

**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**

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

**CERTIFIED#** 9489 0090 0027 6215 8994 80

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To: Paul Lehto  
40 Almada Drive  
Brooklyn, CT 06234

April 5, 2021

Location of Violation: property at the end of River Walk Drive (Assessor's Map 32, Lot 148)

**Facts**

On 3/23/21, Jana Roberson, Town Planner, and Margaret Washburn, Zoning Enforcement Officer, entered at the end of River Walk Drive (Assessor's Map 32, Lot 148) to conduct a compliance inspection with your agent, Richard Klingensmith. That inspection resulted in a Cease and Desist Order dated 3/23/21. Refer to the attached copy of this Order. This Order to Remediate supersedes the Order issued on 3/23/21 regarding only violations of the Inland Wetlands and Watercourses Regulations. Violations of the Special Permit issued by the PZC have been addressed under a separate Order.

The following activities have been observed to have occurred on your property in violation of your Inland Wetlands and Watercourses Permit # 060920A: Vegetation has been removed and material has been deposited in the Upland Review Area and Wetlands, beyond the approved limit of work shown on the approved plan titled Proposed Gravel Excavation Easterly of Allen Hill Road Brooklyn, Connecticut, ("the approved plan") prepared by Provost and Rovero, dated June 2, 2020. The approved plan showed no work in the wetlands, watercourse, or Upland Review Areas in the area of the existing stream crossing. No sediment controls were in place when the fill was observed on 3/23/21 except for 3 (three) solitary, un-staked hay bales visible in the attached photographs. Refer to the attached photographs, the attached copy of your Inland Wetlands and Watercourses Permit # 060920A, and the attached copy of Section 20-1 of the Brooklyn Town Ordinances, regarding citation procedures and fines for violating Inland Wetlands Regulations.

Your activities, conducted in violation of your Inland Wetlands and Watercourses Permit, 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”.

#### Order

You are hereby ordered to remediate, under the supervision of a licensed professional, the disturbed areas within regulated areas, within 125 feet of wetlands and 175 feet of the watercourse specifically including, but not limited to, the removal of all the material deposited by the owner of property at the end of River Walk Drive (Assessor’s Map 32, Lot 148) Brooklyn, CT, or his agents, in the area of the existing stream crossing.

Double-staked hay bales shall be installed at the toe of the material that has been deposited in wetlands for the linear length of the remediation activities in order to act as sediment controls to prevent material from entering further into wetlands or the stream during the remediation project. These double-staked hay bales must be installed prior to any remediation activity occurring and will remain in place until native vegetation has sufficiently stabilized the exposed soil. Once all deposited material is removed from the area, the exposed area will be re-stabilized by vegetative cover (seed and hay mulch). The Brooklyn Inland Wetlands and Watercourses Agent is to be notified by telephone 48 hours prior to commencement of any such remediation activity at (860) 779-3411 ext. 31.

All remediation work is to be completed by 5/3/21. A report prepared by the supervising licensed professional shall be submitted to the Brooklyn Inland Wetlands and Watercourses Agent by 5/3/21, documenting the remediation and soil stabilization, including site photographs.

For each day during which to violation continues beyond the deadline in this Order, the Town may commence an enforcement action and the seek a civil penalty of up to \$1,000.00 per day for such violation, plus its attorney’s fees and costs. The civil penalties are assessed by the Superior Court when an action is brought before the court by the municipality.

The Commission members or its duly authorized agent may make regular inspections of the required remediation work during reasonable hours.

Show Cause Hearing

In accordance with Section 15.7 of the Regulations, a Show Cause Hearing will be held on this Order on Tuesday, April 13, 2021 at 6:00 p.m. via Webex. At this hearing, you will be given an opportunity to be heard and to show cause why this Order should not remain in effect. Depending on the decision of the Agency, a copy of this Order, or a modified version of it, may be filed on the Brooklyn Land Records. To attend this hearing follow the instructions on the attached draft meeting agenda.

Dated at Brooklyn, this 5<sup>th</sup> day of April 2021.

