



Town of Wallingford, Connecticut

INLAND WETLANDS & WATERCOURSES COMMISSION

JAMES E. VITALI
CHAIRMAN

ERIN O'HARE
ENVIRONMENTAL AND NATURAL RESOURCES PLANNER

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CERTIFIED MAIL # 7019 0160 0000 2654 9628

May 11, 2020

Tyler Sweeney
6 Grieb Trail
Wallingford, CT 06492

Re: 6 Grieb Trail and abutting undeveloped land - filling

NOTICE OF VIOLATION

To Whom It May Co:

This letter is a Notice of Violation concerning unpermitted, unauthorized filling of wetlands and filling in the 50-foot regulated area surrounding the wetlands. A site investigation was conducted by this office of your property, 6 Grieb Trail, and the abutting land to the south (owner of latter not on record) on May 5, 2020 in response to an anonymous complaint of illegal activities.

A pile of fresh, "reddish" earth was observed deposited in an area located immediately to the southeast of your paved driveway. The deposition extended out at grade level for several feet - creating a level area - and then down the steep wooded embankment that rises above a large expanse of mature floodplain forest with a ground layer dominated by skunk cabbage. The trunks of several trees growing on the embankment were observed standing in fill. Sediment was observed on the forest floor that had travelled from the deposit area toward the stream which is located further to the east. This stream, known as the Muddy River, is the receiving watercourse for flows discharged from Spring Lake and it is the main tributary to MacKenzie Reservoir, part of the Town of Wallingford Public Drinking Water Supply. Photographic documentation was taken of the fill deposition and of a deposit of the "reddish" sediment observed in the stream channel itself.

This office left a written notice in your door at that time to contact this office about the violation which directed you to cease any further filling activities. We discussed the violation matter on May 7 when you contacted this office, as requested. You indicated that you were unaware of a wetland law but that you were willing to correct the violation. You were directed to install erosion control measures at the base of the fill and begin the fill removal process taking care not to disturb the swamp further. You were advised this letter would be issued with further directives.

The recent site investigation indicated several violations of the Wallingford Inland Wetlands and Watercourses Regulations. This letter is a Notice of Violation pursuant to Section 14.3.c. of the Wallingford Inland Wetlands and Watercourses Regulations concerning the subject properties in regards to unauthorized and unpermitted activities conducted within the jurisdictional area on the subject properties in violation of the regulations. The jurisdictional area is comprised of wetlands, watercourses, and the 50 feet surrounding wetlands and watercourses where an activity has occurred or is proposed. As used in the Wetlands Act, "watercourses" includes streams, intermittent drainage ways, ponds, vernal pools, swamps and bogs and other water bodies and "wetlands" are defined by soil type. The 50-foot area is termed the Upland Review Area (URA).

No person shall conduct or maintain a regulated activity without first obtaining a permit for such activity from the Inland Wetlands and Watercourses Commission, as per Section 6.1. of the Regulations. The Commission shall regulate 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 and any other regulated activity unless such operation or use is permitted or non-regulated. As per Section 6.2., any person found to be conducting or maintaining a regulated activity without the prior authorization of the IWWC, or violating any other provision of the regulations, shall be subject to the enforcement proceedings and penalties as provided for in Section 14 of the regulations and any other remedies as provided by law.

The unpermitted and unauthorized activities conducted in the regulated areas on the subject property are as follows:

- Work conducted in the jurisdictional area (forested swampland and URA) without a permit and without a declaratory ruling by the IWWC that a permit will not be required.
- Deposition of fill in a forested swamp,
- Deposition of fill within 50-feet of a swamp.
- Introduction of sediments into a stream, Muddy River, as a consequence of sediments travelling from the deposition site downgradient to the stream.

Wetlands and watercourses and the 50-foot area surrounding them are regulated under the Wallingford Inland Wetlands and Watercourses Regulations adopted June 22, 1988, as revised to May 8, 2016. The above listed activities are activities regulated under the Regulations and, therefore, fall within the jurisdiction of the authority of the IWWC.

You are hereby directed to:


- Cease any further unpermitted, unauthorized activity with the exception of corrective actions to initiate as directed by the Environmental Planner.

- Immediately install a curved row of staked hay bales along the swamp floor close to the bottom of the fill pile to protect the swamp and the stream from further introduction of sedimented flows during rain events. (Bales need to be 'trenched in' to the soil and staked to prevent movement.)
- Using a hand shovel, immediately remove any deposition of the reddish fill soil in evidence on the swamp floor or in, or near, the stream channel.
- Immediately begin removing the deposition of fill from the swamp and wooded slope area. Remove fill from against trunks of trees growing on slope. Remove all recently-deposited material such that the pre-existing ground surface levels are restored.
- Fill material is to be taken offsite and not relocated on your property without a permit to do so. If you need to temporarily store it on site until you obtain information for a proper place for the fill material, this temporary stockpile will need to have a ring of staked hay bales or silt fencing installed around its base to prevent it from eroding during storm events and introducing sediment into the Lake or the swamp.
- Stabilize the top of the slope area with grass and a light cover of straw mulch (i.e., mulch comprised of hay bale material or sold loose) to protect the slope. Old leaf matter would be ideal to be installed on the steep part of the disturbed slope area for protection as that was the original natural ground cover.
- Install a row of staked hay bales at the top of slope to further protect the restored slope area from erosion from flows that may travel off the driveway area during storm events.
- Submit an application for the planned patio and any other planned activities on your property to be located within 50 feet of the edge of Spring Lake. (An IWWC Application form is being forwarded to you under separate cover.)
- Follow any further directives issued by the Environmental Planner regarding correction and restoration of the violation area.
- Appear at the next meeting of the IWWC on June 3, 2020, 7:00 p.m., which, due to Covid-19 pandemic, will either be held in the Robert F. Parisi Council Chambers, Second Floor, Town Hall, 45 South Main Street, Wallingford, CT or will be held virtually in a "go to meeting.com" format to discuss the unauthorized activities. You will be notified by this office in advance of the Meeting, accordingly. The IWWC may issue further directives to you at the Meeting or thereafter.

Failure to carry out the actions directed in this Notice may result in further enforcement action issuance as provided for in Section 14 of the Inland Wetlands and Watercourses Regulations.

For further information in this regard, please contact the Environmental Planning Office at (203) 294-2093.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Erin O'Hare', with a long, sweeping horizontal line extending to the right.

Erin O'Hare
Environmental Planner

Attachment: *photo*

CC: James E. Vitali, Chairman, IWWC
Kathy Brenner, Water Quality Inspector, Wallingford Water Division

