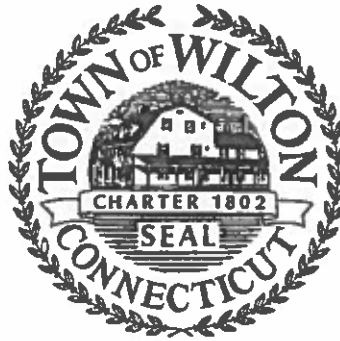


INLAND WETLANDS
COMMISSION
Telephone (203) 563-0180
Fax (203) 563-0284



TOWN HALL
238 Danbury Road
Wilton, Connecticut 06897

December 1, 2022

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED & REGULAR MAIL

Bryan Phillips
326 Thayer Pond Road
Wilton, CT 06897

Michael Lato
17 Dairy Farm Road
Norwalk, CT 06851

RE: CEASE AND DESIST ORDER
326 Thayer Pond Road - Wilton, CT, Map 140, Lot 3
Wetland Permit - WET#2735

Dear Mr. Phillips and Mr. Lato,

A Cease and Desist Order has been placed on the property at 326 Thayer Pond Road. You are directed to stop all work on the property.

Since December, 2021 you have failed to comply with the Special Conditions of your Wetland Permit. You were sent a letter on February 11, 2022 explaining that the Inland Wetlands Commission discussed your non-compliance and placed a deadline of February 24, 2022 for you to comply or a \$500.00 fine would be imposed. The fine was issued and payment was received on April 5, 2022 however you were still not in compliance with the permit. The Special Conditions that have not been met include the following:

1. Prior to the commencement of any on-site permit related activity, the applicant shall submit an estimate for the cost of the sediment and erosion control plan for approval by this commission or its staff for the purpose of determining a bond amount.
2. Prior to the commencement of any on-site permit related activity, the applicant shall post a bond in a form and an amount acceptable to this commission and town counsel.

In the event the applicant fails to properly implement and maintain the planting plan the Town reserves the right to use the bonded funds to correct such deficiencies.

3. Prior to the commencement of any on-site permit related activity, the applicant shall submit photo documentation of the site. The photos shall be both wide angle and close up shots. They shall be labeled and cross referenced on a site plan.
4. The Applicant shall install boulder demarcation and a conservation seed mix to exposed soils no later than October 31, 2021.

In addition to the above referenced non-compliant items, the site work conducted to date has not been in accordance with the approved plans. A visual observation was performed from the roadway and a list of the deviations from the plan are noted below:

- The property has been re-graded so that the boulder demarcation line is now a retaining wall. While a smaller 20'x40' play area was approved to be built with a retaining wall and site grading, this design was not followed. A much larger portion of the regulated area has been filled and graded at this time.
- The Conservation Wildlife Seeding was not completed and recorded.
- The existing silt fence is a single row where the plan requires a double row.
- Northeast of the existing residence, retaining walls have been built and land has been leveled in the regulated area. This earth work was not approved under the existing wetland permit.

It is the conclusion of Commission staff that you are currently not in compliance with the Special Conditions of the wetland permit and further unauthorized activities have occurred on the property. Therefore, you are in violation of Connecticut General Statutes sections 22a-36 through 22a-45 which requires that a permit be obtained prior to conducting regulated activities affecting inland wetlands and watercourses.

A "show cause" hearing shall be held to discuss this matter on Thursday, December 8, 2022 at 7:30 p.m. via remote public meeting via computer (Zoom). Zoom remote meeting login information will be listed in the meeting agenda posted on the Town's website on Wednesday, December 7, 2022 at 4:00 p.m. If you wish to submit any supporting documentation for your testimony at this hearing, you will need to email it to mike.conklin@wiltonct.org and elizabeth.larkin@wiltonct.org no later than 3:00 p.m. on Tuesday, December 6, 2022. During the hearing you will have the right to present testimony to the Commission to help determine if the Order should be withdrawn, modified or remain in effect. The Commission shall render a decision within 10 days of this hearing. Failure to comply with directives resulting from this hearing shall result in court action.

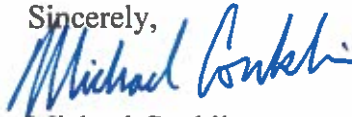
Any further failure to follow the directives of the Commission or its staff, including any additional work, shall result in the issuance of additional citations and fines.

December 1, 2022

The issuance of this Cease and Desist Order shall not delay or bar an action pursuant to section 22a-44(b) of the General Statutes.

If you have any questions, please contact me at 203-563-0180. Your prompt cooperation is appreciated.

Sincerely,

A handwritten signature in blue ink that reads "Michael Conklin". The signature is written in a cursive, flowing style.

Michael Conklin
Director of Environmental Affairs

cc: Lynne Vanderslice, First Selectman
Ira Bloom, Town Counsel
Wilton Health Department – Barry Bogle, Director
Planning & Zoning – Tim Bunting, ZEO