

2/9/85
STANDARD

Town Officials Favor Idea: Benson Proposes DEP Purchase Of Lake Williams Dam

By Greg Barden
LEBANON - State Sen. Eric Benson has proposed legislation that would require the state Department of Environmental Protection (DEP) to purchase the Lake Williams dam and repair it in accordance with an order the department issued to the Gilman Brothers, current owners of the dam.

First Selectman Edward Clark said he, along with members of the town Flood and Erosion Control Board's negotiating committee, met Monday with Sen. Benson and state Rep. Edith Prague. "It's a salvation," Clark said in reference to the proposed bill, "Small towns cannot stand these fantastic involvements."

Clark said he expected Benson to use his influence as chairman of the state legislature's Environment Committee to

schedule a public hearing on the bill in Lebanon as soon as it is forwarded to the committee from the Legislative Commissioner's office. The hearing reportedly will be held within the next two weeks.

If the legislation passes, it would put an end to a six-year long controversy surrounding the Lake Williams dam. DEP hearings on the Gilman's application to leave the dam gates open year round concluded last Thursday. DEP Hearing Officer Lewis Miller had requested that the hearing record be left open for three months to give the parties time to negotiate an agreement on their own, but later decided to come up with his own settlement after he reviewed the record.

Lewis set a March 15 deadline for attorneys for the parties, the Gilmans

and the Lake Williams Beach Association, to file legal briefs, and a March 31 time limit for rebuttals to be entered in response. Both sides will have the opportunity to present oral arguments before DEP Commissioner Stanley Pac after Lewis forwards a recommendation to the commissioner. Pac will then issue a final decision on the Gilman's application.

But, Benson's bill could become law as early as late March. At Monday's meeting it was decided that the bill would include a stipulation that the dam gates will remain closed as soon as the bill becomes law, and any repair work on the dam be done between Sept. and March 1 so as not to interfere with the recreational season at the 247-acre lake, fourth largest water body in the

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DEP Takeover Proposed

(Continued from page 1)
region.

The state has purchased four other dams in the state in the past two years, and Clark said hopefully that will be a significant enough precedent to insure that Benson's proposed legislation is adopted.

"The problem is that Gilman Brothers owns the dam and the water rights to the lake, but not

the entire lake bottom," Benson said. "And over the past 135 years, families living around Lake Williams have developed their land, assuming, not unreasonably, that it would always be lakefront property."

"I fully sympathize with the financial concerns of the dam's owners," the senator explained. "But the landowners' dilemma cannot be ignored. It's

time to put an end to all the needless hassles the innocent parties here are faced with, and get the DEP to solve the problem it created."

LEI
PUBLIC

Tuesday, Feb. 12: Lincoln's Birthday - Town Offices closed.

Wednesday, Feb. 1: Planning and Zoning

Feb 10, 1985

Lake Residents Face Court Fight To Stay in Homes Year-Round

STENZA, LISA
The Hartford Courant (1923-1987); Feb 10, 1985;
ProQuest Historical Newspapers: Hartford Courant (1764-1987)
pg. B5

Lake Residents Face Court Fight To Stay in Homes Year-Round

Residents will have to fight in court to remain in their homes, risking fines that could amount to thousands of dollars, because a court victory for the town has given the ordinance muscle to enforce the ordinance.

Marion Craft, 80, and her husband William, 74, who have lived in Lake for 36 years, are not abandoning them even though legal expenses have let this leave behind.

Margaret Craft said, "We've worked all our lives to have something." The homes around Amston, Red Cedar and Williams Lake, which town officials consider seasonal, are fully furnished, permanent houses, not tiny shacks, the Cratts and other residents say.

They are labeled seasonal because they were built with seasonal-home permits, residents say. Residents asked the Zoning Board to be built on 2 acres or more and to be located on a town road, Johnson said.

But residents say the town has no good reason to evict them. "Can you imagine coming around here in January and telling us we've got 10 days to get out?" asked Bruce Gilbert, who built the home on Red Cedar in 1969. "Where am I going to go?"

Gilbert, who has two children, ages 17 and 15, said he will fight the town. He said he will fight the cease-and-desist orders to 37 residents last year but has no way of enforcing the ordinance until the case is resolved.

At least one resident, Raymond Luppert of Red Cedar, said he has given up his expensive battle with the town. He has received court permission to stay in his home until November while he searches for a new one.

