

We understand that the town is considering taking over the dam area at Killingly Pond . There has been little notice. As owners of a cottage on the pond we are concerned about the effect this would have on property values, cost to the town in protecting the area, and more people coming there. Not good. David and Brenda Merchant

Rec'd Mon. 10/19/2020
@ 3:22 pm
via email

Ann-Marie Aubrey

From: cmsmailer@civicplus.com on behalf of Contact form at Town of Killingly CT <cmsmailer@civicplus.com>
Sent: Monday, October 19, 2020 3:41 PM
To: Ann-Marie Aubrey
Subject: [Town of Killingly CT] The Ponds of Chestnut Hill Reservoir Co. (Sent by NICOLA LEONETTI, Nicolagillvp1639@yahoo.com)

Hello aaubrey,

NICOLA LEONETTI (Nicolagillvp1639@yahoo.com) has sent you a message via your contact form (<https://www.killingly.org/user/131/contact>) at Town of Killingly CT.

If you don't want to receive such e-mails, you can change your settings at <https://www.killingly.org/user/131/edit>.

Message:

Hello Marie,

Hope all is well and you are well and managing ok during this pandemic. What a stressful time for all of us! I just wanted to make you aware that I literally JUST received a very concerning letter regarding the surrounding ponds here in East Killingly. I had no idea there is a meeting tonight regarding the ponds again. We are very familiar with the seriousness being I attended a meeting a few years ago being my family and I own and operate Stateline Campresort & Cabins located on Alva Chas Pond. We have owned the campground for almost 40 years now. We bring in ALLOT of revenue to the town as well. Many of our seasonal customers attended the meeting and voiced their concerns should the pond be drained etc... without the pond we will most likely have to close and try to sell the property which will obviously be of little use to anyone with the dried up wetlands behind it... people come here to fish, boat and enjoy all the nature and animals that live here... it's the most BEAUTIFUL pond ever! There is no way we could even afford to take on such a task as to maintain the dams or anything...we are only open seasonally and with Covid-19 it's been almost impossible to keep things afloat. If these ponds and reservoirs close and are drained and dams not repaired, there will be all kinds of living animals that will also die.

We have snapping turtles as old as 70 in our pond! Stateline is a family campground located at 1639 Hartford Pike and is well respected within the community as you know and has caused no problems to our neighbors or town at all. We pay lots of taxes and so do our seasonal campers. They also spend in the stores locally as well as participate in local events. These ponds are also loved by our neighbors who live on it... it is crucial that these waters all be kept and maintained. Please keep me posed. I truly am saddened this is all happening again. I wish there was more I could do other than beg. Please if you can, voice my concern at tonight meeting being with such short notice I am unable to attend nor am I even shore we are allowed to with Covid 19 restrictions. Good Luck! Thank You, Nicola Leonetti Vice President and owner

Ann-Marie Aubrey

From: Frank DeFelice <fcdefelice@aol.com>
Sent: Monday, October 19, 2020 3:54 PM
To: Ann-Marie Aubrey
Subject: 5 Ponds - Testimony for Tonight's P&Z Commission Meeting
Attachments: DeFelice - Killingly Testimony.docx

Ms. Aubrey,

I am submitting the attached testimony for consideration during this evening's Planning & Zoning Commission meeting.

Regards,

Frank C. DeFelice

FRANK C. DEFELICE
32 CHERRY LANE
DURHAM, CONNECTICUT 06422
TELEPHONE: 860-690-2400
FCDEFELICE@AOL.COM

October 19, 2020

Planning & Zoning Commission
Town of Killingly, Connecticut
172 Main Street
Killingly, CT 06239

RE: Donation of East Killingly Ponds (Chestnut Hill Reservoir Company)

My name is Frank DeFelice, and I currently serve as the *Chair of the Planning & Zoning Commission* for the Town of Durham, Connecticut, as well as the *Chair of the Regional Planning Commission* for the 17 town *Lower Connecticut River Valley of Governments (RiverCOG)*. I am a DEEP-Certified Inland Wetlands & Water Courses Commissioner; and one of my early mentors was your own Linda Walden; whose advice and candor I miss greatly. My comments this evening are should not be taken as either supportive or in-opposition; but rather are intended to inform the commission and the town of the complexities and expenses surrounding this potential donation.

