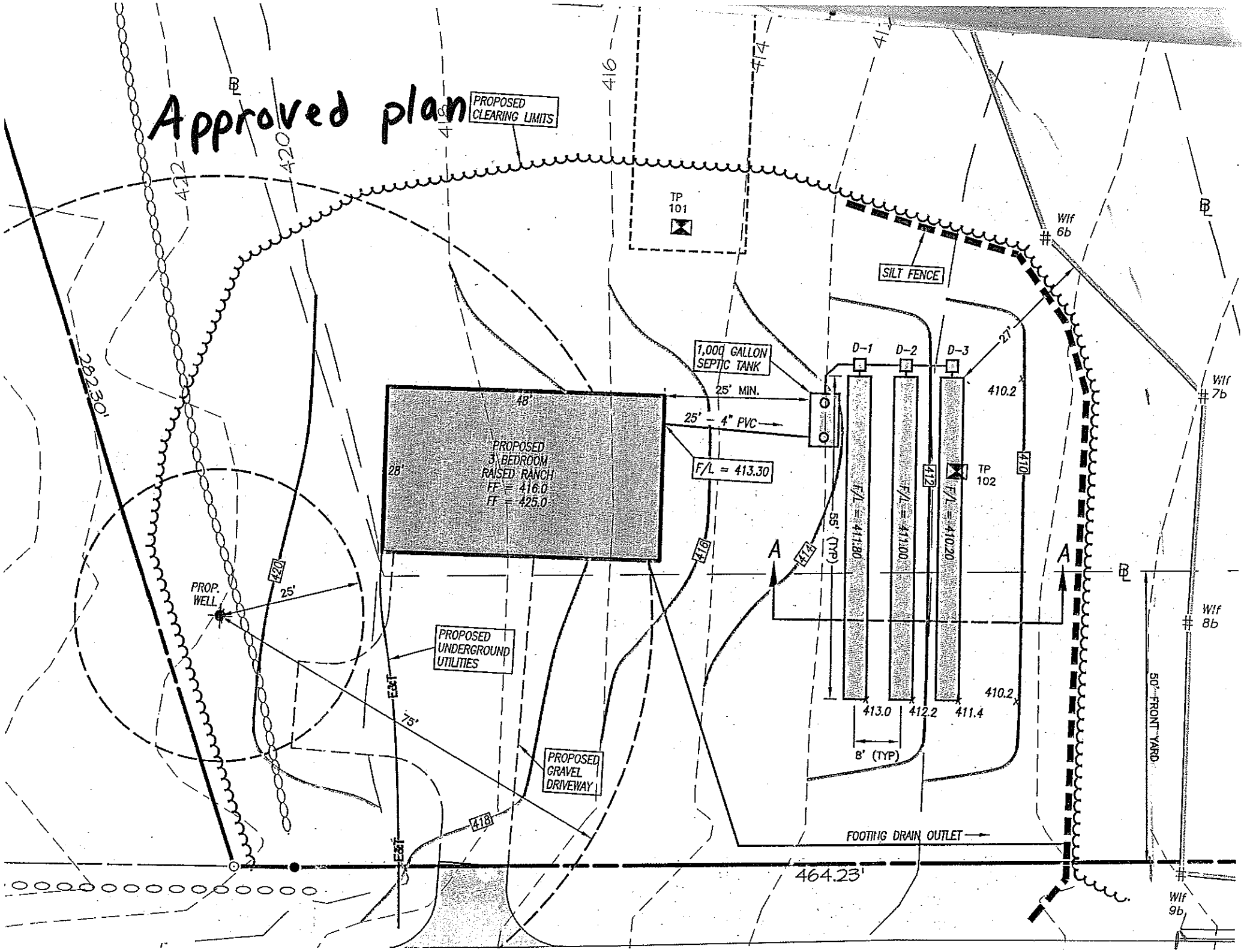
0.0 0 0.02 0.0 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere

© Latitude Geographics Group Ltd.

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION


Approved plan
PROPOSED CLEARING LIMITS
TP 101
SILT FENCE
Wlf 6b
Wlf 7b
Wlf 8b
Wlf 9b
1,000 GALLON SEPTIC TANK
25' MIN.
25' - 4" PVC
F/L = 413.30
48'
28'
PROPOSED 3 BEDROOM RAISED RANCH
FF = 416.0
FF = 425.0
D-1
D-2
D-3
27'
410.2
TP 102
F/L = 411.80
F/L = 411.00
F/L = 410.20
55' (TYP)
413.0
412.2
411.4
8' (TYP)
A
A
PROP. WELL
25'
PROPOSED UNDERGROUND UTILITIES
75'
PROPOSED GRAVEL DRIVEWAY
FOOTING DRAIN OUTLET
50' FRONT YARD
282.30'
464.23'
420
418
416
414
412
410

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.

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.)

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TOWN OF BROOKLYN
69 South Main Street
BROOKLYN, CONNECTICUT 06234

1.

March 8, 2018

Edward L. Branciforte
36 Paradise Drive
Brooklyn, CT 06234

SUBJECT: WARNING NOTICE
UNPERMITTED CONTRACTOR YARD OPERATION: 36 PARADISE DRIVE

Dear Mr. Branciforte:

I have reviewed records in the Town Clerks Office and viewed the property owned by you at 36 Paradise Drive.

VIOLATION: 1) ZONING REGULATIONS SECTION 1.2.1 UNPERMITTED CONTRACTOR'S YARD.

