



# TOWN OF KILLINGLY

PLANNING & DEVELOPMENT OFFICE

172 Main Street, Killingly, CT 06239

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

## NOTICE OF VIOLATION / CEASE AND DESIST ORDER

April 21, 2023

Kurt Meyer  
80 Mashentuck Road  
Killingly, CT 06239

Certified Mail Return Receipt Requested  
# 7016 3560 0000 1712 4247

Kristopher Meyer  
KKM & Sons Construction  
80 Mashentuck Road  
Killingly, CT 06239

Certified Mail Return Receipt Requested  
# 7016 3560 0000 1712 4254

**RE: 64 & 80 MASHENTUCK ROAD, KILLINGLY, CT - UNPERMITTED FILL / ILLEGAL DUMPING (KILLINGLY INLAND WETLANDS & WATERCOURSES COMMISSION SHOW CAUSE HEARING)  
GIS MAP 183; LOT 13.1 & 13 - RURAL DEVELOPMENT ZONE**

Dear Mr. Meyer & Mr. Meyer:

On Wednesday, April 12, 2023, at approximately 3:00 PM, the Danielson Fire Department and South Killingly Fire Department were called to 64 & 80 Mashentuck Road to extinguish a solid waste fire. Both the Town of Killingly Fire Marshal and Zoning Enforcement Officer were called to the property given the nature of the fire but also the large quantity of solid waste on the properties. Said solid waste consisted of a large quantity of construction debris, car parts, decking, furniture, brush and junk vehicles.

Most of the solid waste on 64 Mashentuck Road had been dumped down an embankment along with other fill within 200' of Fall Brook that bisects the same property. Of the approximate 1.27-acre debris field across both properties, approximately 0.6 of an acre are in areas defined as wetland soils according to the Town of Killingly Inland Wetlands and Watercourses Map and the State of Connecticut Inland Wetland Soils Map (CT DEEP & US Department of Agriculture, Natural Resources Conservation Service). The entire debris field is within the 200' upland review area as defined in the Town of Killingly Regulations for the Protection and Preservation of Inland Wetlands and Watercourses (Killingly IWWC Regulations).

According to aerial photography, dumping in this area started around 2004 which appears to be wood chips and fill. In 2015 the quantity of fill seems to have increased. Starting in 2019 the imagery suggests the introduction of construction debris that has continued to be illegally dumped to the present day.

It should be noted that a home occupation permit (ZP #12661) was issued on 9/10/2019 to Kristopher Meyer (KKM & Sons Construction).

**You are hereby ordered to Cease and Desist the unpermitted and unlawful dumping of solid waste and other debris onto 64 & 80 Mashentuck Road. This is a violation of Section 6.1, 6.2 & 6.6 of the Killingly IWWC Regulations.**

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**Corrective action is required to remove and properly dispose of all solid waste. Receipts documenting said removal are required.**

**Full restoration of the affected area shall include:**

- **Returning said area to its original topography prior to filling, where possible.**
- **Establishment of vegetation (Conservation Seed Mix) to prevent erosion.**
- **Installation of Silt Fence, where necessary.**

**A corrective action plan shall be presented to the Killingly Inland Wetlands and Watercourse Commission or their Authorized Agent within thirty (30) days of receiving this order. Said plan shall establish a reasonable timeframe to complete all corrective actions and restoration.**

**A show cause hearing will be held on Monday, May 1<sup>st</sup>, during the Regular Meeting of the Killingly Inland Wetlands and Watercourses Commission (IWWC). The IWWC meeting is held at the Killingly Town Hall, Town Meeting Room (Second Floor) at 7:00 PM. You are encouraged to attend this hearing.**

The Agency shall consider the facts presented at the hearing and within ten (10) days of completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-44(b) of the Connecticut General Statutes, as amended.

If this order is upheld at the show cause 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.*

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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.

