

ENFORCEMENT REPORT ENVIRONMENTAL PROTECTION BOARD

Date: December 14, 2023

Location: 19 Twin Brook Drive

Owner: Mohamed Mahdi

Watershed: Springdale Brook

Account: 002-3070

Flood Map: 09001C0507F (6/18/2010)

Flood Zone: X – Minimal Chance Flood

Area: ~1.03 acres

Map/Block/Lot: 69/380/9

References

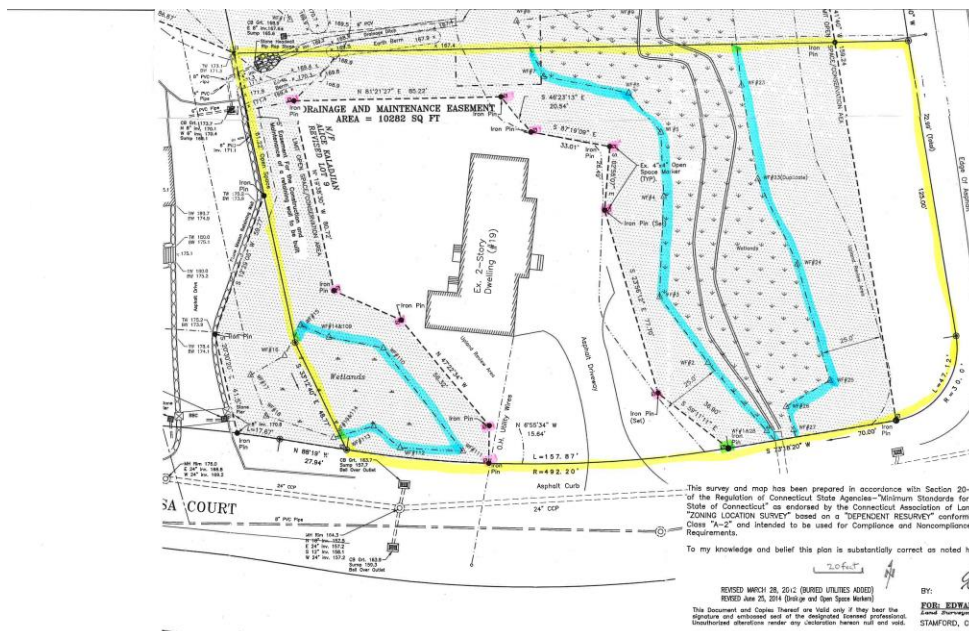
- Planning Board Application #3965
- Images from July 17, 2023 site inspection

Unauthorized Regulated Activities

Removal of trees from wetland.

Property Description

19 Twin Brook Drive is developed with a single-family residence and driveway. The tributary of Springdale Brook that flows to the south through the eastern half of the property is surrounded by a variable width swamp wetland. There is also an isolated wetland in the southwest corner of the property. In addition to the wetlands, a good portion of the remainder of the property that is not immediately around the house was put into a conservation easement in 2009 as part of subdivision #3965. All but one of the 4"x4" conservation easement markers shown around the landscape envelope on this portion of a March 2012 Edward J. Frattaroli survey are currently missing.



Issues/Discussion/Recommendation

A call came into the office on July 17, 2023 about trees being cut from what the caller believed to be wetlands at 19 Twin Brook Drive. Upon investigation, EPB staff found that five trees had been cut down and the logs had been left in the wetland and conservation easement that surrounds the wetland. Staff met Mr. Mahdi on site, and he explained that he recently bought the property (5/12/23 per the Assessor's records) and that he had the trees cut down because branches had been falling onto the house and into the yard where his children play.



Photos taken July 17, 2023

Based on Mr. Mahdi's stated willingness to restore the clearing with two new trees for every tree that had been removed, staff laid out a general plan and timetable in the hope of getting this situation resolved quickly. Note that staff subsequently approved the removal of two additional trees from wetlands and three trees from the conservation easement area based on an arborist report that they were hazardous. In early September, staff informed Mr. Mahdi that a total of 14 trees with a minimum diameter of 1" would need to be planted in the wetlands and three trees would need to be planted in the conservation easement to replace the removed trees. Staff also instructed Mr. Mahdi to replace the missing conservation easement markers by the end of the 2023 fall season.

Mr. Mahdi submitted a draft restoration plan in early November that staff deemed to be insufficient since it only included seven trees that he proposed to start planting in the spring and continue to plant "in steps". To-date, Mr. Mahdi has not submitted an acceptable restoration plan, did not complete any restoration before the end of this year's planting season, and has not replaced the conservation easement markers despite staff's repeated visits to the site and emailed instruction and reminders. A Cease and Desist Order was therefore sent to Mr. Mahdi on December 12, 2023. This Order informed Mr. Mahdi of his opportunity to make his case to the Board at the Show Cause Hearing that will be held as part of the regularly scheduled EPB meeting on December 21, 2023.

Staff recommends the Board maintain the Cease and Desist Order, require submission of a restoration planting plan that conforms to the Board's instructions by January 31, 2024, and set a deadline of April 15, 2024 for full implementation of the restoration planting plan and replacement of the conservation easement markers in their survey-accurate locations. Staff also recommends the Board authorize the filing of a Notice of Violation on the Land Records if these deadlines are not met.

Finally, staff recommends the Board make clear to the property owner that additional enforcement action, including referral to the Law Department for initiation of action in Connecticut Superior Court, may result from failure to comply with the Board's instructions to correct this violation.

Robert E. Clausi