



The Town of
Ledyard *Connecticut*

Case Study: Ledyard Recycling Facility

Joseph M. Larkin, CZEO
Zoning & Wetlands Official



Land Use Office - Violation Complaint Form

COMPLAINT# 15-13

DATE: 8-27-15

ALLEGED VIOLATION: Constructed building without permits

OWNER: SAUCHUK REAL ESTATE HOLDINGS LLC

DD RESSof Violation: 20 Lorenz Pkwy

TELEPHONE: 860-572-0011

COMPLAINT REPORTED BY: Debbie Tedford, CTDEEP- inquiring about wood burning furnace permits.

NATURE OF COMPLAINT: Building Constructed - no record of permits on file

OFFICE USE ONLY:

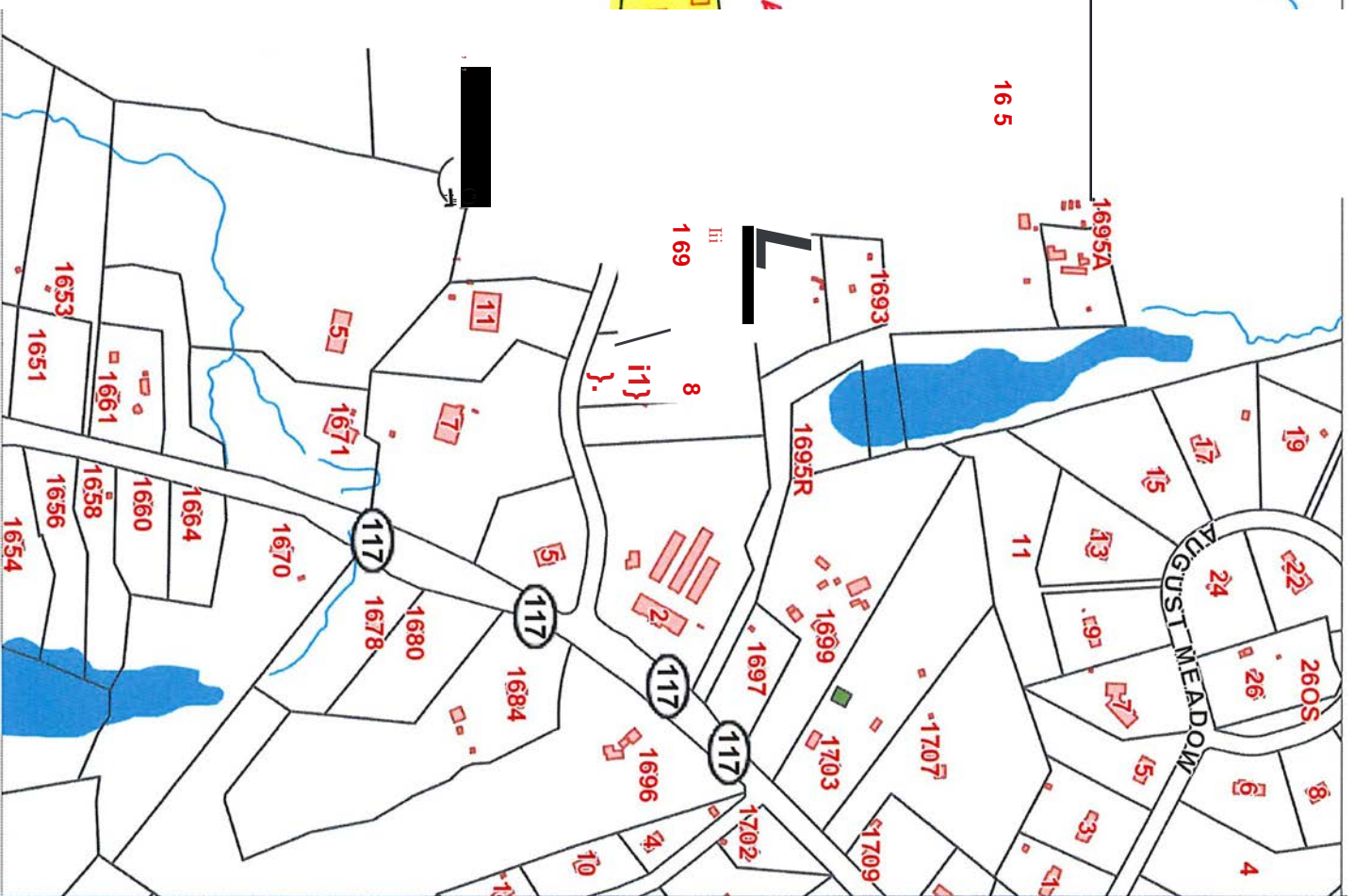
VERIFICATION INSPECTION DATE: 8-27-15

COMMENTS:

- August 25, 2015:** Debbie Tedford -DEEP - Inquiring about permits for wood burning stove.
- August 26, 2015:** Review of Tax Assessor's Records & review of Google Earth flight of May 6, 2015
- building not shown.
- August 27, 2015:** Hand -deliver Notice of Violation & Request for Voluntary Compliance.
- September 2, 2015** Mark Sauchuk came to land Use Office - said he constructed the building several months ago. I asked that he return to speak with the Building Official so we could figure out what permits would be required.
- September 24, 2015:** Discuss situation with PZCas part of ZEOreport- Town Planner concerned because operation is located in close proximity to Groton Reservoir.
- September 28, 2015:** Research reveals some approvals that were granted in 2006 and 2007. Aerial photos don't show new building on site. Building permit was for foundation only.
- September 29, 2015:** Site visit with Town Planner - took pix- Planner's initial reaction: "This is criminal and we need to shut him down".
- September 30, 2015:** Contact State DEEP - talk to David McKeegan - send pictures of site conditions
- October 1, 2015:** Received E-mail from David McKeegan - referred me to Darlene Sage at Waste Engineering and Enforcement Division (WEED) and he included a copy of an Approval of Registration For Limited Processing recycling facility issued to: "M.J. Sauchuk Baling Facility" on October 4, 2010. This registration expired on August 15, 2015 - **Permit Number 072-275.**
- October 1, 2015:** Sent e-mail to Darlene Sage - her reply that day included the following: *"The Consent Order was issued for non-compliance with the General Permit, including but not limited to conducting tipping and processing activities outside and inside an enclosed structure as required by the general permit. Part of the Consent Order required MJ to construct a building to meet that requirement."*
- October 2, 2015:** E-mail from Darlene Sage at WEED: "You requested a copy of MJ's general permit app. I will attempt to find it in our files. On the application it does have a section for the applicant to fill in that requires them to send a copy of application to the town to inform the town. No signature is required by the Town."
- October 2, 2015:** Mark Sauchuck visits land Use Office - discusses with ZEO and Building Official the need for revised site plan and building permits. He promises to contact his engineer to prepare necessary documents.



- Parcel
- CT Highways
- Interstate
- US Highway
- State Highway
- Town Boundary
- Sports Fields
- Recreation
- RODMs
- Streets
- Pools
- Streams
- Estuaries
- Open Water
- Buildings
- CT Communities
- Thames River



The data shown on this site are provided for informational and planning purposes only. The Town and its consultants are not responsible for the misuse or misrepresentation of the data.





STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF MATERIALS MANAGEMENT &
COMPLIANCE ASSURANCE

Approval of Registration
For
Limited Processing Recycling Facility

Name of Permittee: M.J. Sauchuk Baling Facility

Site Address: 20 Lorenz Industrial Parkway, Ledyard, Connecticut

Name of Facility: Limited Processing Recycling Facility

The registrant is hereby authorized to operate a Limited Processing Recycling Facility in accordance with the general permit issued by the Department on August 16, 2010.

Specifically this permit allows the storage of the following materials in accordance with the specifications allowed in the General Permit: Paper; Glass food containers; Drink boxes and paper beverage containers; Plastic containers; Metal food containers; Scrap metal; and untreated clean wood.

This registration will expire on August 15, 2015.

Date

A handwritten signature in black ink, appearing to read "R. Isne", written over a horizontal line.

