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Leon S. Mularski Jr., Inland Wetlands Enforcement Official May 6, 2025
Town of Haddam
30 Field Park Drive
Haddam, CT 06438

RE: INLAND WETLAND SOILS AND WATERCOURSES INVESTIGATION – 24
BARTMAN ROAD, HIGGANUM, CT - MAP#54 LOT#17-2-DALE CLEGG,
OWNER

Dear Mr. Mularski:

My name is James Sipperly and I am a Certified Soil Scientist and member of the Society of Soil Scientists of Southern New England, a Connecticut Wetland Scientist and a member of the Connecticut Association of Wetland Scientists.

I also feel compelled to you that I am the Environmental Planner for the City of Middletown and staff the Inland Wetlands and Watercourses Agency, the Wetland Agent for the Town of Portland and staff their Wetland Commission and I am a member of the Wetland Commission in my home town of Bozrah.

On March 6, 2025 I visited the site referenced above to delineate any inland wetland soils and/or watercourse that may exist on the site relative to a stop work order issued on August 15, 2024. Mr. Glegg has complied with your order and has not conducted any work on the site.

At that time, you observed filling taking place on Mr. Glegg's driveway right of way spilling over onto the neighbor's property to the west of the right of way. You also indicated that the work consists of filling in the right of way in a possible wetland area.

I sampled the soil throughout the right of way, especially on the west side of the right of way using a soil auger to a depth of two to three feet. Based on my field observations and using the guidelines established by the National Cooperative Soil Survey and as defined by the Connecticut General Statutes, I did not observe any inland wetland soils in this area. However, the edge of the existing pond that was created in 1988 (I was told without a permit) is the jurisdictional line to define a watercourse, which by definition includes, lakes, ponds, rivers, brooks and streams. (see aerial photo C)

I did not delineate this edge because it is very obvious and would have disturbed the relatively stable slope.

I sampled several areas along the pond edge and the composition of the fill is medium to coarse sand and gravel. Just below the surface, 6"-14" in depth, I hit what appears to be rock. Photo A shows the area I sampled and you can clearly see that there are no wetland plant species and that the area is an existing maintained lawn on top of the right of way and on either side.

You also can clearly see the rip rap that exists there as well. I was told by Mr. Glegg that that was placed there to stabilize the relatively steep bank of the driveway.

Mr. Glegg fearing that there would be erosion in the future, placed clean fill (sand and gravel) in this area to further stabilize the slope. He at that time thought he had the right to maintain his property that is zoned residential. (See photo B)

In addition, the homeowner of the pond installed a sump pump that runs constantly into the pond and there are footing drains that discharge to the pond as well. Also, roof water from the gutters and an artesian well over flows into the pond. The water level varies at time against the driveway slope.

Because of those factors, Mr. Glegg was concerned about what would happen to the pond levels during severe storms and how it would impact the driveway slope.

Section 4.1 d of the Inland Wetlands and Watercourses Regulations of the Town of Haddam, Permitted Uses as of Right and Non-regulated Uses states that "uses incidental to the enjoyment or maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot site permitted anywhere in the Town of Haddam and containing a residence. Such incidental uses shall include maintenance of existing structures and landscaping, but shall not include Page 8 removal or deposition of significant amounts of material from or into a wetland or watercourse, or diversion or alteration of a watercourse.

Section 4.4 also states that anyone wishing to carrying out a permitted use as of right, should first contact the designated wetland agent prior to conducting the work. This is what Mr. Glegg failed to do. I am certain that if he did, the present outcome of things that followed regulatory would be much different.

Be that as it may, I have recommendations moving forward. Mr. Glegg has not done any work n the site since the issuance of your order. However, some work needs to be completed.

There has been no significant erosion from the slope into the pond because the fill material is well drained. (see photo D). The slope needs to be covered with topsoil, seeded and mulched.

The area along the top of the right of way, should be final graded and seeded and mulched as well. (see photo E). There also is an area of fill placed along the base of some mature trees that should be dug out so they do not die.

Lastly, small diameter rip rap should be installed along the pond edge to protect the slope from any possible erosive forces. I recommend that a 12"-24" width should suffice. (see photo F)

The Commission may also consider that along the entire slope to the pond, along the right of way, that a conservation seed mix that contains wildflowers and native grasses to promote the pollinator species such as bees and butterflies be applied.

Regardless of the work being stopped at the site for many months, there is no significant adverse impact to the pond that occurred.

Based on my professional opinion as a Certified Soil Scientist and years of experience as a City Planner, I feel that this approach will negate the need to move forward with additional enforcement actions and will maintain and improve the existing high quality functions of the pond the environmental quality of the land along the right of way.

Very truly yours,

James Sipperly

Certified Soil Scientist, Society of Soil Scientists of Southern New England
Connecticut Wetland Scientist, Connecticut Association of Wetland Scientists