"There's nothing we can do," he said. "I gave up fighting because all we were doing is paying out money."

Luppert said he is not housing his family because "Lebanon's out," he said. "As far as Lebanon's out, the people who run this town have no compassion."

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DEP seeking agreement on

CHRONICLE 2/12/85

By ANDREW LIDDELL
Staff Writer

LEBANON — The state Department of Environmental Protection is still hopeful a cost-sharing agreement on fixing the Lake Williams dam can be reached between the dam owners and the town Flood and Erosion Control Board, despite the fact that negotiations are at a standstill while residents await the outcome of proposed legislation for a state take-over of the dam.

At issue is an application by the Gilman Bros. Co. of Bozrah, the dam owners, for permission from the DEP to terminate water retention by removing the dam gate, thereby destroying one of the largest lakes in the southeastern part of the state.

During a January 22 public hearing on the permit application, DEP Water Resources Director Benjamin Warner agreed to convene negotiations between the Gilmans and the erosion control board on the possibility of having Lake Williams residents and the state split the

cost of repairing the dam.

The lake residents would pay their share for dam repairs by forming a taxing district, with the state paying up to half of the repair costs estimated to be about \$200,000 by DEP engineers, Warner said.

The crux of the matter is whether the Gilmans are willing to enter into a long-term lease with the control board for the dam in exchange for continued use of the lake water by the Gilmans for industrial use, Warner said.

Meanwhile, the DEP staff is compiling a list of properties around the lake "to determine if there is a sufficient tax base to support the town's share of repairing the dam," Warner said this morning.

"We have been bending over backwards thinking of ways to solve the problem, including the DEP-proposed legislation (passed by the 1984 state General Assembly) giving the state money to pay up to half of the repair costs," Warner said.

According to a recent DEP engineering report on the dam, necessary repairs include raising the entire dike and the non-overflow section of the dam, reinforcing the main dam structure, reconstructing the dam spillway walls, and installing a new control mechanism for the dam gate.

"I'm still hopeful that (the Gilmans and the erosion control board) can work something out," Warner said.

Warner said he has misgivings concerning a bill proposed two weeks ago by state Sen. Eric Benson (R.-19th Dist.) that would have the state purchase the dam and pay for all repairs.

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Lake Williams dam problems

"I probably would oppose that legislation" unless there is a provision in the bill for state ownership of some lake-side property for a public beach and boat-launching site, Warner said.

Otherwise, "I can't see the state buying a dam that would only benefit the people living around the lake," Warner said.

Erosion control board chairman Sol Kiotic said this morning he sees little likelihood for continued negotiations with the Gilmans until "we find out what the state legislature decides to do with that bill."

"Why should we continue negotiating (with the Gilmans) when any deal we come up with could be thrown out by that bill?" Kiotic said.

"We're sitting here with our fingers crossed that Benson's bill can solve this matter once and for all," Kiotic added.

Kiotic added he also is reluctant to pursue further negotiations with the Gilmans until the DEP issues a ruling expected this April on the Gilman's special permit application to destroy the lake by removing the dam gate.

DEP Hearing Officer Lewis Miller will issue a recommended settlement of the Lake Williams dam matter after March 31, the deadline for attorneys for the Gilmans and the Lake Williams Beach Association to file rebuttals to the March 15 legal briefs.

Both attorneys can present oral arguments to DEP Commissioner Stanley Pac.

2/11/85

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In our opinion:

The Lake Williams precedent

Roughly a quarter of the 4,000 dams in the state are privately owned, impounding lakes surrounded by homes. What happens at Lake Williams in Lebanon could become a model for future decisions affecting other dams in need of repair. That is why the question transcends the particular dispute between Lake Williams residents and the Gilman Bros. Co.

The dam was found unsafe by the U.S. Army Corps of Engineers. For this reason, the state Department of Environmental Protection told Gilman Bros. to repair or remove the dam. But repairing the dam would cost an estimated \$200,000 and the company has proposed instead to keep the floodgates open permanently, emptying the lake. This would meet the letter of the order from the DEP, if not the spirit.

At 247 acres, Lake Williams is the fourth largest recreational lake in southeastern Connecticut. It is a treasure worth protecting.

