

**Ashford, Connecticut
Inland Wetlands & Watercourses Commission
Town Office Building, 5 Town Hall Road
Regular Meeting Minutes, April 2, 2024**

The meeting was called to order at 7:00 p.m. by Chairman Len Liguore. Other members present were: Robert Brisard, Cheryl Chase, Elaine Corey-Zincavage, Michael Dietz, Richard Zulick and Cathryn Silver-Smith, 1st Selectman and ex-Officio Member. Guest: Mr. Bruce Fitzback, Wetlands Agent.

1. **Seating of Alternates:** Ms. Corey-Zincavage was seated for Mr. Piecyk.
2. **Review and approval of minutes from the August 1, 2023, regularly scheduled meeting**

Mr. Brisard moved, and Mr. Dietz seconded a motion to approve the IWWC regular meeting minutes for August 1, 2023. The motion passed with one abstention from Ms. Chase.

3. New Business: a. Kettle Rock [Cadlerock] Property Logging

Mr. Fitzback reviewed the status of the Cadlerock property logging permit and proposed activity on town owned land necessary for access to the logging site. He discussed a few details about the history of process and how they arrived at an acceptable logging activity application. The logging application was completed, and a logging permit received agent approved. Logging completed so far is satisfactory to our agent as of the date of this meeting.

It should be noted that although a letter was presented to the logging company discussing access to town owned land it was never signed and the dates within which the proposed activity on town land could have been performed has since expired.

The work necessary to access town-owned land is still not fully agreed to. There are several documents which are being reviewed and require BOS review and approval, the town's attorney has also been involved as well. These issues must be resolved, and an acceptable plan needs to be put in place and presented to our commission. The plan should be designed to protect the town property, protect the area's private property, ensure the safety of the neighborhood, and provide for a plan to restore the property in accordance with best management practices upon the completion of these activities. The commission also discussed a bond which they would like to see placed on the property and associated activities. Rick Zulick was assigned to suggest a suitable bond amount.

The 1st Selectman spoke about her visit to the property with Mr. D'Amato, Ashford's Zoning Officer. The gate had been opened and a large load of wooden logs similar to railroad ties had been left there. She stated that the loggers do not have permission to be on the Cadlerock property (although they thought they did have permission). On 7/25/2023 the logger did attend a BOS meeting to describe the logging plans. No official paperwork was provided; no application was seen and yet he believed that everything had been approved. The town council drew up a license agreement on 10/12/2023. However, this agreement was apparently never signed. Ms. Silver-Smith emphasized that without proper documentation no approval will be given by the BOS to the logging company to enter the town property. The gate is now locked.

The BOS wants to see that the logging plan describing the access be reviewed and approved by the IWWC. Their plan is fine for the logging: it is the access that is the issue. Once IWWC approves their access plan then a license) could be drawn up by the BOS/town attorney.

Mr. Zulick, who has supervised/monitored logging projects, noted that logging is done as a renewable resource. The logging company in question is capable of high-quality logging with supervision. It was noted by Mr. Fitzback that as of the 1950s no land was to be considered "land locked" however the land to be logged is apparently landlocked which has caused the logging company to request access via town owned land.

Mr. Liguore noted that it is not unusual for loggers to enter private property and then repair access roads and disturbed property after a logging operation has been completed. Given the current circumstances and that townland is required the placement of an adequate bond is critical to this process.

Ms. Chase indicated “the ball is in their court.” Members were reminded that they could view the recorded BOS meeting regarding this matter on the town website.

It was decided that Ms. Silver-Smith would write a letter to the logging company expressing the IWWC’s and BOS’ expectations and include text from Mr. Fitzback’s initial letter to her and the BOS. Mr. Liguore thought the town attorney should write the letter and that we could then review and comment since we will be losing our agent and therefore none of the commission members have firsthand knowledge of the complete history of this proposed activity.

Ms. Silver-Smith read Mr. Fitzback’s letter dated 12/29/2023, and comments followed about making sure specifics were included as had been discussed earlier in the meeting.

3. New Business: Bussolotta Building Lot

The Bussolotta application was received, determined to be complete by the agent, and the fee was paid. According to our agent, the lot was created as an agricultural subdivision and not a typical residential subdivision. The property is located along James Road and consists of 36± acres. The agent provided a copy of the plan and application for the commission to review and described the proposed work which would include the construction of a single-family dwelling and driveway. Mr. Zulick recused himself from the commission as he was involved with determining the wetland boundary on this property. He noted that two wetlands exist with the building lot between them. The uplands and wooded areas were noted on the plan. It was determined that there would be no work in wetlands. Work has been proposed within the upland review area only consisting of constructing a corner of the house, grading, tree removal, upgrading of the existing driveway and installation of the septic system. The wetland scientist testified that in his opinion there is no direct impact from this proposed activity on any wetlands shown on the plan. He further reported that as long as there are proper erosion control measures installed and are in place before and during construction there should not be a concern over any damage to the wetlands on this property. The commission further discussed the application and plan, and it was determined that this can be considered to be an agent approval and permission was granted to the agent to approve it on behalf of the commission. Included in the discussion was the necessity for IWWC to inform the Planning Commission about our determination and that a letter to that effect should be drawn up by the agent under his signature and sent along.

