

TOWN OF ANDOVER
BUILDING & LAND-USE DEPARTMENT

CEASE & DESIST

Certified: Return Receipt

May 22, 2021

William Genevese
497 Route
Andover, CT 06232

RE Cease & Desist
 Sand & Gravel Operation
 517 Route 6, Andover, Connecticut
 aka (Tax Assessor's Map 33/Block36/Lot23

This is a written order notifying you of ongoing non-compliance with the Special Permit granted by the Andover Planning and Zoning Commission for the removal of sand and gravel in accordance with Section 16 of the Andover Zoning Regulations. Of particular concern is 1) failure to adhere to the requirement that the operation be completed in specific phases, with restoration occurring in accordance with the approved plan and 2) failure to secure the site by way of the gate at the construction entrance.

As a result of the aforementioned violations of your approved permit you are hereby directed to Cease and Desist from removing material immediately from the site known as 517 Route 6, aka Assessor's Map 33/Block 36/Lot 23. To Comply with this order you must:

Immediately

- 1) Provide the Town of Andover's Land-Use Office, in writing, with contact information for the individual responsible for the day-to-day operation of the site;
- 2) Cease and desist from removing any material from the site, with the exception of tree stumps;
- 3) Familiarize yourself with the twenty-nine (29) conditions of the original approval;

Within ten (10) calendar days of the receipt of this Order:

- 4) Prepare a restoration plan detailing the remediation process along with a schedule and submit it to the Andover Land-Use Office. Said plan shall be approved, in writing, by the Zoning Agent prior to the removal of additional material (with the exception of the aforementioned tree stumps;
- 5) Restore the site by grading, spreading topsoil and applying grass seed per the approved plan;
- 6) Meet with town staff and/or its consultants on an as need basis, as determined by the town, so as review plans/progress.

In accordance with Connecticut General Statutes Section 8-12, if we must resort to litigation, you will be liable for civil penalties of between \$10.00 and \$100.00 per day in civil penalties if the violation is not willful; between \$100.00 and \$250.00 per day if the violation is willful; plus \$2,500.00 for failure to comply with this Order; plus the Town Attorney's legal fees and costs.

Pursuant to Connecticut General Statutes Section 8-7 and the Town of Andover Zoning Regulations (Section 22.02), if aggrieved by this order you may appeal to the Town of Andover's Zoning Board of Appeals. An application for appeal is available at the Land-Use Department of the Andover Town Hall or on the town's web-site: www.andover.ct.org. An appeal requires a public hearing so as to allow for comments and/or questions. Said appeal must be filed within thirty (30) days from the receipt of this order. Failure to appear may result in the waiver of possible defenses you may have.

Respectfully,

James J. Hallisey
Andover Zoning Agent

C: Mark Branse, Halloran & Sage (Land-Use Counsel)
Eric Anderson, Town Administrator
Jed Larson, Chairman – Andover Planning & Zoning Commission
George Elliot, Chairman – Inland Wetlands & Watercourse Commission
Joe Wagner, Inland Wetlands & Watercourse Agent
Property File