To that end, state Sen. Eric Benson has suggested the possibility of the state's purchasing the dam and water rights from the company. What recommends this idea is that it might end the local cat and dog fight. The Williams Lake Association is suing the Gilman Bros. over the question of the company's right to drain the lake at will. The company has insisted on the association's withdrawing the lawsuit as a precondition to negotiating a settlement.

But settling local grievances is a poor reason for setting state policy, especially one as potentially expensive as buying up hundreds of dams

could be. While it may be true that the dam helps to protect communities downstream from flooding, the regional benefit is at best indirect.

The direct benefit would be to the lakeside dwellers and to the company, which might realize a nice profit from a state purchase of the dam and water rights.

A fairer and better idea is the special tax district proposed by the state Department of Environmental Protection. This would tax the actual users of the lake for the repairs, which makes sense. Why spend the state's tax revenues on a purchase primarily benefiting the dam owner and a small group of homeowners who enjoy what one DEP official calls "essentially a private lake." DEP officials have said the state might be able to provide \$70,000 toward the repair cost, an additional incentive.

One hitch to the tax district plan is that the Town of Lebanon, through its Flood and Erosion Control Board, would need to negotiate a long-term lease with the Gilman Bros. The company has resisted this idea because, it says, it does not want to lose control over the dam.

While it was not the most diplomatic statement ever made, DEP Water Resources Director Benjamin Warner's characterization of the situation seems unfortunately apt. "I'm disgusted with the whole bunch of them, the Gilmans and the lake association, for not trying to settle this in an intelligent manner," he said. "It's absolutely ridiculous that they carry on in such a juvenile manner. Both sides are trying to circumvent all our practices and intentions."

Benson wants state to take over lake

LEBANON — State Sen. Eric Benson, R-Franklin, is asking the state to take over the Lake Williams dam.

Benson, chairman of the Environment Committee, has proposed a bill allowing the state to buy the dam, water and property rights from the Gilman Brothers Company. The measure also would require the state to make necessary repairs to the dam.

"After six years, I saw this situation really going nowhere," Benson said. "The only possible way we could proceed, especially with (Department of Environmental Protection Commissioner Stanley Pac) saying how this dam needs to be preserved, is to just buy it."

Benjamin A. Warner, DEP director of water resources, has opposed state ownership repeatedly, saying it would be unfair to spend taxpayers' money to benefit only a small minority of lake property owners.

"I really can't see the state spending all state funds in order to take over the dam," he said. "I think it's not in

the best interest of the general taxpayers of the state to foot the bill for what is essentially a private lake."

But Benson disagreed.

"I think if you asked every citizen in the state of Connecticut to contribute 30 cents a piece for the maintenance of Lake Williams, I don't think they'd have a problem with that," he said.

In 1978, the Army Corps of Engineers declared the dam unsafe and the state ordered the Gilman Brothers Company to repair or remove the dam. The company recently submitted a proposal to the state to keep the dam gates open all the time, thus destroying the lake.

The company argues that the plan would provide the flood protection that the Corps required in its 1978 report.

Warner estimated it would cost more than \$1 million to acquire the dam and water rights, and repair it to conform to state specifications.

He said acquiring the dam may set a precedent for other

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Dam

(Continued from Page 4)
lakefront property owners in similar situations.

Warner said the best solution would be to have the town's Flood and Erosion Control Board take over the dam and establish a tax district in which those who directly benefit from the dam would pay to repair and maintain it.

But Benson said the town did not have the resources to buy the dam. He said if the state purchased the dam and turned the lake into a state park, the town would have the authority to establish hours when citizens can use the lake.

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Anxious for spring passage

Town officials enthusiastic about proposal to buy lake

By ANDREW LIDDELL
Staff Writer

LEBANON — Town officials are enthusiastic about state Sen. Eric Benson's proposed legislation that would have the state buy the Lake Williams dam, but they also anxious to have the bill become law by spring in case the owners decide to open the dam and drain the lake.

At a special meeting Monday with Benson (R.-19th Dist.) and state Rep. Edith Prague (D.-8th Dist.), the Board of Selectmen and the three-member negotiating committee for the town Flood and Erosion Control Board, it was agreed that Benson's bill will include the stipulation that the dam gate remain closed as soon as the bill becomes law.

The proposed legislation would put an end to the six-year long controversy surrounding the dam by having the state purchase the structure, the one acre of land on which it stands, and the water rights to the lake.

