

Ref Letter from the Conn River Conservancy to the Interim Planner.

Dated Mach 27 2024 2 pages

Regarding Conservation Easement. Baribault.

Please pass this on to

The Town Manager

And to members of

The Town Council

P & Z

Inland Wet Lands

Conservation and Lake commission

Middle Haddam Historic District commission

Zoning Board of appeals



*Clean water. Healthy habitat. Thriving communities.*

# Connecticut River Conservancy

John Guskowski  
Interim Planner  
East Hampton Office of Planning and Zoning  
1 Community Drive  
East Hampton, CT 06424

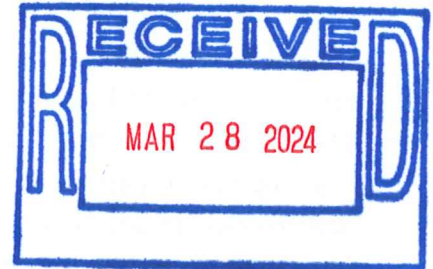
March 27, 2024

Dear John Guskowski,

On behalf of the Connecticut River Conservancy, we are writing to express our significant concerns regarding the grossly inappropriate and expressly unauthorized activities undertaken within a deeded conservation easement area on property owned by David and Melissa Baribault.

The Connecticut River Conservancy (CRC) restores and advocates for clean water, healthy habitats, and resilient communities to support a diverse and thriving watershed. Established in 1952, CRC is the only environmental non-profit operating in the entire Connecticut River watershed. As the owner of property and holder of conservation easements throughout the watershed ourselves, we understand the importance of conservation easements in protecting and preserving the ecological integrity and natural beauty of our region.

The cutting of large trees and the construction of a shed and a long staircase on a very steep bank, as well as the addition of material and grading are all in direct violation of the letter and the spirit of the conservation easement held by the Town of East Hampton. The property owners were aware of the conservation easement when they purchased the property, and their purchase price necessarily reflected the restrictions on the use of their property. They lived for decades without violating the deeded restrictions, and they understood that they had to seek permission for even the simple act of removing already dead trees. Despite their understanding of the conservation easement, they chose unilaterally and without authorization to damage the land and vegetation, all to their pecuniary benefit. Their unauthorized activities compromise the watershed for countless



others, weaken and destabilize the bank, and create opportunities for erosion and adverse water quality impacts. One good rainstorm and we anticipate additional soil, debris, and nitrogen being discharged to the Connecticut River, and to Long Island Sound where nitrogen concentrations are already significantly harming the coastal area. So these unauthorized actions adversely affect more than just this one property.

We urge the East Hampton Planning and Zoning Commission to uphold the integrity of the conservation easement by requiring the property owners to return the land to its original condition. While it will take the land some time to recover, beginning this coming planting season will allow the land to return to its original state, provided the planting of native species is required. Allowing the property owners to continue to use the area will likely exacerbate the existing damage through increased foot traffic, increased erosion, and ongoing maintenance of the area including likely additional cutting, grading, and disturbance. In addition, the increase in rainfall and river levels due to climate change will tend to worsen the existing damage.

For the Town to grant retroactive permission for these egregious violations would allow significant and ongoing damage to the land and waterway and would subject the Town to significant liability and risk of litigation. Allowing a free pass or perhaps requiring some half measures for these knowing violations sets a dangerous precedent and undermines the purpose and application of conservation easements throughout the lower river region. Such actions erode public trust in the effectiveness of government and compromise the scenic and ecological value of this important and prominent area along the Connecticut River.

We thank you for considering our concerns. We trust that the East Hampton Planning and Zoning Commission will act in the best interests of both the local community and the broader conservation goals of the Connecticut River watershed by requiring the property owners to return the land to its natural state, as required by the deeded conservation easement.

Please do not hesitate to be in contact if we can provide any additional information or technical assistance as you require restoration. The Connecticut River Conservancy has several staff with deep expertise in riverbank restoration, and we would be happy to assist you in your efforts.

Sincerely yours,



Rhea Drozdenko  
River Steward, Connecticut



Rebecca E. Todd  
Executive Director