My background and experience on land-use commissions provides me with an excellent knowledge of statutory and case law, regarding land-use matters. Of particular relevance is, that after having spent more than two decades researching property conveyances, surveys, maps and historical documents for the properties in the vicinity of the Chestnut Hill Reservoir Company (currently referred to as the Five Ponds) I have acquired a great deal of knowledge; and hope to provide you with some insight on the complexities and expenditures associated with this potential conveyance.

My wife and I own the properties known as 90 Bear Hill Road and 65 Bear Hill Road; both of which include ownership of portions of the Bog Meadow Reservoir. The beauty of these ponds is what brought our family to East Killingly more than 50 years ago; and what continues to drive our investments in the area.

My wife and I have the unique distinction of being perhaps the only persons to have ever entered into an agreement with the company for the purchase of one of the ponds; in 2010, we entered into an agreement to purchase the Bog Meadow Pond, subject to a period of Due Diligence. When we initially entered into this agreement, it was our understanding that we would be purchasing only the pond; however, during our period of Due Diligence, we learned that the company intended to convey ownership of both the Acme Dam and Bartlett's Sawmill Pond Dam, as part of this transaction.

During our Due Diligence, we also learned that liability insurance was only available through one carrier (Lloyd's of London) at a cost of \$70k per year (in 2010) *provided the dams were not included*. As a prerequisite to obtaining this insurance, Lloyd's insisted that we construct a 6-foot tall chain link fence around the perimeter of the Bog Meadow Pond; similar to that which has been installed at Killingly Pond (which no one wants to see). *We also learned that if the dams were included in the sale, no insurance was obtainable at any price.*

After going back and forth with the company regarding the possible elimination of the dams from the sale, we obtained engineering assessments regarding the condition of the dams and cost for repairs. We learned that the cost estimates to stabilize the Acme Dam ranged between \$650k and \$950k and that permits for this work would likely require 3-5 years to obtain from the Army Corps of Engineers and DEP; and that an additional \$200k-\$250k would be required for legal and engineering services to secure these permits. An additional \$200k would be required for the upgrade to the Barrett's Sawmill Pond Dam; which controls the levels of the upstream ponds. Because the company refused to convey the Bog Meadow Pond without these dams, on the final day of our Due Diligence period, we informed the company that we would not be able to proceed with the purchase. Note that this purchase would have occurred years before the enactment of the State of Connecticut's Streamflow Regulations; which would have added another layer of complexity and expense to the dam's repairs.

No accurate description exists for conveyance purposes

In many cases, the boundaries for the properties that make up the ponds and the adjacent properties are uncertain or disputed. In Connecticut, property rights cannot be transferred based on a map; they must be conveyed by deed. My research has revealed that the conveyances which created the Chestnut Hill Reservoir System are often vague and incomplete; in some cases, property was transferred in fee-simple, in other cases it was not; in some cases only flowage rights were transferred, in other cases, this was not the case. In some areas, no conveyance can be found. Some conveyances, surveys and maps are based on the high water mark; while others are not; and in such cases, the size of the abutting properties changes with changes in dam height setting. In some cases, the wording in the conveyances prohibits adjacent property owners from drawing water from their private well. Thus, a great deal of confusion exists in defining exactly what is and is not being conveyed.

Conveyance of these ponds would require that an accurate description, with the metes and bounds or coordinates of the property or flowage rights being conveyed be developed; and agreed to by all abutters. For this reason, it appears that no accurate A-2 Boundary Survey has ever been prepared for the ponds, which would facilitate the potential transfer of either land or flowage rights.

It is also conceivable that the company's claims of ownership can be disputed; since they are based upon their predecessor company (Acme Cotton) being the last surviving mill along what had been the Chestnut Hill Reservoir system. These rights may have been extinguished upon the closure and sale of the Acme Mill.

Flowage Rights vs. Land Ownership

Flowage rights must not be confused with land ownership. They are very different; flowage rights being more akin to a Right-of-Way, than actual ownership of the land.