If all goes well, the bill could become law by the end of March, Benson said. But the steps involved in having the state fix the dam will take months, he said.

First, the dam must be appraised for state purchase by an outside appraiser. Then an engineering study is necessary to determine the needed repairs and the project must go out to bid, Benson said.

The possibility that Charles and Lawrence Gilman, the dam owners, will open the dam gate is a concern that stems from the Thursday public hearing by the state Department of Environmental Protection. There the Gilmans said they plan to open the gate in the near future, claiming they need the water to feed their Bozrah plant which manufactures insulation and floatation devices.

"All of the noise and controversy over that dam will hush down if the people living around that lake know they're going to have water this summer," said Al Lopes, a member of the erosion control board's negotiating committee.

It also was agreed at Monday's meeting that the bill be drafted so that any repair work on the dam be conducted between September 1 and March 1 so that the lake water is not drawn down for repairs during the summer recreation months.

Prague and town officials also asked Benson to investigate the matter of private ownership of the lake bottom which is owned by several lake Williams residents.

With state ownership of the dam and the water rights, there is the question of whether there will be public access to the lake, Prague said.

Benson said he will study the property deeds surrounding the lake to see if there are easements in the deeds that would allow public access to the lake.

In addition, Benson will find out whether a small parcel of state-owned land next to the dam is a suitable site for public access to the lake.

Benson said he has sent letters to legislative

leaders in both chambers of the state General Assembly informing them of the bill and giving a brief history of the controversy surrounding the dam.

The first-term legislator said he will use his influence as chairman of the state legislature's Environment Committee to schedule a public hearing on the bill in Lebanon as soon as the bill is sent to the committee from the Legislative Commissioner's office. The hearing could be conducted two weeks from now, Benson said.

After the hearing, the Environment Committee will vote to draft the bill, Benson said. Once the bill is drafted, "I'll be pushing to have it brought out of committee with a favorable report," he said.

The fact that the state has purchased four other dams in the state over the past two years establishes "sufficient precedent to get the Republican Senate Caucus behind the bill so it will pass quickly" in the senate chamber, Benson said.

Benson said he was hopeful the bill would have swift passage in the lower chamber of the General Assembly, citing the fact that DEP Commission Stanley Pac has long been in favor of repairing the dam as opposed to the Gilman's plans to render the dam inoperative by removing the dam gate.

A ruling by the DEP on the Gilman's application to breach the dam is expected in April at the earliest.

2/13/85

COMMUNITY
BULLETIN

Beach association endorses bill for state control of dam

LEBANON — The president of the Lake Williams Beach Association said he supports a bill providing for state take-over of the Lake Williams dam.

George Mitchell said because the dam protects downstream communities from flooding, the issue should be seen as a regional one that demands state action.

Sen. Eric Benson, R-Franklin, proposed a bill allowing the state to buy the dam, water and property rights from the Gilman Brothers Company. The measure also would require the state to repair to the dam.

Benjamin A. Warner, the DEP director of water resources, has opposed state ownership repeatedly, saying it would be unfair to spend general taxpayers' money to benefit a small number of lake property owners. Instead, Warner says the town's Flood and

Erosion Control Board should take over the dam and establish a tax district for those who directly benefit from the dam.

But Mitchell maintains the town would be unwilling and unable to spend money to repair the dam. And he says the board would have no authority to tax downstream communities that benefit from the dam.

Because the dam protects the region, it would not be unfair to ask the state to pay for its repair and maintenance, he said.

"Clearly, there are towns other than Lebanon that are reaping the benefits of that dam," he said. "Yes, the citizens of Connecticut are going to be paying for that, but regional flood control is a state-wide responsibility."

2/13/85
COMMUNITY
BULLETIN

Beach group opposes destruction of dam

HARTFORD — The Lake Williams Beach Association argued that destroying the Lake Williams dam would lead to considerable economic and recreational damage.

Testifying at a Department of Environmental Protection hearing to consider the Gilman Brothers Company's proposal, association President George F. Mitchell said the dam was originally declared unsafe be-

cause its failure would cause "an appreciable economic loss due to loss of recreational facilities."

The Army Corps of Engineers declared the dam unsafe in 1978, and the DEP ordered the company to repair or remove the dam.

Said Mitchell: "It would seem rather ridiculous that we are considering this proposal when one of the reasons for

(declaring the dam unsafe) was to preserve the recreational value of the lake, and the proposal would destroy the lake."

