

Ashford, Connecticut
Inland Wetlands & Watercourses Commission
Town Office Building, Room 104, 5 Town Hall Road
Regular Meeting Minutes
May 7, 2024, 7:00 p.m.

Members present: Leonard Liguore, Chairman, Bob Brisard, Elaine Corey-Zincavage, Mike Dietz, Richard Zulick
Guests: Bruce Fitzback, Acting Enforcement Officer, Carolyn Silver-Smith 1st Selectman.

Other guests:

Mr. Joseph Jansen, Ms. Erica Backmann, Mr. and Mrs. Ken Demars, Aklid Guptn, and others.

The meeting was called to order by Chairman Liguore at 7:02 p.m.

1. Roll Call: Members present resulted in a quorum.

2. Review and Approval of Minutes of the April 2, 2024, Regular Meeting

Mr. Brisard moved, and Mr. Dietz seconded a motion to approve the minutes of the April 2, 2024, regular IWWC meeting as corrected by the chairman. Motion passed unanimously.

Correction: p.1, 3. Remove last sentence – Logging completed ...this meeting.

It was agreed to rearrange the meeting order. Agenda item #3. Old Business to be heard after agenda #4 and to allow additional time to hear from the public.

4. New Business: 1. Show Cause Hearing: To consider a Cease-and-Desist Order against Mr. Joseph A. Jansen, 348 Ference Rd.

Mr. Liguore opened this portion of the meeting. The Cease-and-Desist order was entered into the meeting record. The order was provided to all commission members this evening and as a portion of the documents uploaded to our webpage prior to the meeting. Further the landowners were also provided with the document via US mail and in person by the acting agent.

It was explained that the hearing was primarily to provide Mr. Jansen with an opportunity to show cause as to why the order should not remain in effect.

Mr. Fitzback offered evidence including pictures of the activity and discussed his recent visit to the property. He generally described the area as a wetland area where an intermittent stream flows and the recent work within the stream and the surrounding area is causing a detrimental impact on the stream and surrounding wetlands and therefore the order was deemed necessary. Mr. Fitzback discussed his findings with the Chair who agreed that the order was appropriate and allowed it to be issued.

The Cease-and-Desist order was issued on April 29, 2024 (number 24002) for the potential unauthorized filling of wetlands and water courses on 348 Ference Rd. in Ashford, CT. (Assessor's Map 003 lot Block 05 List B-14).

Mr. Fitzback explained that he had visited the site and had taken photographs; the 1st Selectman and the NECOG Engineer also visited the site. In his Cease-and-Desist Order, 4/29/24, he suggested several appropriate actions that could mitigate the problem. 1. Retain a Professional Engineering firm to prepare required documents / 2. Submit Site Plan by 7/26/24 to the IWWC / 3. Implement the Plan following IWWC's approval / 4. Submit As-Build Drawings within 45 days of completing required actions / 5. Erosion and Sediment Control to be installed along the current edge of disturbed earth and maintained unless superseded by the approved Site Plan.

Mr. Jansen reported that he understood the order and explained that there had been 50 years of neglect on the property and that he thought it was an old gravel pit which he simply wanted to clean up. He was not aware that it was a wetland and that he did not intend to negatively impact the wetlands. He reported that he would meet with JD Engineering to discuss the cease-and desist order and to determine if a formal engineering plan and/or a report prepared by a soil scientist would be necessary.

The commission asked that no further work be done until an acceptable plan of action and supporting documentation is received and approved by the IWWC – at our next meeting in June. Mr. Fitzback also offered to speak with the engineering firm since he worked for them several years ago.

It was decided that the Cease-and-Desist Order will remain in full force and effect until the above-mentioned information is received by the commission. Mr. Jansen agreed that no further work will be done until the cease-and-desist order is lifted. He let the commission know that he intended to attend our next scheduled meeting.

4. New Business: 2. Wetlands Application 1W 24-06, Erica Backmann, 17 Lakeside Dr.

An application was received and accepted by the commission. Mr. Fitzback visited the property and noted that since all the property is located within the upland review area and that a substantial amount of fill is planned to be installed within about 15 feet of the lake a permit must be applied for before this amount of work could be allowed. After hearing from the applicant and that the application before the commission did not include other work planned by the homeowners a site visit was recommended and agreed to by the homeowners and the commission. The activity stated on the application was the installation of a gravel driveway; the Wetlands Officer suggested the addition of a one-foot berm of woodchips to create an additional buffer to prevent sediment from draining into the lake. In addition to the installation of sand and gravel for the driveway the owners would be installing the wood chip berm between the driveway and the lake, along with selective tree cutting, and landscaping around the property.

Mr. Brisard moved, and Mr. Dietz seconded a motion to accept the Application for Permit (1W 24-06), property owner Erica Backmann, 17 Lakeside Drive. The commission requested that the above-mentioned additional information be added to the application and submitted to the commission before the next meeting. Motion passed unanimously.