Robert C. Isne, Director

*Waste Engineering & Enforcement Division
Bureau of Materials Management &
Compliance Assurance*

Application Number: 201005218

Permit Number: 072-275



TOWN OF LEDYARD, CONNECTICUT

Zoning Official's Office

741 Colonel Ledyard Highway, Ledyard, CT 06339-1551

Phone: (860) 464-3216 FAX (860) 464-0098

zoning.official@ledyardct.org

Mark Sauchuk, Member

Sauchuk Real Estate Holdings, LLC

20 Lorenz Industrial Parkway

Ledyard, CT 06339

Cease and Desist Order

(Zoning Violation# 15-13)

RE: Construction of Structures without Proper Permits at 20 Lorenz Industrial Parkway, Occupying Structures without a Certificate of Zoning Compliance and Operating a Limited Processing Recycling Facility without a Zoning Permit

Dear Mr. Sauchuk,

On August 27, 2015 this Office issued a Notice of Violation and Request for Voluntary Compliance to you requesting that you obtain proper permits for the construction you had begun at 20 Lorenz Industrial Parkway. Subsequently, we have met several times to discuss this matter, and I have inspected your site to verify existing conditions. On October 2, 2015 you visited the Land Use Office and met with the Building Official and myself. It was determined that you need a site plan approval for the new buildings and that your operation of a Recycling Facility has never been approved by the Town of Ledyard. At the end of that meeting you promised that you would contact your engineer and submit a site plan to the Planning and Zoning Commission for all required approvals. To date, you have failed to submit the required applications.

Therefore, you are hereby ordered to 1) Cease and Desist occupying and using all structures at 20 Lorenz Industrial Parkway that do not enjoy the benefits of proper permits, and 2) Cease and Desist from using this site as a Limited Processing Recycling Facility until a Zoning Permit has been issued for that use so as to be in compliance with Sections 15.4 and 15.5 of the Ledyard Zoning Regulations.

Your attention is drawn to the Connecticut General Statutes Section 8-12 that states in part: *"The owner or agent of any building or premises where a violation of any provision of such regulations has been committed or exists, or the lessee or tenant of the same, or the person in possession of the same, or the person who has caused or permitted the violation, as been committed or exists, ... shall be fined not less than ten dollars or more than one hundred dollars for each day that such violation continues; but, if the offense is willful, the person convicted thereof shall be fined not less than one hundred dollars or more than two hundred dollars for each day that such violation continues, or imprisoned not more than ten days for each day such violation continues, not to exceed a maximum of thirty days for such violation, or both; ..."*

Your attention is also drawn to the Town of Ledyard Zoning Regulations Section 15.9 which states that an appeal of this Order may be taken to the Zoning Board of Appeals within 15 days of receipt of this Order.

For the Ledyard Planning & Zoning Commission

Dated this 25th day of November 2015

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH

Jewel Mullen, M.D., M.P.H., M.P.A.
Commissioner



Dannel P. Malloy
Governor
Nancy Wyman
Lt. Governor

November 24, 2015

Sauchuk Real Estate Holdings LLC
c/o Mark Sauchuk
20 Lorenz Industrial Parkway
Ledyard, CT 06339

Re: Notice of Investigation
DPH Project No. 2015-0361

Dear Mr. Sauchuk:

On November 2, 2015, the Connecticut Department of Public Health (Department) received a report of a recycling facility operating without local permits within the watershed drainage area of a public water supply reservoir. Photographs taken at the facility by the Town of Ledyard's Zoning and Wetlands Official were sent to this office via email on November 3, 2015.

A review of the photographs indicates that the facility operating at 20 Lorenz Industrial Parkway in Ledyard is maintained in a state that may be prejudicial to public health. Specifically, it appears that there are fuel stains on the ground surface, dumpsters and abandoned vehicles that appear to be leaking fluids are stored on unpaved surfaces and there are no apparent measures to prevent erosion and runoff from this property from discharging to streams tributary to the source of public drinking water supply.

The Department is also in receipt of the Cease and Desist Order (Zoning Violation #15-13) issued on November 4, 2015 by the Town of Ledyard Zoning Official's Office in which you are ordered to 1) Cease and Desist occupying and using all the structures and 20 Lorenz Industrial Parkway that do not enjoy the benefits of proper permits and 2) Cease and Desist from using this site as a Limited Processing Recycling Facility until a Zoning Permit has been issued.

