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*3 pages + Attachment*  
*Kurt Mordasky*  
TOWN CLERK

Town of Stafford  
Inland Wetlands Commission  
September 21, 2022 – 7:00 PM  
Veterans Conference Room  
Warren Memorial Town Hall

Members Present:     John D. Wilson, Acting Chair  
                              Kurt Mordasky  
                              Dr. David Mordasky  
                              Ricky Dorman, Alternate

Also Present:         David Perkins, ZEO  
                              John Wittenzellner

#### AGENDA

1. **Call to order.**
2. **Establish a quorum**
3. **Review minutes of 7/20/2022**
4. **Discussion on Notice of Violation issued to Witt Farm LLC**
5. **Other Business**
6. **Adjournment**

1. **Call to order.**

John Wilson, Acting chair, called the meeting to order at 7:00 p.m.

2. **Establish a quorum.**

A quorum was established with regular members John Wilson, Acting Chair; Kurt Mordasky, Dr. David Mordasky, and alternate member Ricky Dorman seated for Tom Topping.

3. **Review minutes of 7/20/2022**

Kurt Mordasky made a motion, seconded by Dr. David Mordasky to approve the minutes of the July 20, 2022 meeting as presented. All were in favor. Motion carried.

4. **Discussion of Notice of Violation issued to Witt Farm LLC.**

Note: John Wilson added to the agenda a discussion of the water company maintenance at Reservoir #2 off Bradway Road and Crooked S Road.

John Wittenzellner of 2 Stafford Road attended the meeting to discuss the Notice of Violation (NOV). He said the NOV pertained to his property at 0 Buckley Highway, and he provided copies of his written response dated September 9, 2022. The letter explains the work

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performed in and along a roadway that was upgraded to allow safe passage of vehicles through a section of his property and references four crossings of a stream on his property at the outflow of a pond, also on the property.

John Wittenzellner walked through the details of the letter and work performed. He also had provided David Perkins some pictures of the work done as well as some on his phone, which were shared at the meeting.

In discussing one of the crossings John Wittenzellner said he did not work in water and saw it, instead, as an intermittent drainage ditch. He said there was no skunk cabbage or anything like that. Dr. David Mordasky said people can't always tell whether something is wetlands or not without a soil scientist making that determination. David Perkins said vegetation isn't an indicator.

John Wittenzellner said he understood the NOV was mainly about Crossing #4. However, David Perkins said other crossings could be a concern. At any rate, John Wittenzellner said he stopped work per David Perkins' request. He said he will have a soil scientist review the work that he did. He said he understands that work within 100 feet of wetlands is a regulated activity.

David Perkins asked if the farm road is passable. John Wittenzellner said in the past he was able to get up it with an ATV but only now is it passable by truck. He said he did cut and stump some trees. He said Mr. Braun had cut the property ten to fifteen years ago. He said there are areas where some logging was done at one time.

Dr. David Mordasky said the road follows the stone wall on the property, and it's clear it was a road at one time. He said it is one thing to do this type of work on your property, but another to invite the public onto it. He added that he felt John Wittenzellner took the time to do appropriate work, but to him, the only problem is the sequence. He should have first gotten a soil scientist to flag the wetlands, then hired an engineer, then filed a permit. These things didn't happen, so he needs to go back and take care of those steps.

John Wilson agreed. He asked John Wittenzellner if he would be hiring a soil scientist as one would need to look at Crossing #3 especially. John Wittenzellner said he will do what the Commission tells him to do, but in his opinion, it is an old road, a private roadway on his property. He only lets public traffic through there one day a year for Farm Day. He noted he has invested over \$35,000 and to hire an engineer for a one-day event for a tractor road is not economically feasible. He said he has put in several calls to Datum Engineering but getting someone from there soon would be difficult as they are booked out pretty far. David Perkins said he needed to find someone sooner and provided him with a copy of a booklet with a list of engineering and surveying firms. He noted the list can also be found online.

John Wilson explained that these rules are not the Town of Stafford's but rather state statutes that the Commission is required to administer. He said the Commission greatly appreciates all he has done for Stafford and would have gladly called an emergency meeting to talk with him if he was under the gun. He added that if they don't administer the state statutes, John Wittenzellner would be talking instead with the Department of Energy and Environmental Protection (DEEP) and that would be a much higher level discussion.

