

**TOWN OF BROOKLYN
INLAND WETLANDS AND WATERCOURSES COMMISSION
69 SOUTH MAIN STREET
BROOKLYN, CT 06234
(860) 779-3411 EXT. 31 AND EXT. 12
M.Washburn@BrooklynCT.org**

**REVISED ORDER TO REMEDIATE*
Inland Wetlands and Watercourses Violations**

CERTIFIED# _____

To: Shane O'Connor
181 Paradise Drive
Brooklyn, CT 06234

May 18, 2021

Location of Violation:
181 Paradise Drive
Brooklyn, CT 06234
Assessors Map 49 Lot 46

Facts

In response to a complaint about trees being cut and material being deposited in the 175- foot Upland Review Area to a Watercourse on your property, I inspected and took photographs on 4/15/21. **This Order supersedes the previous Order to remediate issued on 4/28/21.**

The following activities have been observed to have occurred on your property without an Inland Wetlands and Watercourses Permit: Vegetation has been removed and material has been deposited in the 175- foot Upland Review Area to a Watercourse (pond). Your activities, conducted without a permit from the regulatory authority are in violation of the Brooklyn Inland Wetlands and Watercourses Regulations.

Applicable Laws and Regulations

The Brooklyn Inland Wetlands and Watercourses Regulations define, in part, a “regulated activity” as “any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses....”. “Material” is defined to include “means any substance, solid or liquid, organic or inorganic, including but not limited to soil, sediment, aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste”. The term “pollution” is defined to include “harmful thermal effect or the contamination or rendering unclean or impure of any waters of the state by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come in contact with any

waters. This includes, but is not limited to, erosion and sedimentation resulting from any filling, land clearing or excavation activity”.

The phrase “rendering unclean or impure” is further defined as “any alteration of the physical, chemical or biological properties of any waters of the state, including, but not limited to, change in odor, color, turbidity or taste”.

Furthermore, a “significant impact” is defined as “any activity, including, but not limited to, the following activities which may have a major effect:

1. Any activity involving deposition or removal of material which will or may have a substantial effect on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
2. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
3. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to: support aquatic, plant or animal life and habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
4. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
5. Any activity which causes substantial diminution of flow of a natural watercourse or groundwater levels of the wetland or watercourse.
6. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.
7. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.”

“Upland Review Area” means “non-wetland or non-watercourse areas where activities are likely to impact or affect wetlands or continuous watercourses”.

Section 4 of the Regulations addresses exemptions, and Section 6.1 provides that any regulated activity requires a permit.

Section 6.2 states “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”.

The deposition of material within the upland review area and wetlands without a permit constitutes both a “regulated activity” and a “significant impact” under the Regulations and fall within no allowable exception. Therefore, said activities constitute a violation of the Brooklyn Inland Wetlands and Watercourses Regulations because of, at a minimum, the following condition:

- a. The “deposition or removal of material which will or may have a substantial effect on the wetland or watercourse”.

Revised Order

You are hereby ordered to do the following:

Cease and desist from all site work in the 175-foot Upland Review Area to the Watercourse (pond) on the subject property, including removal of vegetation and depositing material.

By June 1, 2021 submit to the Brooklyn Inland Wetlands and Watercourses Commission a wetlands delineation report prepared by a soil scientist, along with a plan showing the wetlands flags and 1) an existing conditions showing where vegetation has been removed and fill deposited, and 2) a proposed conditions plan showing any further proposed removal of vegetation, placement of fill, site stabilization or any other proposed site work, including placement of accessory structures including sheds or coops. You are strongly encouraged to show appropriate sediment controls as recommended by your soil scientist to prevent newly deposited material from entering the pond or delineated wetlands.

Attend the June 8, 2021 meeting of the Brooklyn Inland Wetlands and Watercourses Commission via Webex at 6:00 p.m. To attend this hearing please follow the instructions below. At this meeting, a site walk will be scheduled if you have submitted all requested materials.

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

Web

www.webex.com

On the top right, click Join

Phone

Dial 1-415-655-0001

Enter meeting number 126 058 8201

Enter meeting information: 126 058 8201

Enter password: 47273884

Enter meeting password: gRAPe88439

Click join meeting

Dated at Brooklyn, this 18th day of May 2021.

Margaret Washburn

Margaret Washburn, Enforcement Officer of the Brooklyn
Inland Wetlands and Watercourses Commission

*Paragraphs in bold on page 3 have been added to the Order to Remediate.

CC: Attorney Steven Weiner, Joseph Theroux