Connecticut General Statutes (CGS) section 25-34(a) states, in part:

The Department of Public Health may, and upon complaint shall, investigate any system of water supply or source of water from which water used by the public is obtained, and, if it finds any pollution or threatened pollution which in its judgment is prejudicial to public health, it shall notify the person or corporation causing or permitting such pollution or threatened pollution of its findings and shall make such orders as it deems necessary to protect such water supply and render such water safe for domestic use.

You are hereby notified that the Department is initiating an investigation pursuant to CGS section 25-34(a). If the findings of the investigation determine that your property is causing or threatening pollution of the water supply of Groton Utilities, the Department may issue orders to require cessation of the pollution in accordance with the provisions of CGS section 25-34(a).



Phone: (860) 509-7333 • Fax: (860) 509-7359 • VP: (860) 899-1611
410 Capitol Avenue, MS#51WAT, P.O. Box 340308
Hartford, Connecticut 06134-0308

www.ct.gov/dph

Affirmative Action/Equal Opportunity Employer

Mr. Sauchuk
November 24, 2015
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You are invited to submit to the Department any information that you have that is relevant to the subject of the investigation. The Department reserves the right to suspend this investigation if it determines that immediate satisfactory remediation of the pollution source has taken place. If it is your intention to take corrective actions, please submit to the Department a summary of the corrective actions, include a detailed explanation of the actions and a timetable for completing any outstanding items. Please provide the summary in writing to Pat Bisacky of my staff no later than December 24, 2015.

Sincerely,

Lori J. Mathieu
Public Health Section Chief
Drinking Water Section

Cc: Ronald Gaudet and Rick Stevens, Groton Utilities
Joseph Larkin, Zoning and Wetlands Official, Town of Ledyard
Stephen Mansfield, Director of Health, Lege Light Health District
Darlene Sage, Department of Energy and Environmental Protection



TOWN OF LEDYARD

OFFICE OF THE ZONING OFFICIAL

741 Colonel Ledyard Highway, Ledyard, Connecticut 06339

Phone 860-434-3216 Fax 860-434-0098

E-mail: zoning.official@ledyardct.org

ZEO's Worksheet - MJ Sauchuk - 20 Lorenz Pkwy

August 25, 2015 - Debbie Tedford from DEEP (Air-Quality Division) visits Land Use Office - inquires about wood burning furnace permits. Causes review of permits and existing conditions at 20 Lorenz Parkway.

March 7, 2006 - Inland Wetlands and Watercourses Commission Application # 4-06 - site plan for proposed new garage for storage and maintenance of vehicles for waste haul business in CIP zone. Motion to approve with the following conditions:

1. Regular reports required by the Town of Groton shall be provided to the Town of Ledyard.
2. Inspection of wetland plantings by soil scientist for 2-3 years after construction and follow plant replacement recommendation in submitted report
3. Maintenance responsibility of oil particle separator to be written into deed.
4. SWPPC and soil water pollution prevention plan provided to Town of Ledyard.

March 9, 2006 - Zoning Commission Minutes - Application # 2492- site plan for proposed new garage for storage and maintenance of vehicles for waste haul business in CIP zone. **80' x 60'** metal garage with 6 garage bays and an office. (*Site Plan submitted shows a 80' x 112' metal garage- JML*) "it will be used for parking and light maintenance of vehicles."

DEP approvals for 1000 gallon gas tank and 55-gallon lube oil barrels required. Also needs approval from DEP for Stormwater prevention Plan.

Permitted use under ZR Sec. 8.3.6 - '**Storage/ warehousing**; the erection, maintenance and use of facilities for storage and/or warehousing, providing that the storage shall be within a building. No highly toxic, flammable, odorous, or other hazardous materials shall be stored.'

When asked if all the trucks will be stored inside, Mr. Sauchuk replied "yes, but a possibility 1 or 2 trucks may be outside."

Stipulations of Approval:

1. Plans have seal of land surveyor or affixed to last page.
2. Plans correctly reflect the proper zone.
3. Notes on plan to show a 6' fence, not a 5'fence.

March 12, 2006 - Ledge Light Health District- Conditionally approved -Additional Approval Requirements -10 requirements including# 4: "Provide floor plans for the proposed building to the LLHD."