**Failure to respond to this correspondence or submit a corrective action plan within thirty (30) days of receiving this order could result in further legal action under the provisions of the Connecticut General Statutes 22a-44(c) and/or the issuance of fines in the amount of one thousand dollars (\$1000) per day.**

*Section 13.5 (Killingly IWWC Regulations)*

*Any person who willfully or knowingly violates any provision of these regulations, 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.*

If you have any concerns or questions regarding any information contained in this correspondence, you may contact my office Monday, Wednesday and Thursday 8:00 AM to 5:00 PM; Tuesday 8:00 AM to 6:00 PM and Friday 8:00 AM to noon, at 860-779-5311. Voicemail is available after hours.

Sincerely,



Jonathan Blake  
Killingly Authorized Wetlands and Watercourses Enforcement Agent  
Planner 1/ Zoning Enforcement Officer

cc: Ann-Marie L. Aubrey, Director Planning and Development (via email)  
Mary Calorio, Town Manager (via email)  
Randy Burchard, Fire Marshal (via email)  
File

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# 64 & 80 Mashentuck

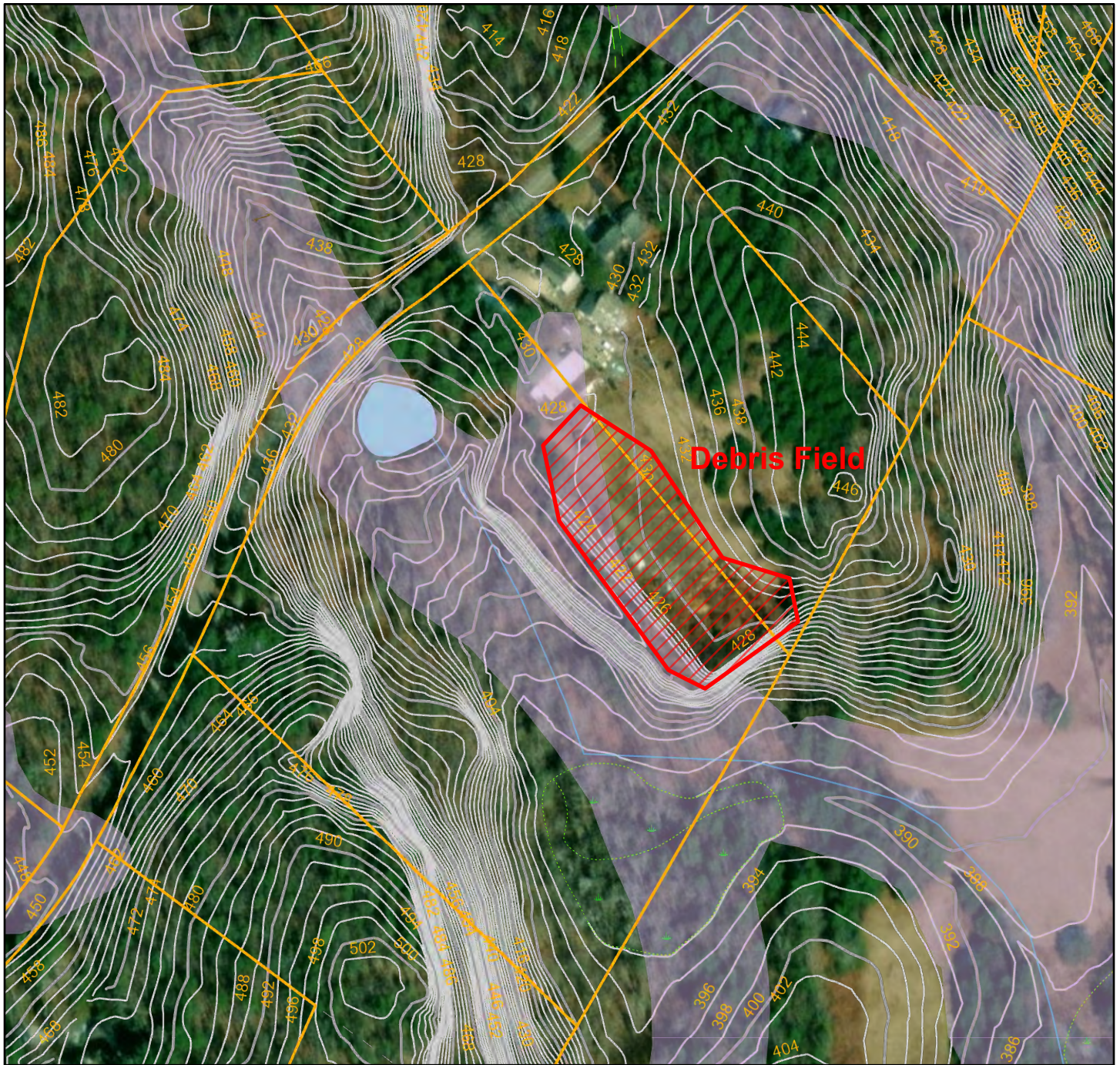
Town of Killingly, CT

1 inch = 200 Feet



www.cai-tech.com

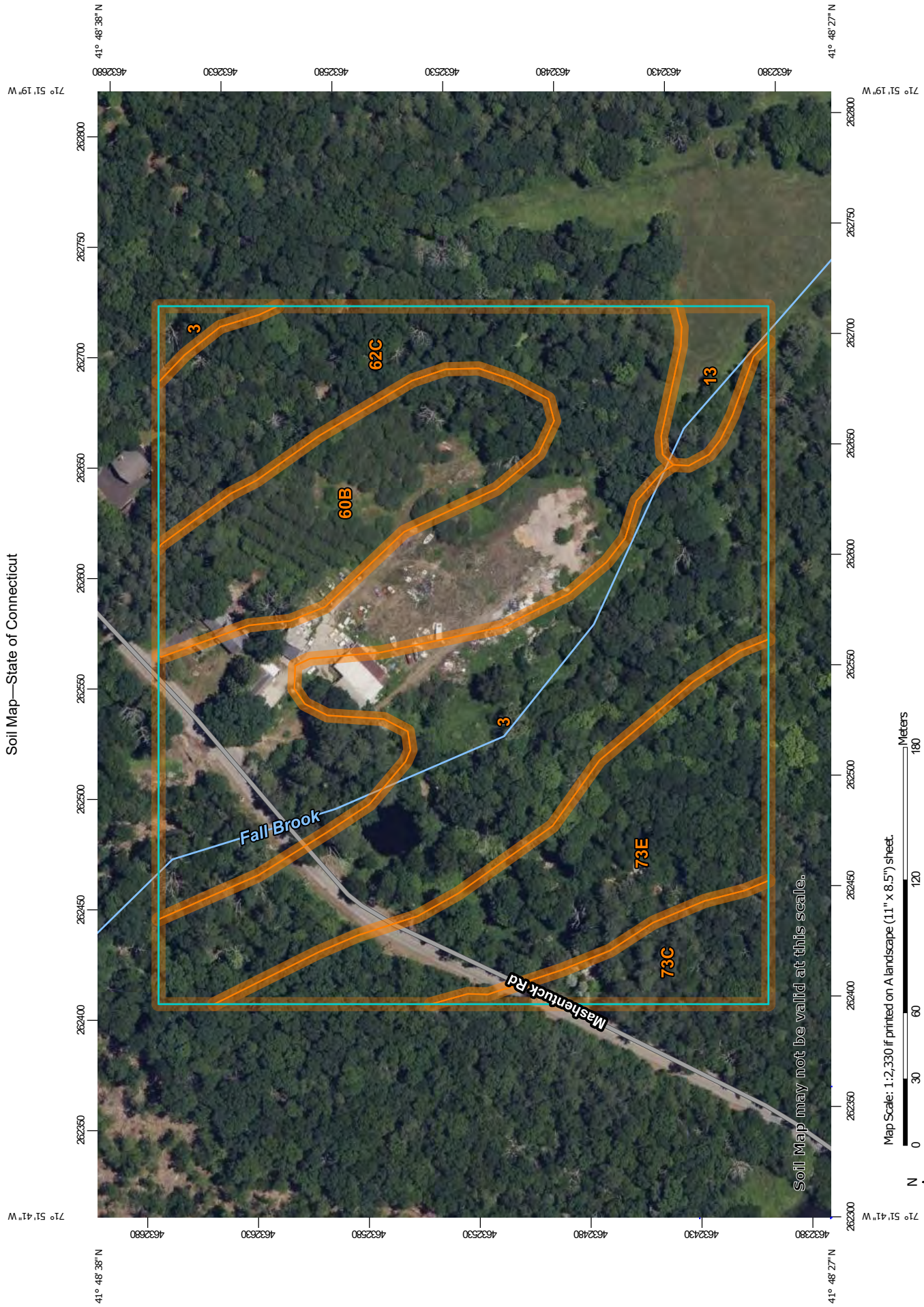
April 28, 2023



PROPERTYLINE	Wet Areas	World Imagery
ROAD	Water-poly	Low Resolution 15m Imagery
Property Hook	10' Intervals	High Resolution 60cm Imagery
TRACT LINE	2' Intervals	High Resolution 30cm Imagery
TRAIL	Water	Citations
WETLAND	Poorly Drained and Very Poorly Drained Soils	60cm Resolution Metadata

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.