Margaret Washburn

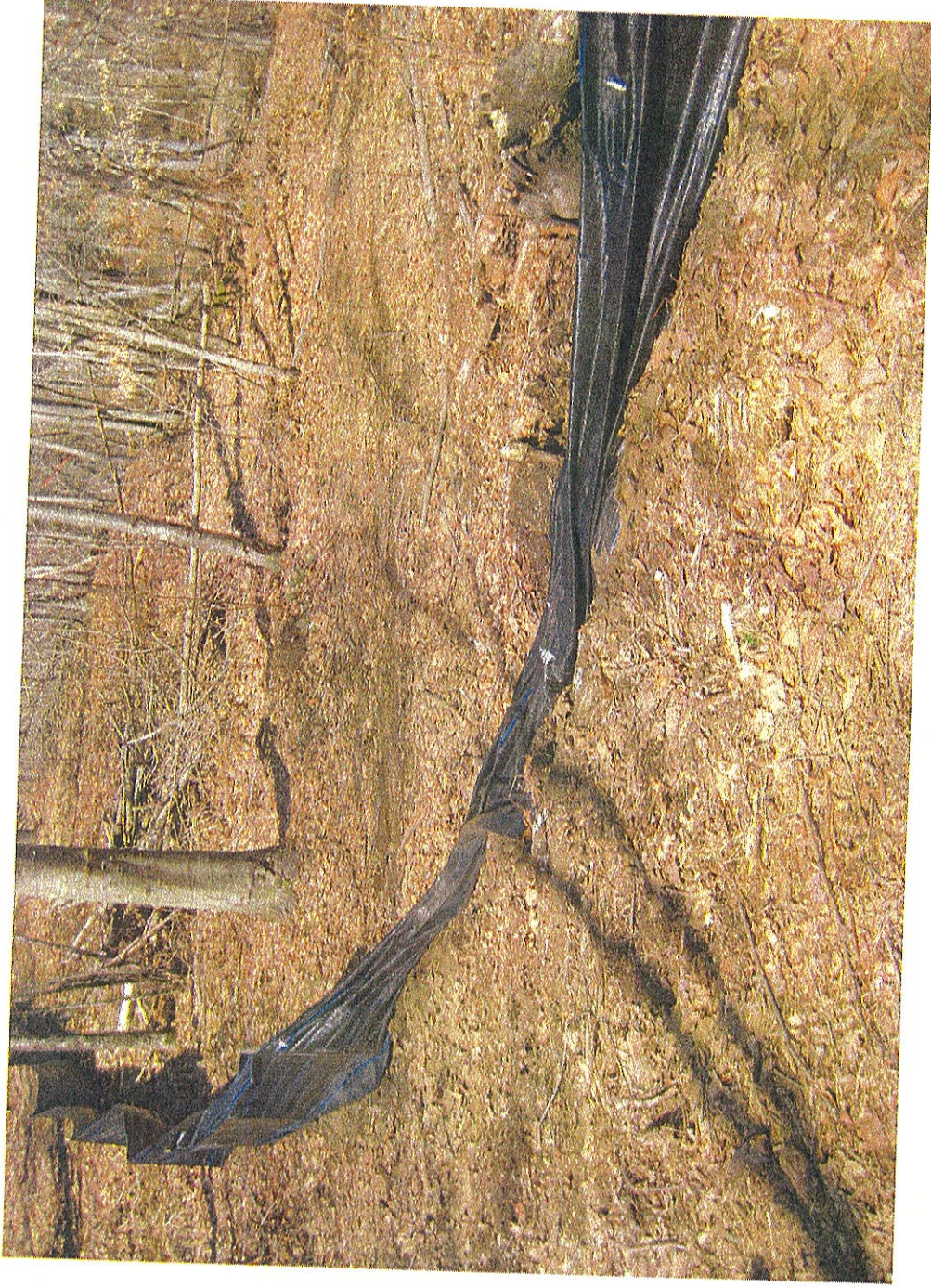
Margaret Washburn, Enforcement Officer of the Brooklyn  
Inland Wetlands and Watercourses Commission

# Cease + Desist Order

3/23/21

Paul Lehto and his agents are hereby required to stop all work on the Allen Hill gravel pit property subject to the provisions of the PZC Special Permit issued in 2020 due to violations of the Special Permit and the Wetlands Permit.