Ms. Chase moved, and Mr. Dietz seconded a motion to authorize the Wetlands Agent to approve the application for the Bussolotta building lot, providing a 2-week prior notification to Mr. Fitzback before work begins with strict adherence to the permit requirements. Motion passed unanimously.

Mr. Liguore moved, and Ms. Chase seconded a motion that Mr. Fitzback write a letter to the Planning & Zoning Commission notifying them that the IWWC has given agent approval for the Bussolotta Building Lot. Motion passed unanimously.

4. Old Business: Review Status of Permits

The Wetlands Agent provided a sheet dated revised 3/31/2024 and titled “Town of Ashford Inland Wetlands and Watercourses Commission, 2023-2024 Wetlands Permit Status Record.” It included W 23, 1- 15 and W 24, 1-2 records. For each W record number was noted: Applicant / Permit description/violation or agency action / Expiration / WW / CT /Approved / Complete / Accepted date / Fee / Finance. WW = Windham Waterworks. Mr. Liguore went over the entries and reviewed the data. Fee \$30 dated 2/24/23 was to be removed. The IWWC annual report was noted as due by July of the previous year.

A further discussion followed regarding inspections, when we will no longer have our Wetlands Agent, Mr. Fitzback, who expects to leave our service this month. Mr. Fitzback stated he would continue his work as an agent until no longer needed but further noted that he has taken on a big role in Putnam and his time is very limited going forward. The Chair noted that in the interim we need to put in place a mechanism by which all correspondence currently handled by the agent will be brought to the attention of the commission. To that end he has discussed the possibility of utilizing Mike DeMato as we have done in the past until the position can be filled.

4. Old Business: General Discussion on Wetland Matters

A possible change of meeting dates was discussed to hopefully accommodate Mike DeMato's schedule. encouraged.

Various methods of recruiting a new officially trained agent were mentioned: personal referrals, via Mr. Dietz's CLEAR, an ad in the CACIWC that would require many position details, salary, etc. s. Chase had provided information to the Ashford Citizen. This may be placed in the reminder again if there is no response along with further details about the position. Mr. Zulick stated a reasonable pay scale is important.

Mr. Dietz asked about providing ID badges for IWWC members. This has been discussed in the past. It was decided that badges should be provided with the following information: Ashford Inland Wetlands & Waterways Commission Member /member's photo / member's name, date member's term expires.

It was once again discussed that IWWC members cannot enter private property without an invitation from the property owner. Further is suggested that before entering private property on behalf of this commission that the Chair and/or the BOS should be notified before entrance.

Tree cutting was mentioned behind the property at 159 Old Town Road. The agent will contact the homeowner and ask permission to access the property to observe the activity.

The commission discussed the motion to elevate Elaine Corey-Zincavage from her current alternate status to full membership on the commission. The board voted unanimously to send a letter to the BOS asking for their approval.

Ms. Chase reported on her research into the Army Corps of Engineers permitting process and instances which could trigger an application to be put before them.

The topic of IWWC regulations was discussed. Although the regs are on the town website, members asked for and will receive printed copies from MS Silver-Smith. She will also send electronic copies to members. DEEP provides model regulations, but towns can modify them to a point as discussed. Ms. Silver-Smith noted that board and commission requirements may be found in town ordinances.

5. Agent Report: already covered

6. Member's Comments:

Elaine noted an issue on Supina Rd. where tree cuttings were dumped into a wetland causing water washout. The violation is obvious. Although trees in wetlands can be cut; trees cut elsewhere cannot be dumped into wetlands. The violation can be seen at the intersection of Rte. 89 and Supina Rd. Mr. Liguore asks that the Highway Dept. and Mr. Zulick inspect the area. Ms. Silver-Smith noted that there are four places where the water flows into the area. She will investigate and work on solving the issue.

Mr. Liguore discussed the General Permit" we typically grant to the Public Works Department and that we should draft a new permit and try to have it ready for discussion at our next meeting.

We are all sad to see Bruce Fitzback leaving We all agreed that he has done a great job! He has served the town and our commission well.

7.Adjourn:

Mr. Dietz moved, and Mr. Brisard seconded a motion to adjourn. Motion passed unanimously at 9:27 p.m.

Respectfully submitted by Valerie B. Oliver, Recording Secretary, 4/3/2024