Soil Map—State of Connecticut



## MAP LEGEND

- Area of Interest (AOI)
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- Soils**
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points
- Special Point Features**
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features
- Water Features**
- Streams and Canals
- Transportation**
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads
- Background**
- Aerial Photography

## MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:12,000.

**Warning:** Soil Map may not be valid at this scale.  
 Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: State of Connecticut  
 Survey Area Data: Version 22, Sep 12, 2022

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 14, 2022—Jul 1, 2022

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
3	Ridgebury, Leicester, and Whitman soils, 0 to 8 percent slopes, extremely stony	6.3	29.0%
13	Walpole sandy loam, 0 to 3 percent slopes	0.6	2.6%
60B	Canton and Charlton fine sandy loams, 3 to 8 percent slopes	2.7	12.6%
62C	Canton and Charlton fine sandy loams, 3 to 15 percent slopes, extremely stony	7.5	34.7%
73C	Charlton-Chatfield complex, 0 to 15 percent slopes, very rocky	1.0	4.5%
73E	Charlton-Chatfield complex, 15 to 45 percent slopes, very rocky	3.6	16.7%
<b>Totals for Area of Interest</b>		<b>21.6</b>	<b>100.0%</b>



Photo by South Killingly Fire



View South - East





View South East



View North West





View South - Towards Fall Brook



View South East - Fall Brook to right approx 60'

View South East - Fall Brook to right Approx. 75'



View North West



View South - Towards Fall Brook



View South East





View North



View South - Towards Fall Brook





View South East





View East



View North





View South East



View East



View South



View South East







View South West - Tire wall?



View South West



View East







View North West



View North



View North



SECTION 6 - REGULATED ACTIVITIES TO BE LICENSED

- 6.1 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.
- 6.2 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.
- 6.3 Unless an applicant can demonstrate to the Commission, on a case-by-case basis that no significant impact will result from such proposed activities, minimum separating distances from wetlands and/or watercourses are hereby established to protect the wetlands and watercourses of the town from disturbing uses and discharges; and for preservation of the natural and indigenous character of the wetlands or watercourses systems and riparian corridors.

Unless otherwise demonstrated by the applicant on a case-by-case basis that no significant impact will result from such proposed activities, minimum separating distances, as measured from the nearest edge of the ordinary high water mark of an inland wetland or watercourse or the edge of the stream bank based on bank full flow conditions in the absence of a riparian wetland, are:

Subsurface sewage disposal system, tank, leach field, dry well, chemical waste disposal system, manure storage area, or any other pollution source (all hereinafter referred to as "system") ms	100 feet - inland wetlands, watercourses, rivers and perennial streams;
	50 feet - wetland pockets and intermittent streams