Issued by Margaret Washburn  
7FM + Wetlands Enforcement Officer



Failed erosion and sediment controls  
southwest of Wetland Flag 71F.



Fill on North side of  
existing stream crossing  
facing North.

Fill in or near wetlands at  
existing crossing on Southside.



Fill in or near wetlands at  
existing crossing on North side.





Fill on Northside of existing stream crossing.



Fill on North side of existing stream crossing



Fill pushed into wetlands to widen road at existing stream crossing.



↑  
Stream

Fill on south side of existing stream crossing



road widened near stream crossing  
on South side



Access road widened at  
existing stream crossing,



Road widened near stream crossing showing fill deposited in Upland Review Area.



Existing stream crossing facing west.



Road widened East of existing stream crossing.



Road widened near stream crossing on North side.

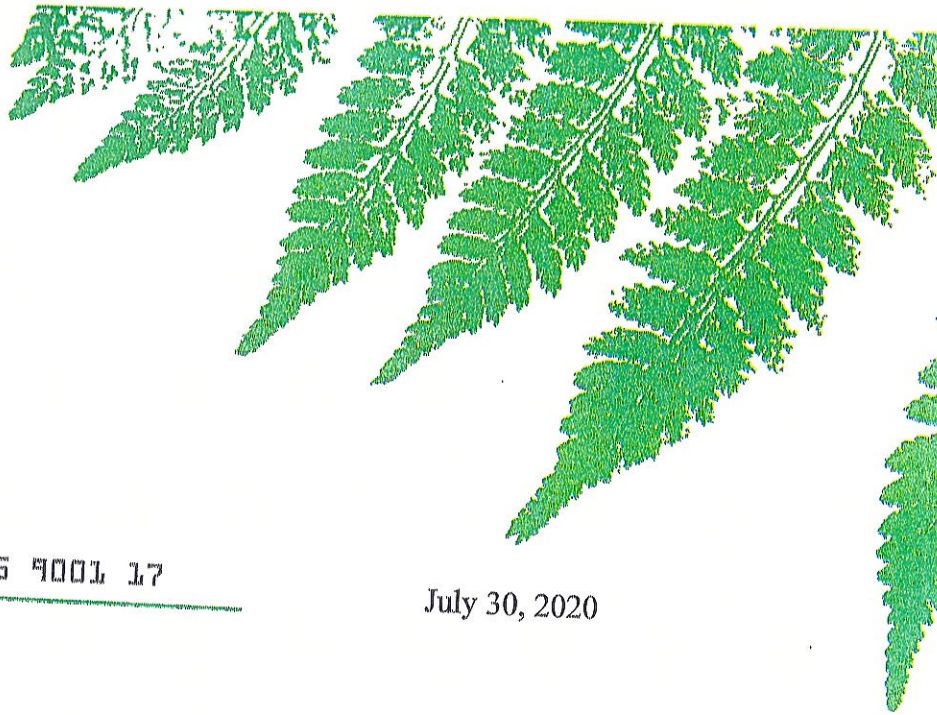


Brooklyn Inland Wetlands

Commission

P.O. Box 356

Brooklyn, Connecticut 06234



CERTIFIED#

9489 0090 0027 6215 9001 17

July 30, 2020

Paul R. Lehto  
40 Almada Drive  
Brooklyn, CT 06234

RE: Notice of Decision – 060920A Paul R. Lehto, Allen Hill Road, Map 32, Lot 148, RA Zone;  
Excavation of sand and gravel.

Dear Mr. Lehto:

At the special meeting on July 28, 2020 of the Inland Wetlands and Watercourses Commission your application 060920A Paul R. Lehto, Allen Hill Road, Map 32, Lot 148, RA Zone; Excavation of sand and gravel was approved with standard conditions.

A copy of the notice of action appears on the Town of Brooklyn's Website and was posted July 29, 2020. Please note that this action of the Brooklyn Inland Wetlands and Watercourses Commission may be appealed for fifteen-day period following the publication.

If you have any questions, please call Margaret Washburn, Wetlands Agent at 860-779-3411 Extension 31.

