

# Town of

**P.O. Drawer 519**

**Department of Planning &  
Inland Wetlands**

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



# East Lyme

**108 Pennsylvania Ave  
Niantic, Connecticut 06357**

**Phone: (860) 691-4114**

**Fax: (860) 860-691-0351**

May 5, 2023

Jim and Joanne Apostolidis  
139 Carriage Drive  
Manchester, CT 06040

Certified Mail: 7022 0410 0000 0853 2675

## **CERTIFIED AND REGULAR MAIL – RETURN RECEIPT REQUESTED**

**RE: NOTICE OF VIOLATION – 90-92 Laurelwood Drive, Niantic, Connecticut;  
Tax Assessor’s Map# 7.14, Lot# 45.**

Dear Mr. and Mrs. Apostolidis,

It has come to my attention that the clearing of significant amounts of vegetation and the deposition of material into an inland wetlands and watercourse has been conducted on your property, referenced above, in violation of the Inland Wetland Regulations of the Town of East Lyme. More specifically, the filling of a watercourse and the deposition of material and landscaping activities occurred in and adjacent to an inland wetlands and watercourse and has been conducted in violation of the East Lyme Inland Wetlands and Watercourses Regulations (see Figure 1). Under Sections 22a-36 through 22a-45 of the Connecticut General Statutes, the East Lyme Inland Wetlands Agency has the authority to regulate activities in and adjacent to inland wetlands and watercourses.

### **NOTICE OF VIOLATION**

Pursuant to the Inland Wetlands and Watercourses Regulations of the Town of East Lyme (“Wetland Regulations”) the Inland Wetlands Agency has the responsibility of regulating activities occurring in and within 300-feet of inland wetlands or watercourses. The deposition of material within a wetlands, watercourse and the 300-foot Upland Review Area (URA) is a regulated activity requiring a permit from the East Lyme Inland Wetlands Agency. In accordance with sections 6.1 of the Wetland Regulations any person found to be conducting a regulated activity without the prior authorization of the Inland Wetlands Agency shall be subject to the enforcement proceedings and penalties prescribed in Section 14 of the Wetland Regulations and any other remedies as provided by law.

As such, you are hereby ordered to immediately cease any and all landscaping activities including but not limited to clearing, grubbing, filling, grading, excavating, and depositing any fill material in the wetlands, watercourse, and the area within 300-feet of the wetlands and watercourse. In addition, any other regulated activities that disturb the wetlands and watercourse or the area within 300-feet of the wetlands or watercourse shall stop immediately. You are further directed to:

Therefore, pursuant to Section 14 of the East Lyme Inland Wetlands and Watercourse Regulations you are hereby further directed to:

1. On or before April 30, 2024, submit a plan stamped, signed, and sealed by a Professional Engineer licensed in the State of Connecticut and an application to conduct said regulated activities showing all regulated activities that have taken place to date including the deposition or removal of material, clearing of trees and vegetation, and any other disturbance to the wetlands and watercourse or the 300-foot URA; including the existing shed which received an Inland Wetlands Permit administratively; and
2. All the regulated activities necessary to mitigate the overland flow of runoff onto the Town road; and to restore the man-made watercourse, associated wetlands, and the upland review area to original condition or better following the Schedule A Corrective Action Procedure.

If you have any questions regarding this Notice or any of the East Lyme Inland Wetlands and Watercourses Regulations, please do not hesitate to contact me at 860-691-4105 to arrange a meeting to discuss the violation and your plans for permitting and restoration/remediation measures.

Sincerely,



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

cc: Inland Wetlands Agency  
Daniel R. Cunningham, First Selectman  
Dave Garside, Chief Building Official  
William Mulholland, Zoning Official  
Bill Scheer, Deputy Director of Public Works  
Alex Close, Town Engineer  
File

**FIGURE 1**

**FIGURE 1**  
**90-92 LAURELWOOD DRIVE - NOTICE OF VIOLATION**



**SCHEDULE A  
CORRECTIVE ACTION PROCEDURE**

- a. **Retain a Professional Land Surveyor, Engineer and a Soil Scientist.** On or before May 31, 2023 following issuance of this Notice of Violation, the 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 the Agency, and to oversee the actions required by this Notice 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 Notice of Violation 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 May 31, 2023, 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 filling and landscaping activities taking place. 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 August 31, 2023.

The restoration plan shall be signed and sealed by the Soil Scientist.

- d. **Implement the Plan.** Following the Agency’s or Agent’s written approval of any restoration plan submitted pursuant to this Notice of Violation, Respondent shall immediately perform the actions specified in the approved restoration plan and within 15 days of completing the performance of such actions, the Consultants 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, Engineer and Soil Scientist.
- g. **Full compliance.** Respondent shall not be considered in full compliance with this Notice of Violation until all actions required by this Notice of Violation have been completed as approved and to the Agency's satisfaction.
- h. **Dates.** The date of issuance of this Notice of Violation is May 5, 2023. The date of submission to the Agency of any document required by this Notice of Violation 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 Notice of Violation, 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 Notice of Violation, the word "day" as used in this Notice of Violation means calendar day. Any document or action which is required by this Notice of Violation 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 Notice of Violation 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 Notice of Violation may subject Respondent to an injunction and penalties.
- k. **False Statements.** Any false statement in any information submitted pursuant to this Notice of Violation is punishable as a criminal offense under section 53a-157b of the Connecticut General Statutes.
- l. **Notice of transfer; 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 Notice of Violation 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 Notice of Violation 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 Notice of Violation 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 Notice of Violation shall relieve Respondent of other obligations under applicable federal, state and local law.**
- o. No assurance by Agency. No provision of this Notice of Violation 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 Notice of Violation 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 Notice of Violation.**
- q. No effect on rights of other persons. This Notice of Violation neither creates nor affects any rights of persons that are not parties to this Notice of Violation.**
- 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 Notice of Violation, 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 Notice of Violation or of any document required hereunder, Respondent shall immediately notify by 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:**

**Cheryl Lozanov, 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**