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TOWN CLERK
BETHEL, CT.

TOWN OF BETHEL

JUN 06 2024

LAND USE DEPT.

RETURN DATE: JUNE 25, 2024 : SUPERIOR COURT

MARK BJORKEN : J. D. OF DANBURY

VS. : AT DANBURY

INLAND WETLANDS COMMISSION
OF THE TOWN OF BETHEL : MAY 31, 2024


CITATION

TO THE MARSHAL OF THE COUNTY OF FAIRFIELD OR HIS DEPUTY WITHIN SAID COUNTY, GREETINGS:

By authority of the State of Connecticut, you are hereby commanded to summon the INLAND WETLANDS COMMISSION OF THE TOWN OF BETHEL, to appear before the Superior Court for the Judicial District of Danbury at Danbury on June 25, 2024, said appearance to be made by said INLAND WETLANDS COMMISSION OF THE TOWN OF BETHEL, or its attorney by filing written statements of appearance with the Clerk of said Court on or before the second day following said return date, then and there to answer unto the forgoing Complaint of MARK BJORKEN of 7 Rockwell Road, Bethel, Connecticut 06801, and by leaving with the Clerk of the Town of Bethel two true and attested copies of said Complaint and this Citation at least twelve days before the return day. The Commissioner of the DEPARTMENT OF ENVIRONMENTAL PROTECTION OF THE STATE OF CONNECTICUT, as provided by Section 22a-43(a) of the Connecticut General Statutes, is hereby served with a copy of the Complaint and Appeal and of this Summons.

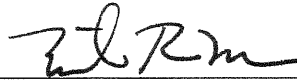
I hereby certify that this is
a true copy of the original
document received for record
in the Office of the Town Clerk
of Bethel on 6-6-24 at 11:40AM
Attest:

Dana Bergh Town Clerk

A TRUE COPY
ATTEST: 

J. STEPHEN WOODS
STATE MARSHAL

Dated at Danbury, Connecticut this 31st day of May 2024.



Neil R. Marcus, Esq.
Commissioner of Superior Court

RETURN DATE: JUNE 25, 2024 : **SUPERIOR COURT**
MARK BJORKEN : **J. D. OF DANBURY**
VS. : **AT DANBURY**
INLAND WETLANDS COMMISSION
OF THE TOWN OF BETHEL : **MAY 31, 2024**

COMPLAINT

To the Superior Court for the Judicial District of Danbury at Danbury comes MARK BJORKEN, appealing from a decision of the INLAND WETLANDS COMMISSION OF THE TOWN OF BETHEL, who complains and says:

1. The Plaintiff, MARK BJORKEN, is the owner of property located at 7 Rockwell Road, Bethel, Connecticut (hereinafter referred to as the "Property").

2. The Defendant Inland Wetlands Commission of the Town of Bethel (hereinafter referred to as the "Commission" or the "IWWC") has existed by virtue of the Inland Wetlands Regulations of the Town of Bethel and is empowered with all the powers set forth in the Connecticut General Statutes.

3. On or about April 2, 2024, the Plaintiff, Mark Bjorken, filed a Notice Pursuant to Section 3.2.1 of the IWWC Regulations to perform as-of-right activities consisting of on-going landscaping and property maintenance along with the removal of diseased and dead trees lying in the riverbank of Lime Kilm Brook (hereinafter referred to as the "Notice").

4. On or about April 22, 2024, the Commission accepted the Notice for review.

5. On May 20, 2024 the Commission voted to deny the Notice.

6. Notice of the Commission's decision was published in the Danbury News-Times on May 24, 2024.

7) The Commission's denial of the Plaintiffs' Notice to conduct as-of-right activities was illegal, arbitrary and in abuse of the discretion vested in it for one or more of the following reasons:

a. The decision is not supported by sufficient evidence in the record.

b. The decision was retaliatory.

c. The decision to deny is based, in part, on an erroneous belief that the Notice was governed by a prior complaint of alleged violations for work performed on the site without a Section 3.2.1 Notice.

d. The decision alleges a "belief" on the part of the Commission that the proposed activities constitute Regulated Activities without identifying what the Regulated Activities are.

e. The decision is discriminatory as a result of the Commission's selective enforcement.

8) The Plaintiff is aggrieved by the decision of the Commission in that he is the owner of the property that is the subject of the decision of the Commission and this appeal and therefore has a specific personal and legal interest in the Commission's decision which have been specifically and injuriously affected by such decision.

WHEREFORE, the Plaintiff claims:

- 1) That this appeal be sustained;
- 2) That this Court reverse the decision of the Bethel Inland Wetlands Commission and order it to make a determination that the Plaintiff's Notice complies with the IWWC Regulations;
- 3) Costs; and
- 4) Such other relief as the Court in equity may deem appropriate.

Dated at Danbury, Connecticut this 31st day of May, 2024.

THE PLAINTIFF,

By:



Neil R. Marcus, Esq.
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Fax: (203) 791-8149
Juris No: 100137
nmarcus@cohenandwolf.com

Please enter the appearance of:

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Danbury, CT 06810
Juris No. 100137
(203) 792-2771