Signed,

*Margaret Washburn*

Margaret Washburn  
Wetlands Agent

MW/acl

CC: File, D. Held, Provost & Rovero

Enc: Standard Conditions

BROOKLYN INLAND WETLANDS AND WATERCOURSES COMMISSION  
STANDARD CONDITIONS FOR IWWC PERMITS 12/13/16

**APPLICANT: READ CAREFULLY**

**IWWC Permit Document.** A copy of the IWWC approval motion and the conditions stated herein shall constitute the IWWC permit for the approved activity when the permit document is signed and dated by the IWWC Agent.

**Notice of Start and Finish.** Permittee shall notify the IWWC agent at least 48 hours before the approved activity commences and within 72 hours after completion of the activity.

**Permit Duration.** This permit is valid for a period in accordance with Section 11.6 of the Brooklyn Inland Wetlands and Watercourses Regulations and the Connecticut General Statutes. Any request to renew or extend the expiration date of a permit can be granted only as authorized by the IWWC Regulations. Expired permits may not be renewed.

**Erosion and Sedimentation Controls.** Permittee is responsible for implementing the approved erosion and sediment control plan. This responsibility includes the installation and maintenance of control measures, informing all parties engaged on the construction site of the requirements and objectives of the plan. The permittee shall inspect the erosion controls weekly and after rains and repair deficiencies within twenty-four hours. The IWWC and its staff may require additional erosion if needed to prevent erosion and sedimentation. Restabilization of the site shall take place as soon as possible.

**Stockpile locations.** During construction, piles of fill, erodible material and debris shall not be created within regulated areas. The locations of debris and other stockpiled materials shall be shown on the submitted plans. Any material excavated at the site shall be disposed of at upland or off-site locations reviewed and approved by staff.

**Permit Transfer.** The permittee shall not transfer this permit without the written permission of the IWWC.

**Work in Watercourse to Occur During Low Flow.** Work within a watercourse is limited to periods of low flow. Low flow periods normally occur between August and October. Upon request of permittee, wetlands staff can determine if the activity can occur at other times following an on-site field investigation.

**Scope of Permit.** This permit is for the approved activity ONLY. Additional activity may require an additional permit. Note that if an approval or permit is granted by another agency and

- (1) the approved activity will affect wetlands and/or watercourses; and/or
  - (2) the activity occurs within 125 feet of flagged boundaries and 175 feet from watercourses;
- and such activities have not been addressed by this permit, then the applicant shall resubmit the application for further consideration by the Inland Wetlands and Watercourses Commission before any work begins.

**Ongoing Compliance with Permit.** The permittee shall comply at all times with the permit.

**Other Approvals May be Required.** Other permits may be required from Town, state or federal agencies. An Army Corps of Engineers permit may be required: U.S. Army Corps of Engineers, 424 Trapelo Rd., Waltham, MA 02254 1-800-362-4367.

## CHAPTER XX FEES FOR LAND USE APPLICATIONS

### 20-1 ESTABLISHING LAND USE APPLICATION FEES.

(Prior ordinance history includes portions of Ordinances 3/1/88, 8/15/88, 91-2, 04-5 and 06-4)

#### 20-1.1 Purpose.

The purpose of this chapter is to establish a reasonable and equitable Schedule of Fees, pursuant to Section 8-1c and 22a-42a of the Connecticut General Statutes, to defray the administrative costs and any additional costs, including professional consulting fees, incurred by the Planning and Zoning Commission, Inland Wetlands Agency and Zoning Board of Appeals of the Town of Brooklyn (each a "Land Use Agency") for the processing and subsequent monitoring of Land Use applications. (Ord. 5/3/10)

#### 20-1.2 Definitions.

**Land Use Application** shall mean an application for (1) any permit(s) or approval(s) required by any Land Use Agency regulations for the use of any land, building or structure; (2) proposed amendments to such regulations or the zoning map; (3) a request for a zoning variance; (4) an appeal of a decision of the Zoning Enforcement Officer or (5) a certificate of location approval and or appropriateness pursuant to Section 14-67 and/or Section 14-321 of the Connecticut General Statutes, submitted by any person, organization or corporation (the applicant).