No system, at any distance from such watercourse or inland wetland, shall be constructed or maintained in such a manner so as to allow untreated surface drainage into any such watercourse or inland wetlands. Guidelines are available in the 2004 Storm Water Quality Manual, available from the Inland Wetlands Agency, the Department of Environmental Protection (DEP), or from the DEP website: <http://dep.state.ct.us/wtr/stormwater/stormwtrindex.htm>. (Effective date: May 15, 2011)

Single and two-family residential structures - 50 feet  
Other main-use buildings or structures - 75 feet  
Accessory structures housing animals - 100 feet  
Other accessory structures - 50 feet  
Other accessory structures less than 150 square feet in size - 25 feet  
No disturbance wetland buffer – 25 feet

Separation distances listed above may be increased by the Commission if deemed necessary for the protection and preservation of the natural and indigenous character of the wetlands and/or watercourses system and riparian corridors due to site specific factors such as topography, slope, soil type, presence of rare, endangered and/or species of concern, unique or uncommon habitats, etc.

- 6.4 In the event that the regulations contained above in Section 6.3 conflict with either the State of Connecticut Public Health Code or Building Code, the stricter standard shall apply.
- 6.5 The Commission may authorize an emergency activity if the Commission finds such activity is necessary to prevent, abate or mitigate an imminent threat to human health or the environment or substantial loss of or damage to property.
- 6.6 Any person found to be conducting or maintaining a regulated activity without the prior authorization of the Killingly Inland Wetlands and Watercourses Commission, or violating any other provision of these regulations, shall be subject to the enforcement proceedings and penalties prescribed in Section 13 of these regulations and any other remedies as provided by law.

## SECTION 13 - ENFORCEMENT

- 13.1 The Agency may appoint an agent or agents to act in its behalf with the authority to inspect property except within a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these regulations.
- 13.2 As a condition of a permit, the Agency or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations with the consent of the property owner or the authorized agent of the owner during the life of the permit.
- 13.3 If the Agency or its designated agent finds that any person is conducting or maintaining any activity facility or condition which is in violation of the Act or these regulations, the agency or its duly authorized agent may:
- a. issue a written order by certified mail, return receipt requested, to such person conducting such activity or maintaining such facility or condition to immediately cease such activity or to correct such facility or condition. Within ten (10) calendar days of the issuance of such order the agency shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Agency shall consider the facts presented at the hearing and within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains in effect, that a revised order is in effect, or that the order has been withdrawn. The Agency shall publish notice of its decision in a newspaper having general circulation in the municipality. The original order shall be effective upon issuance and shall remain in effect until the agency affirms, revises or withdraws the order. The issuance of an order pursuant to this subsection shall not delay or bar an action pursuant to section 22a-44(b) of the Connecticut General Statutes, as amended;
  - b. suspend or revoke a permit if it finds that the permittee has not complied with the terms, conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application including application plans. Prior to revoking or suspending any permit, the Agency shall issue notice to the permittee, by certified mail, return receipt requested, setting forth the facts or conduct which warrants the intended action. The Agency shall hold a hearing to provide the permittee an opportunity to show that it is in compliance with its permit and any and all requirements for retention of the permit. The permittee shall be notified of the Agency's decision to suspend, revoke, or maintain a permit by certified mail within fifteen (15) days of the date of its decision. The agency shall

- publish notice of the suspension or revocation in a newspaper having general circulation in the municipality;
- c. issue a notice of violation to such person conducting such activity or maintaining such facility or condition, stating the nature of the violation, the jurisdiction of the Agency and prescribing the necessary action and steps to correct the violation including, without limitation, halting work in wetlands or watercourses. The Agency may request that the individual appear at the next regularly scheduled meeting of the Agency to discuss the unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subdivision 13.3.a or other enforcement proceedings as provided by law;
  - d. The Inland Wetlands Agency may record a certificate, or notice, of a cease and desist order or order to correct an inland wetland violation with the Killingly Town Clerk, which the Clerk will file on the Killingly Land Records. The certificate will be released upon compliance with the order. (Amend. Effective Date: Feb. 12, 1996)

13.4 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.

13.5 Any person who willfully or knowingly violates any provision of these regulations, 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. (Amend. Effective date, May 15, 2011)