

Ashford, Connecticut  
**Inland Wetlands & Watercourses Commission**  
Regular Meeting Minutes / Town Office Building, Room 104, 5 Town Hall Road  
July 5, 2023

Members present: Leonard Liguore, Chairman, Bob Brisard, Mike Dietz, Peter Piecyk. (arrived late), Richard Zulick, Elaine Zincavage  
Guests: Bruce Fitzback, IWWC Enforcement Officer

The meeting was called to order by Chairman Liguore at 7:00 p.m.

**1. Seating of Alternates** - not needed

**2. Review and Approval of Minutes of the April 4th, 2023 Regularly Scheduled Meeting**

**Mr. Zulick moved and Mr. Brisard seconded a motion to approve the IWWC regularly scheduled meeting minutes for April 4, 2023. Motion passed unanimously.**

**3. Additions to the Agenda**

The addition to the agenda will be taken up before 6. Agent's Report

**4. Old Business**, none

**5. New Business**

**R & M Holdings, LLC, 21 Lakeside Drive, Beach Relocation**

**Mr. Zulick** will recuse himself from any vote. The IWWC has the application; accepting it is the issue for this meeting.

**Mr. Fitzback** provided a review of the situation. Activity at the property was of concern to the Lake Association resulting in the enforcement officer's visit to the property. A retaining wall had been put in place and mini-excavator work was going on. No one answered the door so a notice of violation was left at the house and the property owner's home on Rte. 74. No cease-and-desist order was made, but a stop work order was written. The stone walk way noted was not an issue, but the beach area was a concern.

**Mr. Eric Peterson**, Engineer with Gardner & Peterson Associates, LLC, Tolland, Conn. introduced himself; he was contacted by the owners the next day. He proceeded to explain a large property map showing, lake, road, house, beach, garden, sitting areas and septic field, driveway, hatchway, etc. He noted that projects were: finishing the driveway, work on hatchway and stairs to an upper deck, area under deck that faces the lake on the 1st floor where stone would be placed, excavation to re-establish a beach, creating a garden where material (sand and debris from the excavation) would be placed and removal of some trees at lake edge to create a sitting area. When the inspection was made the excavated material pile was near the road; this has now been removed. Several color photographs were provided showing the lake shore area with a 20' floating dock stretching out into the lake.

**Mr. Liguore** asked if the dock had been part of the original application and approval. He was told, no, but the Lake Association gave the owners permission to construct the dock.

Both **Mr. Zulick** (who did a site walk) and **Mr. Fitzback** suggested that switching the beach area with the garden area would be best. Concerns were expressed that a garden might be rototilled and any chemicals used might get into the lake. A wall between the garden and the lake would be needed. It was thought that a stone wall with concrete would be best to prevent water getting through. The owner agreed. Top soil for both garden and leach field were noted also as a method to protect the lake. **Mr. Zulick** stated that there is no wetland proper activity. He wondered if the project approval should be by the enforcement officer, **Mr. Fitzback**, or by the IWWC?

**Mr. Liguore** asked about roof drains; this needs to be in the "plan." The Chairman then asked Commission members to comment. **Mr. Dietz** asked about the sitting area where the owner said trees would be taken down at water's edge. He liked the idea of switching beach and garden areas. **Mr. Brisard** asked if the sitting area would be mostly grass? Yes. Would there be other changes made as the wall was a new idea just today? No further changes would be made. A revised and/or updated plan will be needed to reflect the changes. **Ms. Chase** was concerned about the dock as it had not been part of the original application. The permit for a dock should come from the Commission. It should be part of the revised plan. The owner noted that the dock has been there for 2.5 years now.

**The Chair** noted that because the Lake Association contacted the IWWC, and the Commission did not know what was happening, there will be no enforcement officer's approval. If one owner can create a beach then others may well want to do the same. The reasoning behind the re-establishment of the beach should be made clear; a new beach is not being created. The importance of protecting the lake necessitates the re-establishment of the beach and the repair area improved with a garden.

**The Chair** emphasized receiving a document showing what has been done and the proposed final plans in detail. He stated details such as: beach size, beach material (amount and type), septic system facts, Eastern Highlands Health Network's (EHHN's) consultation and approval, description of proposed wall dimensions, materials, roof leaders and handling of water, septic field construction methods to prevent lake pollution, trees to be cut near sitting area, erosion concerns, etc.

Although the wetland here is a lake, and since the IWWC's major function is to protect the wetlands, **Mr. Liquore** would like a report from **Mr. Fitzback** on how the wetland is to be protected. Further because the Lake Association approved a dock, the IWWC did not see it installed. The IWWC should have that Association action documented. **Ms. Chase** also stressed that the Association does not have the authority to give permission for docks. This is not acceptable in our regulations. This information also needs to be ready for future considerations, as docks come in all sizes and shapes (e.g. the dock in question has a larger sitting area at the end with chairs).