**Staff** shall mean any employee or appointee of the Town of Brooklyn or employees of the Northeast Connecticut Council of Governments "NECCOG" who, as part of his or her duties, render advice or assistance to any land use agency. Planning Staff shall be the Zoning Enforcement Officer, Town Planner or employees of NECCOG.  
(Ord. 5/3/10)

#### 20-1.3 Determination of Fees Charged for Land Use Applications.

a. *Base Fees.* The base fees established hereby are based on a reasonable estimate of the direct and indirect costs for time spent by staff in reviewing and evaluating each type of land use application and, except as noted, the cost of any public hearing. The base fee plus the estimated costs for advertising and required legal notices shall be paid at the time the land use application is filed.

#### b. *Additional Fees.*

1. In addition to the base fees set forth herein, a Land Use Agency may require the applicant to pay an "additional fee" to defray other costs and expenses incurred by the Land Use Agency. Such additional fee shall be assessed to the applicant when the Planning Staff and/or the Land Use Agency determines that there is a need for the assistance of one or more third party consultants for review, evaluation or processing the land use application (consultation services). Consultants may be engaged to render engineering, architectural, environmental and planning services including traffic studies. Consultation services may include, but not be limited to, consultation with Town staff or the Town Attorney, discussions with the applicant or its agents, rendering such information and research that the Land Use Agency may request, the preparation of written findings and recommendations, written or oral testimony at any public hearing and post-approval inspections to ascertain that all terms and conditions of any permit have been met.

2. The additional fee shall be equal to the reasonable cost incurred by the Land Use Agency for such consultation services.

3. Upon the determination by the Town staff and/or Land Use Agency that consultation services are necessary, the Town Staff shall provide to the Land Use Agency, for its approval, a reasonable estimate of the cost based on the nature and the extent of the consultation services deemed necessary.



Such determination shall be made as soon as practicable after the receipt (filing) of the land use application by the Land Use Agency and, upon approval by the Land Use Agency, the applicant shall be billed an additional fee in an amount equal to one hundred twenty-five (125%) percent of such estimate. Such additional fee shall be due and payable ten (10) days after receipt.

4. Upon receipt of an additional fee from the applicant, the Land Use Agency shall create an application specific account and shall document the amount of the additional fee and all payments made for consultation services. The Land Use Agency shall render periodic accounting to the applicant. Any balance remaining after the land use application has been acted upon shall be refunded to the applicant, provided there has been a determination by the Staff that all terms and conditions of the permit have been met.

5. Upon the failure of the applicant to pay such additional fee when due, the land use application shall be deemed to be incomplete and may be denied by the Land Use Agency for that reason with or without prejudice. No land use application shall be approved until the base fee, the additional fee, if any, and costs of advertising and legal notices have been paid in full.

c. No fees shall be required for any land use application submitted by the Town of Brooklyn or any of its municipal agencies.  
(Ord. 5/3/10)

**20-1.4 Effective Date; Validity.**

In accordance with Connecticut General Statutes Section 8-1c, upon its effective date the fee structure set forth in this chapter shall supersede any fee schedule adopted by any Land Use Agency (this schedule was adopted May 3, 2010). If any provision or fee imposed by this chapter is, for any reason, found to be invalid by a court of competent jurisdiction, such invalidation shall not affect the validity of the remaining portions of this chapter and the fees imposed. (Ord. 5/3/10)

**20-1.5 Amendment of Schedule.**

The Board of Selectmen, acting pursuant to the provisions of Connecticut General Statutes Section 7-157(a), may, by ordinance, amend the Schedule of Base Fees from time to time after consultation with the Land Use Agency(ies). (Ord. 5/3/10)