March 13, 2007 - Zoning Permit# 2764 submitted for a 112' x 80' metal building - 30' in height

July 5, 2007 - ZEO Scott Dufus denies# 2764 - citing "conditions of approval not being met"

October 16, 2007- Zoning Permit # 2910 approved.

October 16, 2007 - Building Official issues Permit 07-373 for a 80' x 112' steel building with comment: "Foundation only until plan for office gets approved".

August 25, 2015 - Debbie Tedford from DEEP (Air-Quality Division) visits Land Use Office - inquires about wood burning furnace permits. Causes review of permits and existing conditions at 20 Lorenz Parkway.

August 27, 2015 - Notice of Violation & Request for Voluntary Compliance issued and hand-delivered to MJ Sauchuk for construction of a building and a wood burning furnace without permits.

Sept. 2, 2015 - Mark Sauchuk came to Land Use Office - said he constructed the building several months ago. I asked that he return to speak with the Building Official so we could figure out what permits would be required.

September 24, 2015: Discuss situation with PZC as part of ZEO report - Town Planner concerned because operation is located in close proximity to Groton Reservoir.

September 28, 2015: Research reveals some approvals that were granted in 2006 and 2007. Aerial photos don't show new building on site. Building permit issued in 2007 was for foundation only.

September 29, 2015: Site visit with Town Planner - took pix - Planner's initial reaction: "This is criminal and we need to shut him down".

September 30, 2015: contact State DEEP - talked to David McKeegan - sent him pictures of site conditions.

October 1, 2015: Received E-mail from David McKeegan - he referred me to Darlene Sage at the Waste Engineering and Enforcement Division (WEED) and he included a copy of an Approval of Registration For Limited Processing Recycling Facility issued to "M.J. Sauchuk Baling Facility" on October 4, 2010. This registration expired on August 15, 2015 - **Permit Number: 072-275.**

October 1, 2015: Sent e-mail to Darlene Sage - her reply that day included the following: "*The Consent Order was issued for non-compliance with the General Permit, including but not limited to conducting tipping and processing activities outside and not inside of an enclosed structure as required by the general permit. Part of the Consent Order required MJ to construct a building to meet that requirement.*"

October 2, 2015: E-mail from Darlene Sage at WEED:
You requested a copy of MJ's general permit app. I will attempt to find it in our files. On the application it does have a section for applicant To fill in that requires them to send a copy of the application to the Town to inform Town. No signature is required by the Town.

October 2, 2015: Mark Sauchuk visits our office - discusses with ZEO and Building Official the need for revised site plan and building permits. He says he will contact his engineer to prepare necessary documents.

October 21, 2015: Phone conversation with Frank Marifioti - the engineer for Sauchuk approvals in 2007. Mr. Sauchuk has not contacted him as of this date in regards to updating the approved site plan. Frank is under the impression that a septic system at this site has never received final approval.

- Called Darlene Sage at WEED: She promised to send me a copy of Sauchuk applications.
- Call LLHD - Ryan out of office until tomorrow.

October 22, 2015: Phone call and E-mail to Ray Valentini at Groton Utilities apprising him of current situation. Sent him pictures of site, he said he would follow up and get back to me.

October 29, 2015: met with George Calkins - LLHD - no final approvals have been given for septic installation at this site. Public Water supply in a designated watershed area is not part of his jurisdiction.

George promised to forward his contacts from the State who oversees water supply issues.

November 3, 2015: Spoke to Pat Bisacky at DPH - at her request, sent her pictures of the Sauchuk site

November 4, 2015: Issued Cease and Desist Order to MJ Sauchuk by registered mail, return, receipt, requested..

November 6, 2015: Registered letter was signed for by M. Sauchuk- green card returned to Land Use.

November 12, 2015: Report to PZC: ZEO still waiting to hear from Ray Valentini at Groton Utilities, Darlene Sage at WEED, George Calkins at LLHD, Pat Bisacky at DPH, and Mark Sauchuk.

November 12, 2015: PZC grants authorization to issue Municipal Citation to MJ Sauchuk.