**Ms. Chase moved and Mr. Brisard seconded a motion to accept the application of R & M Holdings, LLC, 21 Lakeside Drive, for Beach Relocation providing that the IWWC's extensive detailed suggestions and the involvement of the EHHN be included in the revised and updated plan. Motion passed unanimously.**

**New Business added to the Agenda / [7:40 p.m. Mr. Piecyk arrived]**

#### **Pond(s) Maintenance at Zulick Property, Westford Hill Rd.**

**Mr. Zulick** informed the Commission that he had been asked to assist with plans to maintain (restore) two ponds at this property to a healthy condition. A large framed photograph of the property in 1983 was shown to help explain the situation. The property in question and adjacent property was originally all part of the Zulick family's fish hatchery, consisting of at least three other nearby ponds seen in the photograph. Because of a slight slope the two ponds under discussion feed naturally into the three other ponds (on neighbor's land) as water flows eventually to the Mt. Hope River. The narrow strip of land between the two major ponds is clearly seen. Both ponds have begun to fill in over the years. The plan is to pump water out of one at a time, to be able to remove enough material (no greater than to 10' deep) so that the spring fed system can re-establish itself.

Spoils would be placed in an area to the right of the lakes as shown on the photograph. Work would best be done during driest weather, probably August. The dewatering method noted was by pumping water from one pond to the other. This method needs to be put into writing. It was stated that if there were to be a storm the pumping would stop. Currently the ponds' depth is only about 6-7'. The spoils would take 6-8 months to dry out and would be covered with new top soil; a berm would be established between the ponds.

**The Chairman** stated that the project was "ultimate maintenance." He further noted that because Mrs. Zulick works for the town, the IWWC needs to be consistent in what it requires for projects. Is this a project for just maintenance or would it require an engineered plan? It might look like preferential treatment to just say "go ahead." The IWWC has had problems with other pond/lake damage. Questions were asked about the living organisms in the pond(s). Removal of any fish to a neighboring pond was considered an easy solution. No biologists however are on the Commission to scientifically evaluate.

**Mr. Zulick and the owner** need to know exactly what the town requires as they want to simply improve the ponds' health and prevent the area from becoming swamp.

**Mr. Fitzback** suggested a site walk to better inform members of the situation. **Mr. Dietz** noted that last year another pond project did have to submit a formal plan. **Mr. Piecyk** stated that they should wait for the dry season and prepare a plan and time schedule. **Mr. Brisard** questioned the time for the spoils to dry. **Mr. Zulick** stated it might actually take a year. Seeding would be done after that; the berm and a silt fence would be needed. **Mr. Liquore** asked about the calculation for numbers of gallons to be pumped, how long would it take? The reply was that it would take 3-4 days to do the pumping, then dredging, a two-step pumping system. **Ms. Zincavage** asked about the equipment to be used; it was to be a track excavator.

**Ms. Chase** will provide data on berms, when and if regulated; currently the dam between the two ponds is 20' wide. The property's total acreage is 6.94 acres, and the ponds area represents about one fourth of the property (under one acre per Mr. Dietz). In answer to **Mr. Fitzback** either pond could be pumped first; they are flexible.

**The Chair** noted that once water was emptied all fish (and other living organisms) would be destroyed. **Ms. Chase** stated that the ponds were considered a waterway. Therefore, the IWWC does have to consider the impact of the project on the flora and fauna the ponds support. There is a need to weigh the need for the project against the impact. Do we need a biologist's input?

A plan is needed with a defined sequence to determine how long it will take. Permits are needed from neighboring land owners who should be kept informed in case there are public hearings. **Mr. Liguore** stated that at the next IWWC's monthly meeting a project plan should be presented with permits from neighbors allowing water moving to their land. Regarding a backup plan in case of rain, the best option was to do the work in the driest weather, probably not until next year. **Mr. Zulick** noted that all the related ponds serve as a drainage system, and the loss of pond water has already killed the fish.

The Chairman stated he will get pertinent information to the owners and that Mr. Fitzback will take photographs. If there is a plan to continue, a site walk will be scheduled.

#### **6. Agent's Report**

Any activity has not been a problem. A 2d permit for a deck at 7 Lakeview Dr. was approved after inspection. Preparing for the Zulik's proposal tonight took much of his time.

#### **7. Member's Comments**

Mr. Liguore asked Mr. Fitzback to contact the town about work at the Campert Ln/Rd. area. The Lake Association has begun its work in the area. At the next meeting the proposed IWWC identity badges will be discussed. Mr. Liguore will be working on the FY 2021-2022 annual report; prior to this meeting he asked members to note any of their activities during that year.

#### **8. Adjourn**

**Mr. Piecyk moved and Mr. Dietz seconded the motion to adjourn. Motion passed unanimously at 8:30 p.m.**

*Respectfully submitted by,  
Valerie B. Oliver, Recording Secretary  
6/6/2023*