**20-1.6 Fee Schedule.**

**Base Land Use Application Fees**

**ZONING FEES**

Text Amendment to Regulations	\$250.00
Zoning Map Change	\$250.00
Home Occupation	\$50.00
Special Permit	\$100.00 plus site plan review
Site Plan Review	
2,500 sq. ft. or less	\$300.00
Over 2,500 sq. ft.	\$300.00 plus \$15.00 per each additional 1,000 sq. ft.
Site Plan Review (multi-family/active adult or elderly)	\$300.00 plus \$20.00 per unit
Amendment to Site Plan After Submission	\$150.00
Special Permit (Sand and Gravel)	\$250.00 +
< 1,000 cu. yds.	\$200.00
1,000 to 20,000 cu. yds.	\$300.00
21,000 to 50,000 cu. yds.	\$750.00
51,000 to 100,000 cu. yds.	\$2,500.00
> 100,000 cu. yds.	\$5,000.00
Annual Sand and Gravel Renewal	\$100.00

**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
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**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**

<b>Nature of Violation</b>	<b>Amount of Fine</b>
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
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\*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 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)

**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 IWWC

April 19, 2021 Sitewalk Notes

Application # 060920A

Site walk conducted at: River Walk Drive, Brooklyn, CT

Members present: Richard Oliverson, Jason Burgess, James Paquin

Others present: Paul Lehto, applicant and property owner

Sitewalk started: 5:41 PM

No quorum was present for this site walk. All persons present followed Mr. Lehto into the property. The members viewed the wetlands crossing that is about a third of the way into the property, the silt fence that is near the end of the property and the general areas of excavation.

Loamy material has been placed on both sides of the wetlands crossing. Straw mulch has been recently placed on top of the area where loamy material has been placed. There is visible evidence of the loamy material eroding towards and likely into the wetlands. In the area of road immediately upland of the wetlands crossing, there are piles of material in a windrow. The windrow appears to be placed in a non-intentional manner and may be contributing to uncontrolled surface water runoff towards and into the wetlands. The row of silt fence towards the end of the property is improperly installed. Many large areas of the fencing do not have the bottom of the fabric embedded into the ground. This allows water and materials to freely flow under the fence.

Site walk ended: 6:06 PM

Respectfully submitted,

James Paquin, Member Brooklyn IWWC



## JOSEPH R. THEROUX

~ CERTIFIED FORESTER/ SOIL SCIENTIST ~  
PHONE 860-428-7992 ~ FAX 860-376-6842  
P.O. Box 32, VOLUNTOWN, CT. 06384

FORESTRY SERVICES ~ WETLAND IMPACT ASSESSMENTS  
WETLAND DELINEATIONS AND PERMITTING ~ E&S/SITE MONITORING  
WETLAND FUNCTION/VALUE ASSESSMENTS

4/27/2021

TOWN OF BROOKLYN  
INLAND WETLANDS AND WATERCOURSES COMMISSION  
4 WOLF DEN RD.  
P.O. Box 356  
BROOKLYN, CT. 06234

ATTN: MARGARET WASHBURN, WETLANDS ENFORCEMENT OFFICER

RE: WETLAND RECLAMATION, LEHTO PROPERTY, RIVERWALK DRIVE, BROOKLYN, CT.

DEAR MARGARET,

AT YOUR REQUEST I HAVE SUPERVISED THE REMOVAL OF THE FILL MATERIALS WITHIN THE WETLANDS ADJACENT TO THE ACCESS ROAD INTO THE EXISTING GRAVEL REMOVAL OPERATION ON THE SUBJECT PROPERTY.

MR. LEHTO REMOVED THE FILL ON THE SLOPE ADJACENT TO THE WETLANDS DOWN TO THE ORIGINAL SLOPES GRADE AND TOE OF SLOPE ALONG THE WETLAND BOUNDARY. THE ORIGINAL SLOPES WERE FOUND, AS EVIDENCED BY BURIED PLANTS AND SHRUBS.

SOME SEDIMENTS WERE FOUND WITHIN THE WETLANDS FROM STORMWATER TRANSPORT OF FINES FROM THE ROADBED ON THE SOUTHERN SIDE. AS THESE SEDIMENTS WERE MINIMAL, AND WERE INTERSPERSED WITH THE EXISTING WETLAND VEGETATION, I RECOMMENDED THAT THEY BE LEFT IN PLACE SO AS NOT TO DISTURB THE CHARACTER AND FUNCTIONS OF THE HERBACEOUS VEGETATION AND SHRUBS. GRASSES AND SKUNK CABBAGE WERE ALREADY EMERGING THROUGH IN SEVERAL PLACES.

