



Inland Wetlands and Watercourses Commission

www.essexct.gov

Carey Duques, Land Use Official
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Phone: 860-767-4340 ext 115

Essex Town Hall
29 West Avenue
Essex, Connecticut 06426

CEASE AND CORRECT ORDER

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
REGULAR MAIL

June 7, 2023

Spartan Associates LLC
c/o Frank Perotti
46 Main Street
Ivoryton, CT 06442

Michael and Kalyn D'Occhio
1 Johnny Cake Lane
Ivoryton, CT 06442

Re: Cease and Correct

At 46 Main Street and 1 Johnny Cake Lane
Ivoryton, CT 06442
Assessor Map 56, Lot 11 and Map 56 Lot 38-01, respectively

Dear Mr. Perotti and Mr. and Mrs. Docchio,

Based upon personal observations made on June 2, 2023 I am aware that activities have taken place on the property at 46 Main Street Ivoryton, including:

1. Removal of trees and vegetation within wetlands and the 100-foot upland review area of a wetlands without a permit and
2. Filling of a stream with soil and debris (see attached photos).

Such work constitutes regulated activities pursuant to the Town of Essex, Inland Wetlands and Watercourses (IWWC) Regulations and Connecticut General Statutes, Section 22a-36 through 22a-45.

These activities require that a permit be obtained prior to conducting such regulated activities. Since the work has been done without a permit, such work has been conducted in violation of the law.

Therefore, pursuant to Section 14.4(a) of the Regulations and Sections 22a-36 through 22a-45 of the Connecticut General Statutes, and as instructed in person on June 2, and via an email sent to you on June 2, you are hereby ORDERED:

- (1) Cease each of the activities enumerated and described above or other activities within the wetlands or watercourses of the Town of Essex without a permit; and
- (2) Acquire a survey of the existing conditions showing, the cleared area, piles of debris, wetlands, stream and 100 foot upland review area; and
- (3) Prepare an erosion and sedimentation (E&S) control plan to stabilize the existing plan, for review by Carey Duques, the Wetlands Agent and Bob Doane, the Wetlands Enforcement Officer (WEO); and
- (4) Implement any approved E&S plan as referenced above, with any conditions associated therewith, with regular inspections made by the Agent and/or WEO; and
- (5) Monitor the site to ensure that the E&S remains stabilized; and
- (6) Remove the sediment and debris from the stream and hire a Soil Scientist and to develop a full remediation plan for the stream; and
- (7) Develop and implement a remediation plan for the wetlands which is to be approved by the IWWC; and
- (8) Pay the appropriate enforcement fee as determined by the Essex IWWC.

You are hereby further notified pursuant to Section 14.4(a) of the Regulations that a hearing shall be held at the IWWC meeting to be held on **Tuesday June 13, 2023 at 7 pm at Essex Town Hall, 3rd Floor Conference Room A.**

At this hearing you will be provided the opportunity to show cause why the Order should not remain in effect. The Commission will decide if the Order is to remain in effect, or that a revised Order is in effect, or that the Order is withdrawn. You will receive notice of the Commission decision within 15 days by certified mail. This Order shall remain in effect until the Commission affirms, revises or withdraws the Order.

Please be advised that the violations set out in this order may subject you to a civil penalty of \$1,000 for each offense, and that each day's continuance thereof may be deemed to be a separate and distinct violation. Further, willful and knowing violations are subject to additional penalties of \$1,000 per offense, per day.

Also note that the owner may be responsible to pay any existing municipal out of pocket costs and/or third party costs for review (e.g. engineer, wetlands official, attorney, etc) associated with the enforcement of the same.

Failure to take meaningful steps to comply with this order within 10 days will result in this office turning over this matter to Legal Counsel for the IWWC for legal action to compel compliance.

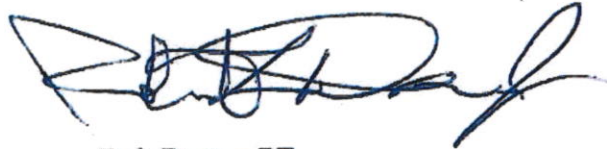
Unless and until the IWWC vacates the Cease and Desist Order and/or the Wetlands Agent or WEO provides a notice of compliance in writing, the Cease and Desist will be in full force and effect.