Silt and Streamflow

The recent drought has enabled those of us in the vicinity of the ponds to observe first-hand, how much silt has accumulated in them through the years. These accumulations have reduced the water's depths by several feet, and may contribute to reduced stream flow. The restoration of these flows would

require the removal of this silt; an expensive proposition, but one that may be required in order to comply with the Streamflow Regulations passed by the State of Connecticut a few years ago.

The company continues to be a Good Neighbor

The company has been and continues to be a good neighbor. They have never erected a fence; nor have they prohibited anyone from fishing, boating or otherwise enjoying the use of these ponds. For this, they should be commended.

Final Comments

In light of the above, your commission and the town should understand this transfer would be very complex and expensive. Again, my comments should not be considered as either supportive or in-opposition. Your commission may wish to engage the assistance of the staff personnel at the Northeastern Connecticut Council of Governments (NECCOG).

Respectfully submitted,

Frank C. DeFelice

Ann-Marie Aubrey

From: cmsmailer@civicplus.com on behalf of Contact form at Town of Killingly CT
<cmsmailer@civicplus.com>
Sent: Monday, October 19, 2020 4:05 PM
To: Ann-Marie Aubrey
Subject: [Town of Killingly CT] Alvia Chase Reservoir (Sent by Shannon Cairo, scairo72@icloud.com)

Follow Up Flag: Follow up
Flag Status: Flagged

Hello aaubrey,

Shannon Cairo (scairo72@icloud.com) has sent you a message via your contact form (<https://www.killingly.org/user/131/contact>) at Town of Killingly CT.

If you don't want to receive such e-mails, you can change your settings at <https://www.killingly.org/user/131/edit>.

Message:

Good afternoon Mrs. Aubrey,

My name is Shannon Cairo. I am the Assistant Park Manager at Stateline Campresort & Cabins in East Killingly, CT. The reservoir is very important to me as I enjoy going to sit down there and see the wildlife that lives in there. If there is no reservoir it is going to smell and be very nasty.

There are turtles in there that have been there for many, many years. We have many people who pass thru and just love the reservoir and ponds around here. My family has been at the campground for 16 years the reservoir has been were our family has had many family gatherings. If the reservoir is drained it will hurt the campground tremendously, the family who owns it, the countless families who visit the campground and the future families who are going to visit. Please reconsider all the impacts this is going to have the most important one is the WILDLIFE who have lived there a long time!!

Thank you,

Shannon Cairo

Ann-Marie Aubrey

From: Risa <risa113@ymail.com>
Sent: Monday, October 19, 2020 4:37 PM
To: Ann-Marie Aubrey
Subject: Regarding tonights meeting
Attachments: Regarding Wright Investor's Service Holdings.docx

I would like to have the attached comments read into the record at the meeting of the Planning and Zoning commison this evening.

Thank you
Risa Gerrish

Regarding Wright Investor's Service Holdings, Inc desire to donate 561 acres of land including the Killingly Pond, Middle Reservoir, Bog Meadow Reservoir, Alva Chase Reservoir, Acme Pond and Eddy Pray Reservoir.

Wright Investor's Service Holdings, Inc (WISH) has no interest in the conservation of land, water or wildlife. WISH has no care for the best interests of the Town of Killingly or its residents. In fact in the past, WISH suggested that they would remove the dams that create the reservoirs. Removing the dams (though it is unclear if this is even legal) would cause irreparable damage to the ecosystems currently in place. My point being, WISH doesn't care what happens here in Killingly, but as a resident I do.

The reservoirs and ponds owned by WISH support migrating and breeding birds, such as ring-necked ducks, osprey and eagle. WISH doesn't care.

The reservoirs and surrounding areas support local wildlife as well as fish. WISH doesn't care

The reservoirs provide scenic beauty and passive recreation, including paddling, fishing, bird watching and photography. WISH doesn't care

Why leave this land in the hands of those that do not care about the residents of Killingly or their enjoyment of natural beauty and resources?

I propose that the interests of the Killingly residents will be best served by the town taking ownership of this 561 acres of undeveloped land and waters and maintaining its natural beauty and resource for generations to come.

Sincerely,
Risa Gerrish
Resident of East Killingly