I RECOMMENDED THAT THE RESIDUAL SLOPES BE GRADED WITH TOPSOIL AT AN APPROX. 3:1 SLOPE, TO MINIMIZE FUTURE EROSION, INSTEAD OF THE ORIGINAL STEEPER 2:1 SLOPE GRADE.

STAKED HAY BALES WERE PLACED AT THE EDGE OF DISTURBANCE, AND THE DISTURBED AREAS WERE SEEDED AND MULCHED. (SEE ATTACHED PHOTOS).

IN ADDITION, I RECOMMENDED THAT ON THE STEEPER PORTION OF THE ACCESS ROAD APPROACHING THE CROSSING SITE, THAT THE EXISTING WATERBARS BE RE-

CONSTRUCTED, AS THEY WERE MOSTLY FLATTENED OUT DUE TO TRUCK TRAFFIC, AND THE SEDIMENT BASINS BE CLEANED OUT TO STOP THE SURFACE STORM WATER FLOWS FROM ERODING THE ROAD BED.

CURRENTLY, THESE FLOWS WERE REACHING THE CROSSING SITE AND DISCHARGING INTO THE WETLANDS ON THE SOUTHERN SIDE OF THE ACCESS ROAD. THIS CONDITION WAS CAUSED BY THE EXCAVATION CONTRACTOR THAT WAS OPERATING THE SITE GRADING AND TRENCHING ALONG THE NORTHERN SIDE OF THE ACCESS ROAD. STORM WATER FLOWS WERE TRAPPED IN THE ROAD BED AND TRENCHES ALONG THE ROAD. THESE FLOWS PICKED UP VELOCITY AND FOLLOWED THE ROAD BED TO THE WETLANDS.

IT WAS MY RECOMMENDATION THAT THE NORTHERN SIDE OF THE ACCESS ROAD BE GRADED TO ALLOW SHEET FLOWS FROM THE ROAD BED INTO THE UPLANDS WHERE THEY CAN INFILTRATE.

MR. LEHTO WAS PERFORMING THIS GRADING WORK TODAY, (4/27/21).

IN CONCLUSION, I FEEL THIS WAS AN ADEQUATE RECLAMATION OF THE SLOPE AND WETLANDS, AS WELL AS PREVENTATIVE WORK TO MINIMIZE EROSION AND STORMWATER TRANSPORT OF SEDIMENTS.

IF YOU HAVE ANY QUESTIONS, PLEASE FEEL FREE TO CONTACT ME.

THANK YOU,

*Joseph R. Theroux*

JOSEPH R. THEROUX  
CERTIFIED SOIL SCIENTIST  
MEMBER SSSSNE, NSCSS, SSSA.





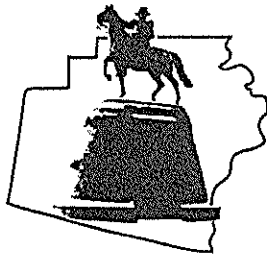
WETLANDS  
NORTH SIDE



WETLANDS  
SOUTH SIDE



UPSLOPE  
ACCESS  
ROAD  
GRADING



# 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

*off Allen Hill Rd*

*Paul Lehto Gravel Pit*

*5/4/21*

Address

Date

*I inspected the area where wetlands/  
upland review area were altered.  
Trees pushed into wetlands were removed.  
Double-staked hay bales were installed.  
Loam was removed. The altered  
areas were seeded + mulched.*