If you have questions, please contact me, at 860-767-4340 ext 115. Your prompt cooperation is appreciated.

Sincerely,



Carey Duques, CZEO, AICP
Land Use Official
Town of Essex



Bob Doane, PE
Wetlands Enforcement Officer
Town of Essex

Cc: Michael Furgueson, IWWC Chairman
Sylvia Rutkowska, IWWC Attorney

Appendix A
Photos 46 Main Street Ivoryton, CT
Cease and Desist



Photo 1 facing southeast, Johnny Cake Lane is to the left of the photo. The stream is to the lower left in the photo and continues to the middle of the photo. The area was cleared of all vegetation without a permit. Photo taken June 2, 2023 by Carey Duques



Photo 2 facing south. The area was cleared of all vegetation without a permit. Photo taken June 2, 2023 by Carey Duques

Appendix A (Continued)
Photos 46 Main Street Ivoryton, CT
Cease and Desist



Photo 3 facing southwest. The area was cleared of all vegetation without a permit. Photo taken June 2, 2023 by Carey Duques



Photo 4 facing west. The guest houses of the Copper Beech Inn are to the right of the photo. The area was cleared of all vegetation without a permit. Photo taken June 2, 2023 by Carey Duques

Appendix A (Continued)
Photos 46 Main Street Ivoryton, CT
Cease and Desist



Photo 5 facing west. The guesthouses of the Copper Beech Inn are on the right side of the photo. The area was cleared of all vegetation without a permit. Photo taken June 2, 2023 by Carey Duques



Photo 6 facing southeast, Johnny Cake Lane is to the left of the photo. The stream is to the lower left in the photo and continues to the middle of the photo. Standing water is visible in the photo. Photo taken June 2, 2023 by Carey Duques

Appendix A (Continued)
Photos 46 Main Street Ivoryton, CT
Cease and Desist



Photo 7 facing southeast. Standing water visible in the foreground of the photo where the excavator sank into the soil. Photo taken June 2, 2023 by Carey Duques



Photo 8 facing south, after walking further into the property away from the guest houses of the Copper Beech Inn. Standing water visible where tracks from the machinery exist. Photo taken June 2, 2023 by Carey Duques

Appendix A (Continued)
Photos 46 Main Street Ivoryton, CT
Cease and Desist



Photo 9 facing southeast, approximately midway into the rear of the property is a brush pile of vegetation that was cleared without a permit. Photo taken June 2, 2023 by Carey Duques



Photo 10 facing northwest, the guest house on the western side of the property is in the background. Piles of trees and brush removed without a permit in the foreground. Photo taken June 2, 2023 by Carey Duques

Appendix A (Continued)
Photos 46 Main Street Ivoryton, CT
Cease and Desist



Photo 11 facing north, pile of brush in the foreground and guest houses of Copper Beech Inn in the background. Photo taken June 2, 2023 by Carey Duques



Photo 12 facing northeast, Johnny Cake Lane is along the middle of the photo. Pile of vegetation and stones removed without permits. Photo taken June 2, 2023 by Carey Duques

Appendix A (Continued)
Photos 46 Main Street Ivoryton, CT
Cease and Desist



Photo 13 facing northwest taken from the side of the stream closest to Johnny Cake Lane. The stream is in the foreground of the photo and runs from left to right. Photo taken June 2, 2023 by Carey Duques



Photo 14 facing north taken from the side of the stream closest to Johnny Cake Lane. The stream is in the foreground of the photo between the boulders and runs from left to right. Photo taken June 2, 2023 by Carey Duques

Appendix A (Continued)
Photos 46 Main Street Ivoryton, CT
Cease and Desist



Photo 15 facing south looking at the stream from the side closer to Johnny Cake Lane. Dirt and debris has been placed in the stream. Photo taken June 2, 2023 by Carey Duques



Photo 16 facing west looking at the stream from the side of the stream closest to Johnny Cake Lane. The stream runs under the dirt and debris and emerges by the boulders. Photo taken June 2, 2023 by Carey Duques