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January 18, 2021

Ronald Baia
Zoning and Wetlands Enforcement Officer
City of Middletown
245 DeKoven Drive
Middletown, CT 06457

Reference: Middletown Inland Wetlands and Watercourses Agency, January 6, 2021
Agenda, Item E, Agency Review, Discussion on the wetlands violation at
Founder's Ridge on Ridgewood Road and offsite impacts on 97 Poplar
Road. Applicant/ agent Ted Bysiewicz / Homes in Westfield, LLC

Dear Mr. Baia:

As you know, this office represents David and Phyllis DeMerchant, owners of 97 Poplar Road in Middletown. You will recall that at the Middletown Inland Wetlands and Watercourses Agency meeting of January 6, 2021, Chris Allan, a wetlands scientist hired by Mr. and Mrs. DeMerchant, made a presentation to the agency regarding the adverse impacts to inland wetlands and a watercourse on the DeMerchants' property caused by construction activity at Founders Ridge.

At the meeting, there were questions about whether the sedimentation might be emanating from the Eversource property immediately to the south of the DeMerchant property, as a result of pole replacement work being conducted by Eversource. Mr. Allan testified that he thought that the primary, if not the only, source of the sedimentation was the activity at Founders Ridge.

The attached photographs were taken on the morning of Saturday, January 16, 2021, after a rainstorm. They clearly illustrate the torrents of muddy water that continue to flow out of the culvert which discharges from the wetlands on the Founders Ridge property. We ask that this letter, as well as the accompanying photographs, be made part of the record of Agency consideration of the referenced matter.

I also wish to express our clients' concern that ten days after the Agency meeting, more than three weeks following the issuance of your cease and desist order, and months after they were first brought to your attention, the erosion and sedimentation problems caused by the construction at Founders Ridge remain to be addressed. At the meeting on January 6th, you testified that everything you asked of Mr. Bysiewicz had been completed and that the situation had been brought under control (draft minutes attached). We urge you to reconsider your position, and take all necessary steps to prevent these problems from continuing to occur.

Thank you for your consideration of this request.

Very truly yours,

MORIARTY, PAETZOLD & SHERWOOD

David F. Sherwood

/mds

cc: Mr. and Mrs. David C. DeMerchant
Joseph Samolis, Director