



**Town of Andover
Building & Land Use Department
17 School Road
Andover, CT 06232
Phone: (860)742-7305 x 4220**

November 15, 2022

William Genovese
116 Christian Lane
New Britain, Ct 06051

RE: Genovese Property, Route 6, Andover

Dear William:

Please be advised that a site inspection was performed on November 10th, 2022 and it was evident that the erosion and sedimentation control measures have not been maintained and are in a failure in some locations, particularly along the northerly and southeasterly sides of the disturbed area. The property owners are directed to immediately repair or replace, as necessary, all the failed silt fence that was observed. If erosion does occur as result of the failure to maintain the erosion and sedimentation control measures, that will constitute a violation of both the Andover Zoning Regulations and the Andover Inland Wetlands Regulations. Note that this email is being copied to the Inland Wetlands Enforcement Officer.

My inspection also revealed that the "bowl" depicted on the grading plan (to contain stormwater runoff on-site so as to infiltrate) has not been achieved, but instead the site has been graded to create a "crown" and to direct stormwater runoff primarily toward the wetlands to the east and northeast, and onto property which the applicant does not own. As noted, silt fence in portions of these areas has failed.

The sixty (60) days that the Commission allowed for restoration of the site will expire on November 17, 2022. My inspection indicates that the grade shown on the approved restoration plan have not been achieved (as noted above); the required depth of the loam has not been spread on the disturbed portion of the site, not has any grass seed been germinated (and its too late in the season to germinate now); and no mulch has been spread. In short, with less than a week to go before the implementation deadline is reached, restoration remains incomplete and will remain so throughout the winter because

the property owner failed to take action during the growing season. Temporary stabilization measures will be required until the Spring planting season.

The Special Permit for the excavation of the property expired on September 17, 2022 but, as noted above, the site has not been restored in accordance with the approved and the conditions of the Special Permit approval. An application for a renewal of that permit, along with the information required under Section 16.6, must be filed immediately. A new bond must also be posted to guaranty restoration of the site in accordance with the approved plans, and the maintenance of the approved erosion and sedimentation and control measures. The Commission's attorney has indicated that a surety bond will not be acceptable. Only cash, letters of credit, or passbook assignment will be accepted.

As of November 17, 2022, this site will be in violation of the Special Permit conditions and the Andover Zoning Regulations. The Commission's attorney has advised me that if and when I must issue orders concerning these violations, they are to be filed in the Andover Land Records to provide constructive notice of the violations on the subject property. In addition, per Section 21.3 of the Andover Zoning Regulations, no Certificate of Zoning Compliance will be issued for this site until full compliance has been achieved.

The Planning & Zoning Commission will place this matter on the agenda for the November 21st meeting and will be expecting the applicants to address the outstanding issues described above. In addition to other possible remedies, the commission may direct its attorney to commence enforcement action in superior court if the matter is not resolved at that time. I urge you as the owner/applicant to give this matter your immediate and full attention.

The meeting will be held via virtual platform (ZOOM) at 7:00 p.m. Please go to the Town of Andover website at andoverct.org.

Should you have any questions please contact me at 860.742.7305, x 4220 or zoning@andoverct.org.

Respectfully,

Jim Hallisey
Zoning Agent

C: Mark Branse, Land-use Counsel (Town of Andover)
Jed Larson, Planning & Zoning Commission Chairperson
Joe Wagner, Inland Wetlands Enforcement Officer
Chris Bell, Engineer