

**Ashford, Connecticut**  
**Inland Wetlands & Watercourses Commission**  
**Regular Meeting Minutes**  
**November 1, 2022**

Members present: Leonard Liguore, Chairman, Bob Brisard, Cheryl Chase, Michael Dietz  
Guests: Mr. Bruce Fitzback, IWWC Enforcement Officer,

Visitors: Mr. Kevin Martin of Martin Demolition

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

**1. Seating of Alternates:** Mr. Brisard was seated for Mr. Rick Zulick

**2. Review and Approval of Minutes of the August 2nd, 2022 Regularly Scheduled Meeting**  
**Moved by Cheryl Chase, seconded by Michael Dietz - Unanimously approved**

**3. Additions to Agenda:**

**A. Bridge Replacement Barlow Mills Rd. at Bigelow Brook**

The commission was presented pictures of the bridge which was recently washed out along Barlow Mills Road. The wetlands officer reported that he has seen the damage and spoke to the HW department. The chairman reported that the first selectman called him regarding the bridge and asked for the commission to allow the repair as it is an emergency situation and requires immediate attention and to wave any permit requirements at this time. The chairman reported this to the commission and based on a review of the pictures, the enforcement officer's report and the information provided by the chairman it was unanimously decided to wave any permit requirements and to allow the highway department to secure the road and to commence with any repairs. Further, the commission instructed the enforcement officer to keep the commission apprised of the situation and to communicate our recommendations to the highway department and to assist in any way he can including involving the NEECOG Engineer. In the future when a new bridge design is completed a formal application may be needed.

**B. Campert Drive, Campert Lane & Farm Road Erosion**

A letter sent to the commission from Sly Pauley NEECOG Engineer dated October 26, 2022 and was read into the minutes. A letter from Thomas Barry dated October 27, 2022, was read into the minutes, Also, a recent email from Thomas Barry to the chairman was read into the minutes.

This matter has been in front of the commission for a while. Four members of the commission present at the meeting and the enforcement officer have visited the area multiple times during dry periods and during and after recent rainstorms. The engineer has also recently visited the area and met with the IWWC chairman, highway department and the enforcement officer. The consensus is that the commission is in agreement with the observations and recommendations of the engineer set forth in his letter noted above. In summary it says that the town has been diligent in their efforts to maintain the roadbed and repairing erosion on the town owned portion of the road. The engineer recommended that the homes where under driveway pipes have not been installed should be installed as soon as possible. The commission agreed that widening of the swale in certain areas within the town's ROW and the removal of several trees should be done as well. The commission has determined that aside from the installation of the driveway drainage pipes the recommended work amounts to typical maintenance and is within the general permit granted to the town for regular maintenance and does not require a permit.

Emphasis was given to the following portion of the engineer's letter "The Town of Ashford Highway Department installed stone filled detention basins along the public portion of Campert Lane to minimize soil erosion and sediment transport in the swale. This has been effective, as the swale along the edge of the town owned portion of the road did not exhibit any evidence of soil erosion during this visit nor was any evidence of sediment deposition at the drainage outlet on the private road next to the lake that would lead one to believe sediment was going into the lake from town owned portion of the road."

Thomas Barry has also inquired the commission about methods of funding a larger project to fix perceived drainage issues originating within the town-owned portion of the road system leading into the lake. It was discussed that since

there is no evidence of soil and erosion from the town-owned portion of the road system getting into the lake and the HW Department has been diligent in their efforts to maintain the road and that the IWWC does not control the purse strings of the town we as a commission cannot address how or if the town can or is willing to undertake significant and costly improvements that may not be necessary at this time. Therefore, at this time notwithstanding the drainage pipes under private driveways, the commission has unanimously agreed to allow the highway department to proceed with the recommended improvements as outlined by the engineer and is not in a position to partition the town to spend money on improvements given the engineer's letter, the enforcement officer's reporting, and our own observations. Further it is the opinion of the IWWC that the Ashford Lake Assoc. should go forward with their plans in accordance with their engineer's recommendations as outlined in various letters to the commission in the past. Mr. Barry could not attend the meeting due to a prior commitment and the NEEGOC engineer's letter has already been forwarded to him by our enforcement officer prior to this meeting which he has responded to in the email message mentioned above.

#### **4 Old Business: A. 96 Nott Highway LLC. Wetland Violation**

It was reported that a well-designed fence has been installed in the location as required and wetland emblems have been installed on the fence. The enforcement officer reported that he has visited the site and spoken to the owners and since so much time has passed since the permit was issued the disturbed areas within the wetland areas have been naturally overgrown with various species of plants such as cat tails, wooded brush, grass, and even small pine trees have begun to sprout some as tall as 2-3 feet. It was his opinion that if the IWWC required the completion of installing plantings in the wetland areas as noted in the permit the wetlands would necessarily be significantly disturbed and the new plantings would likely be overgrown requiring continual maintenance and intrusion onto the wetland areas. Therefore, he has asked the commission to consider the waiver any further work in the wetlands and to accept the type of fencing that has been installed as it does seem to do the job. After a brief discussion the commission was in agreement with the recommendations of the enforcement officer.

