

Pictures taken from Mashentuck Road facing South towards the property.







TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239

Tel: 860 779-5311 Fax: 860 779-5381

CEASE & DESIST ORDER

CERTIFIED MAIL

RRR# 9590 9402 3804 8032 8825 54

November 24, 2020

Certified Mail

Jean Palazzi
322 Mashentuck Road
Killingly, CT 06239

**RE: INLAND WETLANDS AND WATERCOURSES – CEASE & DESIST ORDER
506 COOK HILL ROAD
GIS MAP 162; LOT 16 – RURAL DEVELOPMENT ZONE**

Dear Ms. Palazzi:

It was brought to the attention of this office that unpermitted activities have been carried out within the regulated area of a wetland or watercourse at 506 Cook Hill Road. Following a drive-by site inspection on October 26, 2020, staff observed the presence of fill material deposited into piles within a known wetland area. This unpermitted activity indicates that filling / excavation and obstruction, construction, alteration or pollution of wetlands or watercourses may have occurred.

The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the Town of Killingly and the State of Connecticut.

For these reasons, we are requesting your presence at the December 07, 2020 Regular Meeting of the Inland Wetlands Commission for a show-cause hearing. This hearing will allow the commission to determine if you are in compliance with the Killingly Inland Wetlands and Watercourses Regulations.

Section 4.1.a (Killingly Inland Wetlands and Watercourses (IWWC) Regulations)

Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of wetlands or watercourses with continual flow, clear cutting of timber except for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;

Section 4.3 (Killingly IWWC Regulations)

All activities in wetlands or watercourses involving filling, excavation, dredging, clear cutting and/or grading or any other alteration or use of a wetland or watercourse not specifically permitted by this section shall require a permit from the Commission in accordance with Section 6 of these regulations.

Section 6.1 (Killingly IWWC Regulations)

Notwithstanding the ownership of the subject land, no person shall conduct or permit to be conducted or maintain a regulated activity in and/or within 200' of inland wetlands and/or watercourses without first obtaining a permit for such activity from the Killingly Inland Wetlands and Watercourses Commission.

Section 6.2 (Killingly IWWC Regulations)

The Agency shall regulate any operation in or within 200' of a wetland and/or watercourse or use of a wetland or watercourse involving removal or deposition or discharge of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses, any activity outside the limits of the wetlands or watercourses, which may have an effect on the wetlands or watercourses, and any other regulated activity, unless such operation or use is permitted or non-regulated pursuant to Section 4 of these regulations.

We request that you contact this office as soon as possible to receive further instructions on how to interact with the commission virtually due to COVID-19 restrictions. Failure to contact the Killingly Planning & Development Office staff and attend your show-cause hearing with the Inland Wetlands and Watercourses Commission at 7:00pm on Monday, December 07, 2020 may result in enforcement action. You are encouraged to attend this hearing.

If you fail to participate in this hearing you may be subject to fines per section 13.4 of the Killingly Inland Wetlands and Watercourses Regulations as well as the Killingly Code of Ordinances section 1-12:

Section 13.4 (Killingly IWWC Regulations)

Any person who commits, takes part in, or assists in any violation of any provisions of these Regulations shall be fined not more than one thousand dollars (\$1000) for each offense. Each violation 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 any action brought by the Commission, the Town of Killingly or any person, shall have jurisdiction to restrain a continuing violation of these regulations and/or to issue orders directing that said violation be corrected or removed. All costs, fees and expenses in connection with such action shall be assessed as damages against the violator. The moneys collected pursuant to this section shall be used to restore the affected wetland or watercourse to its condition prior to the violation, wherever possible.

Section 1-12 Penalties for Violation of Inland Wetlands and Watercourses Regulations (Killingly Code of Ordinances)

Pursuant to section 22a-42g of the Connecticut General Statutes, as amended, the Commission and/or its duly Authorized Agent is authorized to issue citations for violations of the Inland Wetlands and Watercourses Regulations of the Town of Killingly to the extent and in the manner provided by this ordinance. Any such citation must be served by hand delivery by an officer of the court to the person named in the citation.

The fine for each violation shall be up to \$1000 dependent upon severity as judged by the Inland Wetlands and Watercourses Commission, payable to the Town of Killingly, within 30 days of the date the Commission determined that the action was indeed unauthorized and in violation of the Inland Wetlands and Watercourses Regulations. The individual is also required to do any mitigative measures as required by the Inland Wetlands and Watercourses Commission within 30 days to avoid having to pay the fine. Furthermore, no such fine may be levied against the state or any employee of the state acting within the scope of his employment.

The provision regarding hearings for violations of this ordinance shall follow the rules and procedures as set forth in Section 1-10 of the Killingly Code of Ordinances, subsection "b"

through "e" regarding hearing procedures for violations of ordinances, no Wetlands Enforcement Agent / Authorized Agent or wetlands commission staff, Zoning Enforcement Officer, Building Official, nor any employee, agent, or member of the Inland Wetland and Watercourses Commission may be appointed as a hearing officer. Any fine due under this section shall be paid to the municipality upon receipt, but in no event later than ten (10) days from date of receipt of service of notice of the fine by the Commission and/or its duly Authorized Agent unless an appeal is taken within that time period; the right of appeal shall be as set forth in said Section 1-10.