David Perkins said the top crossing had a lot of water volume, which caused silting significantly downstream. He said now they have hay bales in place and rocks in the bottom of the channel. He did not think an engineer would be necessary and a soil scientist might be sufficient, but the soil scientist would need to do more than simply delineate the soils. The soil scientist would need to look at the water company property. David Perkins' concern was with what was taken out on the side of the road and the impact it may have caused.

Going forward, John Wittenzellner said he will get a soil scientist and file for a permit. He said he also has some projects planned on his property on the brook that runs through it and for any of the work he would meet with David Perkins beforehand and make a plan and submit an application. He will do all the steps he should have done. David Perkins thanked him. He said he likes to see a plan, and does not like surprises. John Wilson noted that sometimes, if a project is fairly simple, he and David Perkins can sign off on it without someone having to come before the Commission. He commended John Wittenzellner again for all he has done for the town.

John Wilson asked what the time frame might be for completing the work on this project. John Wittenzellner said it will depend on how quickly he can get a soil scientist out to his property. He hopes to have everything done within a month. John Wilson asked that he keep David Perkins informed.

The Commission discussed the water company reservoir on Bradway and Crooked S Roads. John Wilson said the water company wants to replace the intake screen at the mouth of the reservoir. David Perkins said this is the first thing the water enters through to get into the system, and the water company is asking if the Commission considers the replacement of the screen as a permitted as-of-right activity where no wetlands permit would be required or if it is a regulated activity. They are asking for a jurisdictional ruling. The Commission agreed that this is a maintenance issue and therefore a permitted, as-of-right activity. No permit is required.

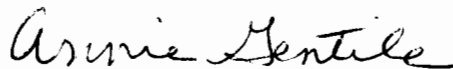
**5. Other Business**

None.

**6. Adjournment**

Dr. David Mordasky made a motion to adjourn, seconded by Kurt Mordasky. All were in favor. Motion carried. The September 21, 2022 meeting of the Stafford Inland Wetlands Commission was adjourned at 7:47 p.m.

Respectfully submitted,



Annie Gentile  
Recording Secretary

# The Witt Farm, LLC

September 9, 2022

Town of Stafford  
Mr. David Perkins  
Warren Memorial Hall  
1 Main Street  
Stafford Springs, CT 06076

**RE: Response to NOTICE OF VIOLATION dated September 1, 2022.**

Dear Mr. Perkins,

This letter is written as requested in the above mentioned Notice of Violation to explain the work performed in and along a roadway that was upgraded to allow safe passage of vehicles through this section of my property. In total I have upgraded/constructed four culverts on this roadway and describe each one as follows:

## **Culvert Pipe No. 1:**

The first crossing consisted of the installation of a 12" ADS drainage pipe that is approximately 40' long. This pipe was laid on the existing lawn and was installed to drain water that would have collected when fill was added to remove the sharp drop that occurred between the parking area location and the old road bed. The sharp drop was created when the CTDOT installed a similar culvert from a catch basin located on the neighboring property's driveway and ran hundreds of feet diagonally across the property but under lawn toward the back of the parking lot. The outlet of this CTDOT drainage pipe is to an open top catch basin. In an attempt to have no impact on the wetlands, I ran my drainage pipe to end at the same catch basin. The other work performed at this crossing was to clean out the catch basin and the CTDOT culvert that was filled with chip stone from the Stafford Street area and by the amount of debris removed, I doubt it was ever maintained in the past. The water that enters this pipe will be from sheet flow that crosses over a hundred feet of lawn before entering the catch basin (see attached pictures).

## **Culvert Pipe No. 2:**

The third crossing also consisted of the installation of a 12" concrete drainage pipe that is approximately 20' long. This pipe was laid in an area where there was a stone culvert previously constructed in the roadway. The construction consisted of a number of flat stones laid as a base and foundation to two stone walls that were less than a foot high and less the two feet apart. A number of flat stones were laid over the top and one side has moved/broke and fallen into the causeway. Although my equipment could have easily installed new stones, I felt it would be safer to install the culvert pipe.