Ms. Chase moved to lift the violation order noting that although the work was not in strict compliance with the permit issued it appeared to be *substantially* in compliance with our recommendations and as such should be lifted at this time. Mr. Brisard seconded the motion and the motion passed unanimously. The enforcement officer was instructed to communicate our findings to the owner of the property.

#### **Old Business: B. Ashford Lake Owners Association: Construction of Drainage Features on Ashford Lake Drive**

The enforcement officer has received three letters from abutting homeowners stating their consent to allow the work as outlined in the pending permit to go forward. This was an issue which held up the final issuance of the permit and therefore the commission voted unanimously to instruct the wetland officer to issue the permit.

#### **New Business: A. 27 Shore Front Dr., Cottage Demolition**

The wetlands officer presented a plan and described the work intended on this property. The existing house is in inhabitable condition and requires demolition. The topography is generally level, and the intended work is within the upland review area however it is well away from the lake, erosion and sediment measures will be installed, he will monitor the activity and a stone wall separates the proposed work from the lake further assuring protection for the lake. Mr. Kevin Martin of Martin Demolition represented the property owner and assured the commission that the work will be well protected, he also spoke to the Health Department regarding the demolition of the existing septic system and will fill it in. He emphasized the need to commence the work due to possible inclement weather if we were to delay any decision until our next meeting in December. The well will be capped, and the debris will be taken off the property. The commission discussed this proposal and decided to allow the enforcement officer to issue a permit for the work. The motion was offered by Ms. Chase and seconded by Mr. Dietz, the motion passed unanimously.

#### **New Business: B. 385 & 393 Pumpkin Hill Rd. Bunte Est. Subdivision 3 Lot**

Mr. Fitzback was asked to describe the application for the commission as he has had significant contact with the applicant. The application is for a single parcel of land to be subdivided into three contiguous lots. Ms. Chase noted that in her reading of our regulations this type of subdivision work does not necessarily require a permit from our commission especially since no improvements are being proposed. The enforcement officer, after discussing the matter with the owner's attorney, reported that there is something in the state statutes requiring the

IWWC to approve any subdivision of property before proceeding to the Planning Board even if no work is being proposed.

The commission reviewed the application and maps presented and noted that the application indeed does not include the construction of any improvements. The plan only indicates the conceptual layout of a single family house and septic fields on one of the lots but this is only a conceptual plan and no actual work on any of the lots is being applied for at this time. It was further noted that the conceptual work is well away from the known wetlands and well away from our upland review area.

Since the applicant has requested a report from us to be sent on to the Planning Board the commission has made the following motion:

The commission has no objection to the subdivision of the property as indicated on the survey maps presented. We believe that no improvements are being proposed for any of the lots at this time notwithstanding the conceptual placement of a single family home and septic system on one lot no physical improvements are being applied for at this time. Further, even the conceptual placement of the house and septic system is well away from any known wetlands and out of the upland review area however if improvements were to be planned for the future we would expect that revised plans and a new application would be submitted to the commission. Therefore, we recommend that the planning Board be made aware of our findings and a copy of these minutes be forwarded to them as soon as they are finally approved by the commission. Again, the commission has no objection to the subdivision as contemplated and this matter should be handed off to the Planning Board.

Ms. Chase made a motion repeating the general notes above and Mr. Dietz seconded the motion, all members voted in favor of the motion.

#### **6. Set Meeting Dates for 2023**

The dates for our meetings scheduled for next year was discussed. We will continue to hold in person meetings at 7:00 PM next year on the first Tuesday of each month with the exception of The 4<sup>th</sup> of July which falls on a Tuesday therefore we have voted to hold that meeting on the following day, July 5<sup>th</sup> 2023. The Secretary will provide the Meeting Schedule to the Town Clerk and provide a final schedule to all IWWC members.

#### **7. Discussion Commission Membership**

Mr. Liguore honored the life of Mr. John S. Barclay, (3/20/1940-10/6/2022) who had actively served for so many years on the IWWC.

Mr. Liguore also reported that Ray Fenn and Gary Lipstreu have resigned their positions on the commission.

Mr. Liguore noted that these men faithfully served the commission and the community for many years. They were dedicated to protecting and preserving the wetlands and watercourses in our town. Their work has benefitted the community in many ways and we are very grateful for their devotion and for their many hours of service. They were not only very good wetland commissioners, but true friends and we will miss them.

The IWWC needs one full-time member and 2 alternates in order to increase their membership to 7 full-time and 2 alternate members. Ms. Chase was asked to put an article in the paper seeking for new members similar to the one we previously sent out in the past.

#### **8. Agent's Report**

Mr. Fitzback provided information on five projects where he was asked by the owners to review since our last meeting. None of them require our immediate attention at this time. He briefly discussed them and was asked to have the addresses put on the next agenda and to keep the commission informed of the progress of each of them.

#### **9. Members' Comments**

Mr. Fitzback has planned some improvements to the IWWC web site that will include our meeting dates and agendas.

#### **10. Adjourn**

**The motion was made to adjourn at 8:20 and approved unanimously.**

*Respectfully submitted by,  
Valerie B. Oliver, Recording Secretary, 11/2/2022*