If you have any questions, you may contact my office Monday, Wednesday, and Thursday 8:00 AM to 4:00 PM; Tuesday 8:00 AM to 5:00 PM and Friday 8:00 AM to noon, at 860-779-5310. Voicemail is available after hours.

Sincerely,



Marina Capraro
Assistant Planner / Natural Resources Officer

cc: Ann-Marie L. Aubrey, Director Planning and Development (via email)
Jonathan Blake, Planner I / Zoning Enforcement Officer (via email)
Mary Calorio, Town Manager (via email)
File



506 Cook Hill Road

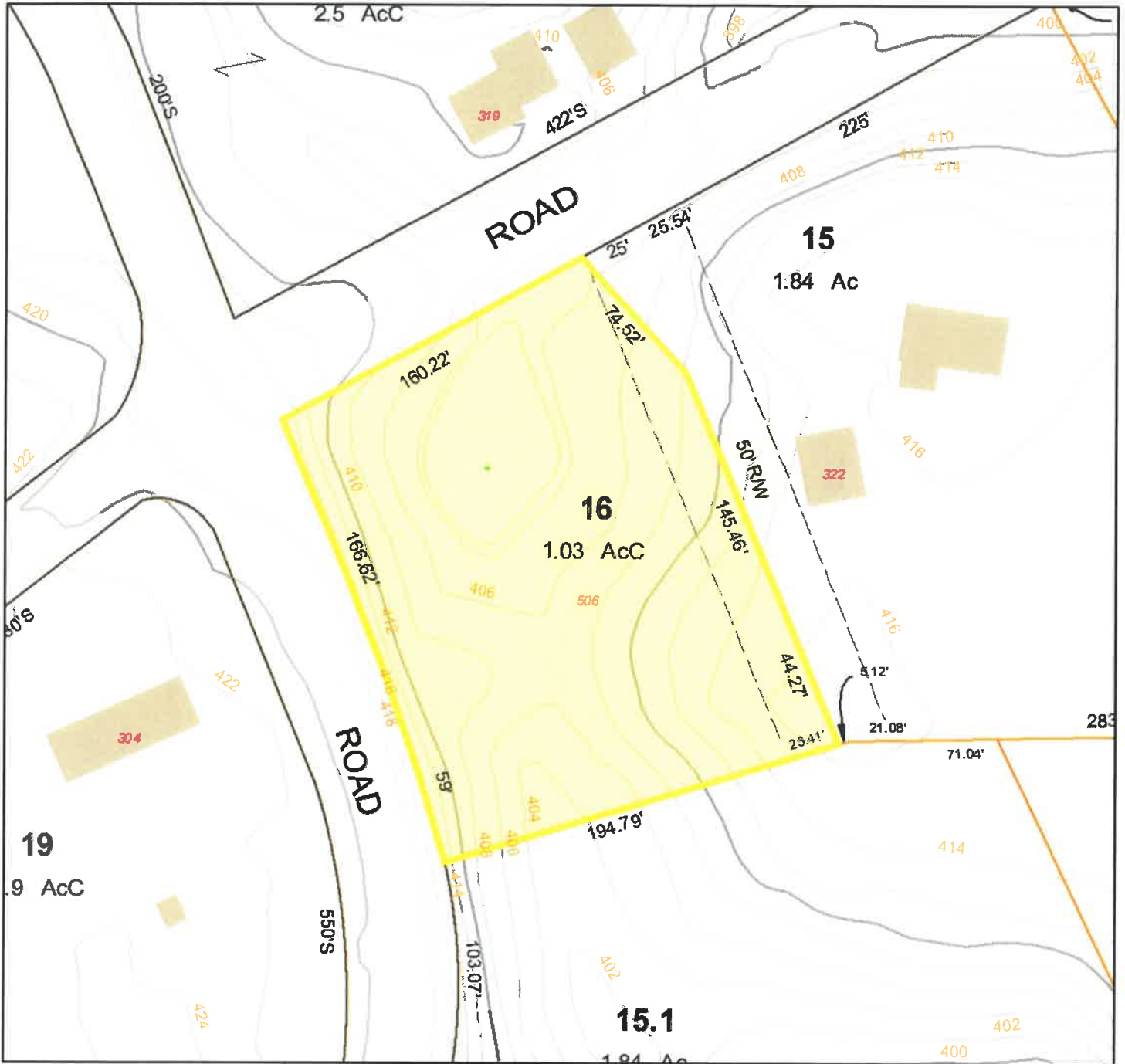
Contours & Wet Area Shown



1 inch = 70 Feet



December 3, 2020



	PROPERTYLINE		Property Hook		Arrowheads		10' Intervals
	ROAD		RW		Buildings		2' Intervals
	PROPERTYLINE		WETLAND		Right of Ways		
	ROAD		Leaders		Wet Areas		

Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.