2) WETLANDS REGULATIONS SECTION 4.3 ACTIVITIES CONSISTING OF CONTRACTOR'S YARD WITHOUT PERMIT IN THE UPLAND REVIEW AREA

ACTION REQUIRED: REMOVE ALL CONTRACTOR/CONSTRUCTION EQUIPMENT AND VEHICLES INCLUDING TRAILERS **NO LATER THAN 14 DAYS FROM DATE OF RECEIPT OF THIS NOTICE**.

FAILURE TO REMOVE WITHIN 14 DAYS: FINE OF ONE HUNDRED FIFTY DOLARS PER DAY.

I may be reached at 860-779-3411 x 31 or x 12 if you have any questions.

Signed,

Martha Fraenkel
Zoning/Wetlands/Blight Official

ENCL: photos
c: CT Dept Consumer Protection

1.

TOWN OF BROOKLYN

69 South Main Street
BROOKLYN, CONNECTICUT 06234

March 22, 2018

Edward L. Branciforte
36 Paradise Drive
Brooklyn, CT 06234

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UNPERMITTED CONTRACTOR YARD OPERATION: 36 PARADISE DRIVE

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2) WETLANDS REGULATIONS SECTION 4.3 ACTIVITIES CONSISTING OF CONTRACTOR'S YARD WITHOUT PERMIT IN THE UPLAND REVIEW AREA

SERVED 4/6/18 → 14 DAYS → 4/21/18

ACTION REQUIRED: REMOVE ALL CONTRACTOR/CONSTRUCTION EQUIPMENT AND VEHICLES INCLUDING TRAILERS **NO LATER THAN 14 DAYS FROM DATE OF RECEIPT OF THIS NOTICE**.

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Signed,

Martha Fraenkel
Zoning/Wetlands/Blight Official

ENCL: photos
c: CT Dept Consumer Protection

TOWN OF BROOKLYN, CONNECTICUT
LAND USE DEPARTMENT
69 SOUTH MAIN STREET
BROOKLYN, CT 06234
(860) 779-3411 X 12

MUNICIPAL CITATION

CITATION #: 1-18 **AMOUNT OF FINE:** 2 days @$150/day = **$300.00**

TO: Edward L. Branciforte

DATE: April 25, 2018

ADDRESS: 36 Paradise Drive, Brooklyn, CT RA- Zone

VIOLATION:
Conducting an unauthorized use; operation of a home business and contractors' yard at 36 Paradise Drive on Monday, April 23 and on Wednesday, April 25, 2018.

ZONING REGULATION VIOLATED:
Section 1.3.2 of the Town of Brooklyn Zoning Regulations.

CITATION: You are cited for violation of the Zoning Regulations at the Town of Brooklyn. As indicated In Brooklyn Ordinance 20-2.1 and pursuant to Section 8-12(a) of the Connecticut General Statutes, Rev. 1958, as amended, and in addition to the remedies provided in Section 8-12 thereof, your violation has caused a fine to be levied against you.

You have thirty (30) days to make full payment by mail (check payable to Treasurer, Town of Brooklyn) to: **Town of Brooklyn, 69 South Main St, Brooklyn, CT 06234** or in person at the same address.

If payment is not received during that thirty day uncontested period, you will receive a second notice regarding this citation which will include information regarding your to right to contest your liability before a Citation Hearing Officer as provided by the Brooklyn Ordinances.

ISSUED BY: Martha Fraenkel, Zoning Enforcement Officer, Town of Brooklyn

_____ _____

TOWN OF BROOKLYN, CT
INLAND WETLANDS & WATERCOURSES COMMISSION

91 7199 9991 7038 9490 4743

DATE: April 26, 2018

TO: Edward L. Branciforte

PROPERTY: 36 Paradise Drive, Brooklyn, CT

OWNER: Edward L. Banciforte

REGULATIONS VIOLATED:
Section 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.
Section 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 ny other remedies as provided by law.

CONDITION ON PROPERTY IN VIOLATION OF INLAND WETLANDS REGULATIONS:
Construction of a driveway within 125 feet of wetlands and 175 feet of a watercourses without a permit.

ACTION REQUIRED BY YOU:

- Appear before the Brooklyn Inland Wetlands and Watercourses Commission at its next meeting on Tuesday, May ~~9~~ 8, 2018 at 6PM OR apply for a permit for the driveway by no later than May 8, 2018.
- Do not do ANY work (such as disturbance of the earth/ driveway, either removal or placing fill) within 125 feet of wetlands) within 125 feet of wetlands or 175 feet of a watercourse without a wetlands permit.

FAILURE TO COMPLY with the required action will subject you to such penalties as are provided by law.

Please contact the wetlands officer, Martha Fraenkel, 69 South Main Street, Brooklyn CT, Monday through Thursday, phone 860-779-3411 x 31 and x 12, for further information.

SIGNED, Martha Fraenkel — 4/26/18

Brooklyn Wetlands Official — date

04/26/2018 13:35

04/23/2018 13:31

NEW HOLLAND
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WACKER
04/25/2018 10:46

04/26/2018 13:35

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 WETLANDS 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

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 violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees 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)

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Write a description for your map.
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Feature 1
Install double-staked hay bales at the toe of the fill.
Google Earth
© 2020 Google
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Brooklyn Inland Wetlands Commission
Regular Meeting Agenda
Tuesday, November 10, 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:

Web
www.webex.com
On the top right, click Join
Enter meeting information: 173 324 6449
Enter meeting password: MOnster1031MASH
Click join meeting

Phone
Dial 1-408-418-9388
Enter meeting number 173 324 6449
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 for Inland Wetlands Violation at 36 Paradise Drive.

Communications:

1. Wetlands Agent Monthly Report.
2. Budget Update.

Public Commentary:

Adjourn:

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Jeffrey Arends
Chairman