

February 5, 2024

To the Planning and Zoning Commission:

We have owned our property for about 30 years and would like to note that the work we did was not done purposely to violate the conservation easement. We apologize for not contacting the Commission regarding the work. It will never happen again.

Based on the conservation easement, the conservation area should be maintained in its natural and scenic and open condition, unless written consent is granted by the Planning and Zoning Commission. You all should have copies of the easement for your information. We request that the Commission consider and approve the work that was done within the easement as you have complete authority to do so if you desire. We understand that we have done this work and now we are asking for the Commission's approval after the fact, but hope you can consider our request without prejudice. We have apologized and agree to never do work within the easement area without approval by the Commission.

At your last meeting you requested that we address four items, as noted below:

Tree removal: The work that we did was to improve our property to regain our view which we had when we first purchased the property. Our intention also was to remove dangerous trees encumbered and compromised by vines so that we may enjoy safe access to our river front. The approximate area where vegetation was removed is less than one eighth of an acre. We simply did not think this would be a problem; Of course, now we know better and in hindsight, we fully understand prior permission by the Commission was required before we cut the trees. We also point out that we were thoughtful of preventing erosion as we did not remove the stumps.

We agree not to cut any additional trees without prior approval from the Commission. We agree to implement a reclamation planting plan which was prepared with guidance from a state wildlife biologist Ann Kilpatrick and forester Will Hochholzer. The plan will be thoughtful in promoting a habitat for wildlife. We will plant four oak trees (1 ½" to 2" diameter), native to this area replacing the oak trees that were removed. In addition, we will include some native noninvasive riparian shrubs, such as native blueberry in the plan. Lastly, we will monitor the area for invasive species and remove them annually each summer.

Gravel deposit for path: There has always been some type of path in the current location; however; we did add stone dust to stabilize the 10' wide path. There has been a great deal of erosion that occurred along the path continually. Adding the stone significantly minimized the erosion of the path and problems with siltation. The slope is long and extremely steep (we did not actually measure the slope – but it is probably 2 or 3 to 1). Adding the gravel allows my family to safely walk the slope. We agree not to add any additional gravel to the path without prior approval of this Commission.

Stairs: The previous stairs were in a state of disrepair – eroding under the stairway and ready for the next storm to take pieces of the stairway down the river. We removed the stairs and

constructed a new set of stairs – that can be removed during a storm event. In addition, we added rip rap to prevent the continued erosion of the stairway area and riverbank. This was like the riverbank reparations done by the Water Commission on High Point property for which the commission has an easement and which residents refer to as “Low Point.” We will seek approval from the Building Inspector for the stairway if this request is approved.

Shed: There is an old foundation at the bottom of the slope in the area where the shed was installed and perhaps the commission could consider our installation of a 10x16 shed a replacement structure (pictures of the stairs foundation are within the photos included in the January meeting materials and included with this letter. We have also found ice hook and other similar remains. We can only assume that there was an ice house with access to the river via a stairway. We have done some research on the history of the area to see if we can find any information about the relics we found, but to no avail, except that various water dependent uses were found all along the riverfront. Given the history of the area, it is more than likely some use and structure associated with the river was located within the area.

In June, we installed a small shed that is less than 200 square feet, and therefore, not requiring a building permit. Given the steep slope and the fact that we are now older, it is difficult for us to cart our boating equipment, chairs, etc. up and down the slope. We were also motivated to protect our property as we have had outboard motors stolen and an attempted theft of a boat foiled by a homeowner at the Middle Haddam launch. We ordered the small shed and from Kloter Farms whose delivery vehicle had great difficulty maneuvering down the slope to place the shed, with no permanent foundation. The shed was placed at the top of the riverbank where there is a level area. We did not regrade the area. There was a previous landing in that location. If we were required to move the shed, we do not believe a truck would be able to successfully navigate up the slope with the weight of the shed without significant damage to the path.

Firepit – we built a fire pit at the site for our residential enjoyment; we have no problem removing this if you so desire; however, we would like to have a safe area for campfires and believe that we should have the right to enjoy our riverfront.

We understand that we violated the conservation easement and again apologize and hope you can review what we did without prejudice. Replanting trees and adding additional shrubs will address any visual impacts. We believe that we have the right to use our property to enjoy the river with a campfire, to go fishing and boating.

We understand that we must also submit applications to the IWWC, building inspector, and the Historic Commission and will do so if our request is approved. We did contact Charles Roberts, Chairman of the Historic District Commission who requested we submit the application after action by the PZC, if approved.

Based on information we found on the history of Middle Haddam, it was noted that there is a need to conduct an archaeological study especially along the river. As reparation for the work we did, if you or the Historic Commission are interested, we would be willing to prepare a “Survey

and Planning Grant” to the State Historic Preservation Office to fund such archaeological study of the Middle Haddam and its Riverfront, understanding that much of the riverfront is privately owned and may be difficult to undertake. If this grant is not feasible, there are other grants available through SHPO such as “Stewardship Relief grant” a new grant offered by SHPO to help pay for basic utilities and maintenance bills for historic resources, or an Endangered Building grant. We would be willing to prepare a grant application for whatever SHPO grant the town desires or tree planting grants through the CT DEEP such as the Urban and Community Forestry Planning Grant Program. Although we are willing to pay a fine, if we are successful in obtaining one of these grants – this would benefit the town far more than a fine. (SHPO grant could be anywhere from \$20K to \$200K) and it would help the town to accomplish some very important goals.

We also understand the concern you have for setting a precedent for doing work without a permit and believe this would be a fair contribution to the community. In addition, we are prepared to pay some amount of money as a punitive settlement.

With all sincerity, we hope our proposed reparations can allay your concern about precedent setting for our Town neighbors and that we are permitted by you to move forward to the next phases of approvals with the Inland Wetland Committee and Middle Haddam Historic Commission.

We trust this letter addresses all your concerns.

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