



CEASE, CORRECT, AND RESTORE ORDER
EAST LYME
INLAND WETLANDS AGENCY

<p>Owner (Respondent):</p> <p>Sound and Cove Land, LLC (Owner) 211 Boulevards of the Americas Lakewood, NJ 08701</p> <p>Cove Apt Ventures LLC & Cove Apt Ventures II, LLC 13 Iian Court Lakewood, NJ 08701</p> <p>Sound Apt Ventures LLC & Sound Apt Ventures II, LLC 13 Iian Court Lakewood, NJ 08701</p>	<p>Property:</p> <p>Flanders Road East Lyme, CT 06333 Assessor's Map# 31.0, Lot# 1</p>
---	---

RESPONDENT IS HEREBY ORDERED TO CEASE & CORRECT THE VIOLATION OF THE EAST LYME INLAND WETLANDS AND WATERCOURSE REGULATIONS ON THE ABOVE REFERENCED PROPERTY.

AUTHORITY: The East Lyme Inland Wetlands Agency is duly authorized to carry out and effectuate the purposes and policies of Sections 22a-36 to 22A-45a, inclusive and has adopted regulations pursuant to 22a-42a of the CT General Statutes.

COMPLAINT: The pollution of an onsite inland wetlands and watercourse. More specifically, the erosion and deposition of sediment within an onsite wetlands and watercourse as a result of stormwater runoff from the land East of Bouy Lane and West of the Pattagansett River on property located adjacent to and north of 286 Flanders Road.

VIOLATION: The pollution of an onsite inland wetlands and watercourse. More specifically, the erosion and sedimentation within onsite wetlands and watercourse (Pattagansett River)

In accordance with the general provisions in the issuance of all permits Section. 11.9 (d) of the Inland Wetlands and Watercourse Regulations of the Town of East Lyme *"In constructing the authorized activities, the permittee shall prevent erosion and sedimentation and to otherwise prevent pollution of wetlands and watercourses."*

As such, said activity which is occurring is hereby determined to be a regulated activity as defined by Section 2.1 of the Regulations and is in violation of the East Lyme Inland Wetlands & Watercourse Regulations.

CORRECTIVE ACTION: Respondent shall restore the inland wetlands and upland review area to original condition or better following schedule A Corrective Action Procedure.

HEARING: A hearing shall be held on April 2, 2024, whereby the Respondent will be given the opportunity to be heard and show cause why this order should not remain in effect.

Signed: 
 Gary A. Goeschel II, Director of Planning /
 Inland Wetlands Agent

Date: 3/25/2024

CORRECTIVE ACTION PROCEDURE

- a. **Retain a Professional Land Surveyor, Engineer, and a Soil Scientist.** On or before 30 days following issuance of this Cease, Correct and Restore Order, Respondent shall retain a professional land surveyor and engineer, licensed in the State of Connecticut, and a soil scientist, as defined under Connecticut General Statutes section 22a-28, (“the Soil Scientist”) acceptable to the Agency, to prepare the studies and documents required by this Cease, Correct and Restore Order, and to oversee the actions required by this Cease, Correct and Restore Order and by that date, notify the Agency in writing of the identity of the Land Surveyor, Engineer, and Soil Scientist (henceforth collectively referred to as “the Consultants”). Respondent shall retain the Consultants until this Cease, Correct and Restore Order is fully complied with. Within 10 days after retaining any other consultant, engineer or soil scientist, than one originally identified under this paragraph, Respondent shall notify the Agency in writing of the identity of such other consultant. Nothing in this paragraph shall preclude the Agency from finding a previously acceptable consultant unacceptable.
- b. **Submit Restoration Plan.** On or before April 30, 2024, Respondent shall submit to the Agency for its review and written approval, a plan for restoring the disturbed area adjacent to and including the watercourse and wetlands at the site (“restoration plan”). The goal of the restoration plan shall be to replicate the watercourse and habitat conditions that existed at the site prior to the erosion and sedimentation. The restoration plan shall include, but not necessarily be limited to:
- i. site drawings and cross sections that delineate the site’s property boundaries, existing grades at the site, proposed grades at no greater than one-foot contour intervals, proposed spot elevations at the site, a description of materials that would be used to restore the grades that existed at the site prior to the disturbance, and a list of native wetland tolerant plant species to be planted or sown at the site,
 - ii. details on erosion and sediment controls to be used during and after implementation of the restoration plan including but not limited to, dewatering/water handling techniques during construction and permanent stabilization of exposed or disturbed soils at the site, and
 - iii. a schedule for the initiation and completion of actions provided for in the restoration plan. Such schedule shall provide for completion of all actions as soon as possible, but in no event later than April 30, 2024.