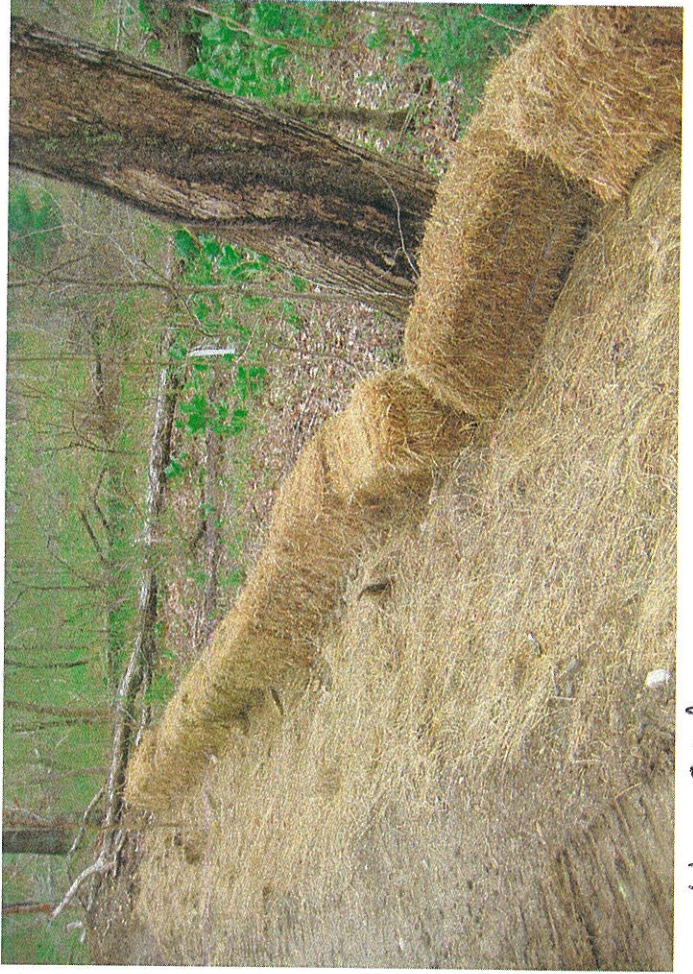
*Nothing has been done regarding  
the widening of the road in  
the upland review area that was  
done by Richard Klingensmith.*

Commission Representative *M Washburn*

Owner or Authorized Signature \_\_\_\_\_



South side



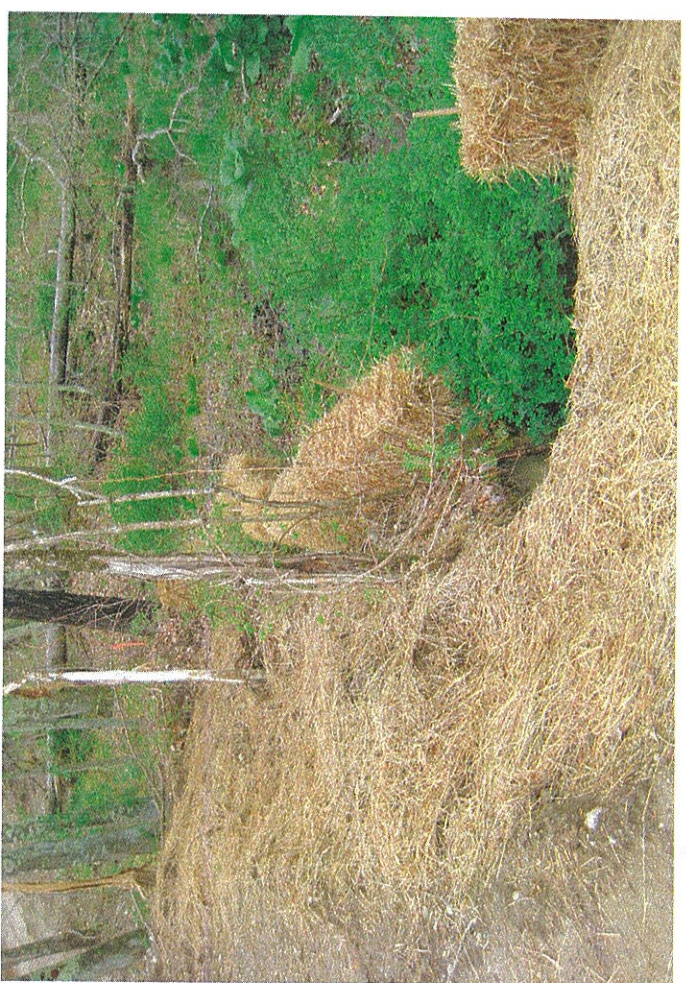
South side





North side

facing east outside URA ↓



North side