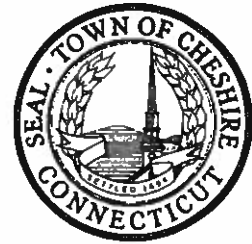


TOWN OF CHESHIRE

Inland Wetlands and Watercourses Commission
84 South Main Street
Cheshire, Connecticut 06410
203-271-6670 • Fax 203-271-6688



HAND DELIVERED SHOW CAUSE HEARING / CEASE AND DESIST

October 27, 2021

Mr. David O'nfrio
BFAM Investments
245 Warmer Rd.
North Haven, CT

**RE: NOTICE OF VIOLATION OF CHESHIRE INLAND WETLANDS AND
WATERCOURSES COMMISSION REGULATIONS
UNAUTHORIZED ACTIVITIES IN THE WETLAND AND UPLAND REVIEW
AREA
129 MOUNTAIN BROOK CIRCLE, CHESHIRE CT 06410
ASSESSOR'S MAP 89, LOT 32**

Dear, Mr. O'nfrio

You are hereby notified that you have conducted regulated activities at property located at 129 Mountain Brook Cir., Cheshire CT, Assessor's Map 89, Lot 32 in violation of the Cheshire Inland Wetlands and Watercourses Regulations and Section 22a-44 of the Connecticut General Statutes.

On September 3, 2021 Staff was notified that a large amount of water and sediment deposited from your property had caused damage to 135 Mountain Brook Cir., owned by Gregory and Holly Harte. A subsequent site inspection of 129 Mountain Brook Cir. Showed that the erosion controls; i.e. silt fence and erosion control blanket were not in place per the approved 2019 site plan submitted by your Engineer. Staff also observed that you had altered a watercourse, a natural swale, to the rear of your property which had caused a heavy flow of water to rush down the hill.

On September 9, you were issued a Notice of Violation addressing these violations as well as a time line to work on repairs.

- 1) Within 7 days of the date of this letter the erosion control blanket shall be installed in accordance with the site plan dated July 30, 2019.
- 2) Within 21 days of the date of this letter a restoration and stabilization plan designed and stamped by a licensed professional engineer shall be submitted to the planning office. This plan shall accurately reflect current site conditions, including the second discharge pipe. The plan shall also detail the connection and purpose of the second pipe, along with topography 25 feet surrounding the pipe discharge point.
- 3) You were placed on notice that proposed restoration and stabilization work may be located within 50 feet of a wetland or watercourse and will therefore require review and approval by the Inland Wetlands and Watercourses Commission (IWWC). No site alterations beyond the installation of the erosion control blanket and stabilizing (with straw netting, seeding) the yard is permitted to commence until authorized by planning staff and the IWWC if necessary.

You refused to sign this order as requested by Staff.

On September 16, 2021 staff was notified by you that you had repaired the silt fence and the erosion controls were placed in the proper area according to site plan. Staff inspected the area and found this satisfactory.

On October 5, 2021 I received a revised plan from your engineer, Dave Nafis, regarding repairs on the watercourse. The plans showed rip rap being placed along a trench near the home.

On October 26, 2021 I was contacted by Mrs. Harte who said that water was again running into her yard. I spoke with you via phone and was informed that you had repaired the watercourse disregarding the Notice of Violation which was issued on September 9, 2021 which stated not to conduct any work without prior approval from the IWWC.

On October 27, 2021 I inspected the "repair" of the watercourse. The repair consists of a new channel which runs approximately 7' from the home and again down the mountain. The watercourse was photographed.

The following necessary action is prescribed:

1. Attend the next regular Cheshire Inland Wetland and Watercourses Commission meeting scheduled for November 4, 2021 at 7:30 p.m., at Cheshire Town Hall, 84 South Main Street, Cheshire, CT in order to hold a Show Cause Hearing for you to present evidence as to why this Order should not remain in effect

Failure to cooperate with Cheshire Inland Wetland and Watercourses Commission and Town of Cheshire regulations may lead to further enforcement action, including, but not limited to, transferring this matter to the Town Attorney to pursue injunctive relief and to collect all

applicable penalties and fees as prescribed under state statutes. A copy of this notice has been recorded on the land records for this property and will remain so until released by the Cheshire Inland Wetlands and Watercourses Commission.

Respectfully,

Michael J. Strollo, Acting Environmental Planner