November 13, 2015: E-mail from Darlene Sage- return e-mail attached COO.
Copy to Pat Bisacky at DPH - with follow up phone call- Pat said she is drafting a letter to Sauchuk and will send me a copy. She also said Groton Utilities is concerned and will also be taking action..

November 22, 2015: Called Pat Bisacky at DPH - she is putting the finishing touches on her letter to MJ - -will send me a copy for my files.

November 23, 2015: Contact Steve Lesko, State Housing Prosecutor - sent him e-mail with photos and COO

November 24, 2015: Steve Lesko called back, he suggested that I contact Town Attorney to pursue court Injunction through Civil Court. Steve also sent forms to fill out for pursuit as a Criminal Court action. He suggested that I re-issue COO to correct for a slight technical defect.

November 24, 2015: Letter from Pat Bisacky arrives by e-mail - DPH launches its investigation.

November 24, 2015: sent e-mails to Carl Landolina, Town Attorney, providing background information for seeking Court Injunction. Carl said he will review documents and discuss this with me next week.

November 25, 2015: Re-issued COO naming Mark Sauchuk as Member of the LLC.

November 30, 2015 - 2 PM - Mark Sauchuk calls - requests meeting - leaves cell# 860 662-0843.
He received the revised COO# 15-13 today. (Green Card in file).

December 3, 2015 - 2 PM - Mike & Mark Sauchuk, PZC Chairman Mike Cherry, Town Attorney Carl Landolina, Town Planner Charles Karna meet with the Zoning Official in the Town Hall Annex to discuss the situation and possible alternatives. At the end of the meeting the Sauchuks vow to appeal COO to ZBA regarding operation of recycling operation, and file Site Plan Modification with PZC for structures requiring building permits.

December 9, 2015- Mark Sauchuk files ZBA application #939 -Appeal of COO# 15-13.
Appeal will officially be received by ZBA on December 16th.

December 16, 2015: ZBA accepts application - sets public hearing for January 20, 2016.

January 5, 2016: Phone call from **Pat Bisacky** - DPH putting its investigation on hold - she says she needs to be authorized by LLHD or Groton Utilities before she can inspect the property.

January 7, 2016: Sauchuk's attorney Ted Harris requests that the public hearing be postponed until the February 17th ZBA meeting.

January 8, 2016 : We still have not received an application or site plan for the buildings constructed at the site without proper permits.

February 3, 2016: Attorney Harris requests postponement of ZBA hearing until March 16th.

March 11, 2016: Attorney Harris requests that ZBA open the public hearing, but continue it to April 20th.

April 20, 2016: At the request of Attorney Harris, ZBA postpones the public hearing to May 18, 2016.

May 16, 2016: Bob Schuch, P.E. calls seeking information so he can put together a Site Plan for submission to the Planning and Zoning Commission.

May 18, 2016: ZBA Hearing: After hearing is closed the ZBA votes to uphold part 1 of COO -*Need for PZC Site Plan Approval*, but overturns part 2 - *Cease Use of Site for Limited Recycling Facility*. The ZBA felt this operation has "pre-existing non-conforming status" because it was legally in operation at the time the Statutes were amended (2012).

August 10, 2016; Letter from Bob Schuch, P.E. - "Wants to meet with Staff prior to finalizing Site Plans.

October 12, 2016: Application for a Special Permit and Site Plan Approval submitted to PZC.

November 10, 2016; Public Hearing opened and continued.

December 8, 2017: Attorney Harris requests public hearing be postponed until Feb. 9, 2017.

February 9, 2017; Snow storm caused cancellation of public hearing.

February 16, 2017: Special Meeting of PZC after which public hearing is closed. PZC has 65 days to render a decision.

April 13, 2017: PZC approves Sauchuk Site Plan with stipulations.

April 30, 2017: PZC approval appealed to Superior Court.

June 15, 2017: Land Use Office staff meets with Mark Sauchuk and his attorney.

July 13, 2017: PZC hold Executive Session to discuss pending litigation and Sauchuk proposals discussed on June 15th.

August 30, 2017, staff had a telephone conference with our Town Attorney, Carl Landolina, regarding conversations he has had with Sauchuk's attorney, Ted Harris.

No compromises to the Commission's approval were granted. The Town wants the recycling activity on site to stop until the compliance with the stipulations of approval are achieved.