The restoration plan shall be stamped, signed, and sealed accordingly by a Certified Soil Scientist, Professional Engineer, and a Land Surveyor all licensed in the State of Connecticut.

- d. **Implement the Plan.** Following the Agency’s written approval of any restoration plan submitted pursuant to this Cease, Correct and Restore Order, Respondent shall immediately perform the actions specified in the approved restoration plan and within 15-days of completing the performance of such actions, the Consultant(s) shall certify to the Agency in writing that the actions have been completed in accordance with the restoration plan(s).

- e. **Revision of Approved Plan(s).** Respondent may revise any approved plan only with the Agency's prior written approval.
- f. **Submit an As-built Drawing.** Respondent shall perform all actions required by the restoration plan in accordance with the approved schedule(s), and within 45-days of completing the required actions, submit to the Agency for its review and written approval, an as-built drawing that verifies conformance with the restoration plan. The as-built drawing shall show restored grades at the site at no greater than one-foot contour intervals and shall identify final spot elevations at the site. The as-built drawing shall be signed and sealed by the Land Surveyor, Professional Engineer, and Soil Scientist.
- g. **Full compliance.** Respondent shall not be considered in full compliance with this Cease, Correct and Restore Order until all actions required by this Cease, Correct and Restore Order have been completed as approved and to the Agency's satisfaction.
- h. **Dates.** The date of issuance of this Cease, Correct and Restore Order is March 25, 2024. The date of submission to the Agency of any document required by this Cease& Correct Order shall be the date such document is received by the Agency or an authorized agent of the Agency. The date of any notice by the Agency under this Cease, Correct and Restore Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or personally delivered, whichever is earlier. Except as otherwise specified in this Cease, Correct and Restore Order, the word "day" as used in this Cease, Correct, and Restore Order means calendar day. Any document or action which is required by this Cease, Correct and Restore Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or a Connecticut or federal holiday.
- i. **Certification of documents.** Any document, including but not limited to any notice, which is required to be submitted to the Agency under this Cease, Correct and Restore Order shall be signed by Respondent, and by the individual(s) responsible for actually preparing such document, and Respondent and each such individual shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes and any other applicable law."
- j. **Noncompliance.** Failure to comply with this Cease, Correct and Restore Order may subject Respondent to further enforcement action including but not limited to an injunction, fines, and or penalties.
- k. **False Statements.** Any false statement in any information submitted pursuant to this Cease, Correct and Restore Order is punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes.

- l. Notice of transfer of Liability of Respondent and others. This order is being filed on the land records for this property as described herein. Respondent's obligations under this Cease, Correct and Restore Order shall not be affected by the passage of title to any property to any other person or municipality.**
- m. Agency's powers. Except as provided herein above with respect to payment of civil penalties, nothing in this Cease, Correct, and Restore Order shall affect the Agency's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Agency determines that the actions taken by Respondent pursuant to this Cease, Correct and Restore Order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Agency may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.**
- n. Respondent's obligations under law. Nothing in this Cease, Correct, and Restore Order shall relieve Respondent of other obligations under applicable federal, state and local law.**
- o. No assurance by Agency. No provision of this Cease, Correct and Restore Order and no action or inaction by the Agency shall be construed to constitute an assurance by the Agency that the actions taken by Respondent pursuant to this Cease, Correct, and Restore Order will result in compliance or prevent or abate pollution.**
- p. Access to the site. Any representative of the East Lyme Inland Wetlands Agency may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Cease, Correct, and Restore Order.**
- q. No effect on rights of other persons. This Cease, Correct and Restore Order neither creates nor affects any rights of persons that are not parties to this Cease, Correct, and Restore Order.**
- r. Notice to Agency of changes. Within 15-days of the date Respondent becomes aware of a change in any information submitted to the Agency under this Cease, Correct, and Restore Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Agency.**
- s. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Cease, Correct, and Restore Order or of any document required hereunder, Respondent shall immediately notify by electronic mail (E-Mail) and telephone the Inland Wetlands Agent and shall take reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within 5 -days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Agency, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Agency. Notification by**

Respondent shall not excuse noncompliance or delay, and the Agency's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Agency in writing.

- t. **Submission of documents. Any document required to be submitted to the Agency under this Cease & Correct and Restore Order shall, unless otherwise specified in writing by the Agency, be directed to:**

**Kristen Chantrel, Chairwomen
East Lyme Inland Wetlands Agency
c/o Gary A. Goeschel II, Director of Planning/Inland Wetlands Agent
Town of East Lyme
P.O. Box 519, 108 Pennsylvania Avenue
Niantic, Connecticut 06357
(860) 691-4114**

EXHIBIT 1

FLANDERS ROAD & 236 FLANDERS ROAD

