

Aging Dams Test Owners

Some Towns, Facing Hefty Repair Costs, Avoid Ponds

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STAFFORD -- New City Pond is a fisherman's delight: 32 acres of smooth water surrounded by tree-covered hills with no gasoline engines allowed.

The people who own most of the pond and a dam on the western edge offered to sell them to the town of Stafford for \$1, despite the property's \$375,000 appraised value.

Two previous first selectmen refused similar offers. But residents, nudged by First Selectman Allen Bacchiochi, recently voted to accept the offer by a 57-29 vote at a town meeting.

Bacchiochi lauded it as a great gift to the people of Stafford.

"Every town in the state of Connecticut would love to have New City Pond in their town. But we're fortunate it's in Stafford," he said.

But opponents of the purchase say the pond, with little public access, is a limited gift with a big risk.

Three years ago, the state Department of Environmental Protection declared the dam a "moderate hazard" in need of almost \$300,000 in repairs. DEP officials estimate the current repair costs unchanged.

This old mill town owns several other dams, including those on Staffordville Reservoir and Glenville Pond, which cost taxpayers hundreds of thousands to repair in the 1980s after the town acquired them in similar transactions. But those two sites, especially Staffordville Reservoir, afford much more public access.

The town conservation commission chairwoman, Ingrid Aarrestad, who spoke in opposition to the deal at the August town meeting, says it's great to preserve the pond, but letting the private owners unload the liability of the dam onto the town is just "welfare for the rich."

The situation in Stafford, and in other New England towns with an industrial past, is aggravated by the age of these mill ponds and dams, built 100 to 150 years ago.

"When they are no longer a part of their original economic intent, they are no longer kept up and fall into disrepair," said Wesley Marsh, DEP supervising environmental analyst for dam safety.

According to the DEP website, 84 percent of 4,000 dams in the state are privately owned.

"It's a horrendous responsibility and liability to the town for what the town's going to get out of it," said finance board Chairman Richard Dobson after the vote. The finance board was not consulted about the proposal, he said.

"They did it so they could dump it and take the writeoff," Aarrestad said of the landowners, who got the pond and dam when they bought the American Felt and Filter Co. property in 1988. Since then, they have divided and sold most of the property.

The owners, Richard Pisciotta, John Wittenzellner and Thomas J. Fiore, have not responded to repeated requests for comment. Fiore is a probate judge and former town attorney.

The legal notice for the meeting described two parcels off New City Road of 23 and 8.3 acres.

"The property consists of a large pond, land under the pond, a cut stone and earth dam controlling the water level, and all rights to control the water level," the notice read.

Almost all of that land is under water, but no maps of the property were filed in town hall and it has never been assessed or taxed.

Assessor Gini Guilmette last week could not find the parcels on any maps, which means the property would not have made it into the tax database. Asked if the \$375,000 appraisal, recently done for the owners by Morra Associates of Vernon, would imply a taxable value there, she replied, "Yes, it does."

Seven acres of the pond are privately owned by other individuals and that land has been taxed.

The trio, which owns the bulk of the lake, is taxed on a tenth-of-an-acre strip that will allow tight public access near the dam, once a quit claim deed is filed and the sale is closed.

Bob Morra, owner of the appraisal firm, said he was not an engineer but presumed the dam was viable.

"It's withstood 100-year storms and a 500-year flood [in 1955] without any damage," he said. "It's granite."

Aarrestad said officials in Mansfield and Willimantic have told her they avoid assuming ownership of land with dams because of the liability. More than that, she said she believes the whole deal went through too fast, without due process or due consideration, which is why she supported a failed motion to table the agreement for more research.

In 2003, the last time the owners of the pond wanted to turn it over to the town, then-First Selectman Gordon Frassinelli sought a DEP inspection of the dam. The report listed a dozen problems, including trees growing on and around the dam, leaks near the spillway and gate, and voids in the masonry.

"You can send engineers to any dam in the United States and they will come back with a list of recommendations of things to repair," Bacchiochi says, adding there's plenty of time to seek grant money to make repairs and that the DEP isn't breathing down anyone's neck.

The DEP's Marsh concurs. "I cannot find where we have asked for the repair of this in any way, shape or form," but he added that a dam with a "moderate hazard" designation could eventually move up on the list to be repaired.

In that case, he said, if a repair proposal from the town was accepted, the DEP would pay a minimum of one-third of the costs.

Art Christian, DEP supervising civil engineer in charge of repairing state-owned dams, estimated the state would pay 35 percent to 40 percent of the cost, given that there is little public land surrounding the pond - about 600 feet of road frontage and a minor amount of town land.

A year ago, when the town of Manchester did not want to buy Upper Case Pond and its dam, it gave half of the \$50,000 purchase price to the Manchester Conservation Land Trust, which raised the rest and took it over. That dam was considered to be in good condition.

Bacchiochi said he feels strongly that the repairs can be done by contractors who would charge much less than the DEP estimate.

He also assured the residents at the town meeting that stipulations protecting the pond would be a part of the sale. Those were: The three owners would pay for title insurance on the parcels conveyed to the town; the ban on combustion engines on the pond would continue; the water level will be maintained as it is, except for temporary lowering for repair work; no changes to the landscape; and recognition of all abutting property lines.

"It's not going to change the way it is whatsoever," he said.

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