A site walk was scheduled for Friday May 10, 2024, at 2:00 p.m. and Mr. Fitzback would take care of making proper notice for the general public's information.

4. New Business: 3. Water Issue at 71 Kennison Res. Rd., reported by landowners Ken and Sally Demars

Aerial photographs of the property in question were provided for the membership by Mr. Fitzback. Mr. Demars described the situation of a formerly approved and constructed sediment pond that was now filled with sediment causing water to flood onto nearby land during heavy rains. The sediment pond had been built back in the mid-1980s and was now inundated with about six feet of sediment. The pond had cost \$5000 to construct. The Commission needs to determine if this is the “maintenance of a farm stream” or a larger project needing further consideration. The owners would like to widen the stream bed to about 6’ from 2’ as it is now. The area in question is 41-E-11, 11.25 ac, shown in ariel photos.

It was decided that a site walk to inspect the property would be held on Friday May 10th at about 2:30, 3:00 p.m. after the Ferance Rd. site walk.

The chair asked if a plan of the 1980s approval was available, however only a letter was provided and given to Mr. Fitzback to be distributed to the commission before the next meeting. Mr. Demars provided a 1984 letter and related documents for Mr. Fitzback to review. During our next meeting the commission will try to determine if the proposed work is a simple farm maintenance project or will require a more detailed analysis before allowing the work to commence. The Demars were thanked and agreed not to do any work until the commission meets again.

3. Old Business.

The Chair asked Mr. Fitzback to summarize the status of the Cadlerock Property and the logging access issue. Several IWWC members have visited the town land in question independently. The town Attorney has written a letter that the 1st Selectman wished to amend. A \$7,500 bond was suggested by Mr. Zulick in which he stated that it was sufficient to ensure final land grading and cover planting after the logging was completed, work expected to take less than a week to complete. Mr. Zulick reported that after doing a core sample on the townland where an access road is planned to be constructed does not contain any wetland soil although one area does get matted with heavy rain. Mr. Zulick provided the selectman's office with a written report of his findings which was not provided to the commission.

In response to the 1st selectman's question the Chair noted that a logging permit has been approved for the property and is still considered to be an active permit, which appears to be continually monitored by Mr. Zulick on behalf of the commission and the selectman's office. No logging was reported to have commenced as of the date of

this meeting. Further it was noted that since there are no wetlands being directly impacted by the proposed activity on town owned land a formal application to the IWWC specifically for this land is not required. The commission agreed with this statement.

The 1st Selectman is working on revising the letter she received from the town Attorney. The letter will be addressed to the logger and should include recommendations by Mr. Zulick. The IWWC would like to be kept informed, this information will be kept in the file and considered to be an addendum to the logging application. It was decided that Mr. Zulick would be designated as the formal inspector of the project to make certain that the town land access road to the logging area would only be used under dry or frozen land conditions (unless special circumstances were approved). The 1st Selectman agreed to this proposal. Also in the revised letter it should be the requirement for a \$7,500 bond, signed by two people, and the funds should not be released until the logging has been completed and the townland inspected and accepted as complete. Notification should be provided as to when access is planned, and for how long. Soil erosion and sediment control should be in place, using silt fences or other items as necessary. The use of “best management practices” is required.

It was discussed that a way to determine in-field assessments is needed. Mr. Zulick noted that someone needs the authority to order the work stopped if necessary and volunteered for the work.

Mr. Brisard asked about the future and if would constitute permanent access to the landlocked property over town owned land. The Chair stated that it was his understanding that this was a temporary access easement, or a limited access license granted by the town via a letter written by the town attorney assuring that this would not become permanent access to the land locked area planned to be logged. He assumed that this stipulation would be included in the letter.

Ms. Silver-Smith thanked the Commission for their assistance.

A discussion followed about the General Maintenance Permit for the DPW. Mr. Liguore has drafted a permit for the commission to review and will distribute it to the commission members before the next meeting for further discussion.

The 2022-23 IWWC Annual Report was completed and sent in by the Chair and included the 2023-2024 Wetlands Permit Status Record provided by Mr. Fitzback at an earlier meeting.

5. Agent’s Report: none

6. Member’s Comments: The annual Public Works General Maintenance permit was further discussed. Our 1st Selectman reported that she is continually meeting with public works and is generally aware of their activities. It was suggested that aside from emergency work if more comprehensive work on town owned land or within the road ROW is necessary that the DPW should let the commission know ahead of time to ensure that proper erosion and sedimentation controls be installed before the work proceeds. The intention is not to hold up the work since the commission only meets once a month but perhaps our agent could be informed, and the work could be reported by the DPW or the agent during the next meeting.

7. Adjourn:

Ms. Corey-Zincavage moved, and Mr. Zulick seconded a motion to adjourn. Motion passed unanimously at 8:23 p.m.

*Respectfully submitted by,
Valerie B. Olliver, Recording Secretary
5/7/2024*