When this part of the roadway was being constructed, we had not had rain and the site was a dust bowl. It was after the installation and a significant rain storm that we realized that this was an area of CTDOT drainage that was piped behind our neighboring homes and was diverted in a downhill westerly direction to the crossing. I did remove the stones that were along the side the roadway in this area and smoothed out the irregular holes that were left. Shortly after Farm Day, my crew installed approximately 5 tons of 5"-7" minus stone which was placed by hand as to minimize any impact that could be claimed in the future (see attached pictures).

#### **Culvert Pipe No. 3:**

The second crossing consisted of the installation of a 12" concrete drainage pipe that is approximately 20' long. This pipe was laid in an area where there was a dip in the roadway that would have resulted in a situation that small cars would be adversely effected and filling the dip while leveling the roadway may have caused water to back up along the driveway or on neighboring properties. It did not show as intermittent or seasonal drainage area but I wanted to be sure not to effect these properties. I did remove the stones that were along the side the roadway in this area and smoothed out the irregular holes that were left. Shortly after Farm Day, my crew installed approximately 5 tons of 5"-7" minus stone which was placed by hand as to minimize any impact that could be claimed in the future (see attached pictures).

#### **Culvert Pipe No. 4:**

The fourth crossing also consisted of the installation of a 12" concrete drainage pipe that is approximately 20' long. This pipe was laid in an area where there was a stone causeway previously constructed in the roadway. The construction consisted of a number of flat stones laid as a bottom and two more sections of flat stones installed on an angle whereas the bottom were less than a foot below the angled stones. This allowed the water to cascade across the roadway and horse and buggies along with motorized vehicles could drive through it without much trouble. This crossing was obviously different than the others. This crossing was the brook that was fed from the outfall of the pond at the rear of my property. Throughout the drought, my pond never stopped running. If it had, I don't think I would have been issued the Notice of Violation. This roadway was built over a hundred years ago and likely upgraded in the past by previous owners. I am sure that in the past, if anything came up the roadway, mud, dirt, and feces from animals would have entered the water when traveled through at this location. The installation of the culvert may have reduced the character of the roadway but I felt it to protect the integrity of the property. I did remove the stones that were along the side the roadway in this area and which were larger than the previous crossing and smoothed out the irregular holes that were left. Shortly after Farm Day, my crew installed approximately 5 tons of 5"-7" minus stone which was placed by hand as to minimize any impact that could be claimed in the future (see attached pictures).

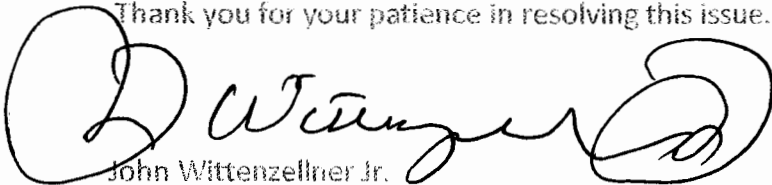
After showing this roadway to a number of friends at the end of August, I was asked if I had applied for a wetland approval for the work I completed. I explained that I had only upgraded a 1700s or 1800s roadway and not a roadway into a subdivision. I explained that a relative of the

family that sold me the property and also a member of the historical society showed me the map and I believed that there should not have been any problems with the work I performed. However, I began to have second doubts and a couple of days later when you and the Fire Marshal came to investigate the smoke from the fire I had from burning brush, I asked you to turn around and follow me up the entire roadway to see if I was on track with your office.

My career for the last 40 years as a licensed water and wastewater operator and utility manager has made me a "Stewart of the Environment" and it was not my intention cause this situation. At your suggestion, I have reached out to Rick Zulick of Datum Engineering. Rick tried to fit a site visit in on Thursday of last week but unfortunately was unable to make it. He will come and evaluate the work as soon as he can fit us in his schedule. In the meantime, i have placed hay bales at the downstream side of the culvert.

After my initial upgrade on the main house more than 30 years ago, I started to really focus on the use of this property in 2018. Since that time I have completed many upgrades at a considerable investment. I have many more ideas for the transformations to this property and the Stafford Conservatories parcel to make it into a functioning and self-sustaining farm. A number of these projects will involve work in or close to the wetlands and I obviously plan to meet and discuss them with you and submit an application to your office and consideration.

Thank you for your patience in resolving this issue.

A handwritten signature in black ink, appearing to read "John Wittenzellner Jr.", written in a cursive style. The signature is positioned above the printed name.

John Wittenzellner Jr.