The company argues that the plan would protect downstream communities from flooding during a major storm.

Gilman company officials have said their plan provides for the possible restoration of the dam sometime in the future. They also have said the plan is the cheapest method available.

But an engineer hired by the lake association said the proposal would leave downstream communities unprotected during a major storm, and would still require dam repairs to be made.

Lenard Engineering's Carl Asimovich said the dam protects downstream communities of Yantic, Gilman, Fitchville and Norwichtown.

"Once you (destroy the dam)," Asimovich said, "you can no longer control it. You would also be lowering the water in the lake."

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But the company's attorney, Edmund O'Brien, disagreed, saying destroying the dam would not affect the flow of water downstream.

Asimovich said the best alternative to repairing the dam is to allow water to pass over the top of the spillway, estimated to cost \$120,000. He said another alternative would be to extend the spillway, at a cost of \$100,000.

DEP officials have indicated the state could provide \$70,000 to help repair the dam if the town's Flood and Erosion Control Board could negotiate a long-term lease with the company for control of the dam.

But last week, the company rejected the proposal, saying it wanted no partnership with the town.

Responding to questioning by association attorney Hatcher Norris, Charles Gilman said he was not aware of any association proposal to lease or repair the dam. But Norris then presented three letters addressed the O'Brien and to DEP Commissioner Stanley J. Pac, indicating the association had made such proposals.

Later, Gilman admitted the association had offered to help pay for the repairs. "At some time along the way I would imagine that that kind of suggestion has been made," he said, but the offer was rejected.

However, Gilman said the company would be open to negotiations in the future.

The company uses the water from the dam to generate hydroelectric power.

Final briefs from all parties are due March 15. After that, DEP Senior Adjudication officer Lewis Miller will make a

recommendation on the proposal to Pac. The decision can be appealed before Pac finally decides on the proposal.

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Community Bulletin

Board won't refund lake residents' taxes

LEBANON — The Board of Selectmen rejected a request by the Lake Williams Association to refund \$352,000 in property taxes to Lake Williams residents.

The association claimed property values of the 120 families at the lake had decreased since the owners of the lake began draining it periodically during the recreation season.

The Gilman Brothers Company recently submitted a proposal to the Department of Environmental Protection to remove the Lake Williams Dam, thus destroying the lake. The DEP is not expected to decide the issue until after March 15.

The association said property values have decreased substantially during the six years the lake has been subject to draining by the company.

Because the dam was declared unsafe by the Army Corps of Engineers in 1978, the

DEP ordered the company to repair or remove the dam. Since then, the company has done two engineering surveys on the dam and has drained the lake to accomplish them.

But town attorney P. Michael Laham said because the association did not appeal the assessments to the Board of Tax Review as required by state statute, the association was not entitled to any refunds.

Selectmen also ordered an engineering survey of the Camp Moween Bridge.

The state Department of Local Transportation recently recommended town officials repair the bridge. Officials said a recent inspection revealed a sections of the bridge abutment have deteriorated, and cables on the bridge have weakened. The inspection was part of a state-wide inspection of 1,200 bridges 20 feet or more in length.

Owners Say Their Houses Are for All Seasons

By PEGGY McCARTHY

RESIDENTS of 15 homes in rural Lebanon have refused to move, defying orders from the town, which contends they are illegally living year-round in houses zoned only for seasonal use.

Officials of Lebanon, in eastern Connecticut, have gone to court against the residents, who live near one of three lakes, Red Cedar, Amston or Williams. The officials say the people knowingly violated zoning rules, gambling that the town would not act against them.

The regulations are to protect drinking water and the lakes from pollution, officials said.

The residents contend that they are not polluting the lakes, that the town is unnecessarily harassing them and forcing them to spend money on legal fees, and that some of the people have no place else to live. Two residents, Bruce Gilbert and Leo Scott, are suing the town.

The town has been issuing cease-and-desist orders in the lake areas since before 1978, according to the zoning-enforcement officer, Donald C. Johnson. Most of the people, many of whom rented the homes, obeyed the orders and moved out, Mr. Johnson said.

But, there are those who have no intention of leaving.

"I can't afford to go anywhere else to live," said Harry Ali, president of the Property Owners Association at Red Cedar Lake.

He said his mortgage payments were \$125 a month. "Do you know anybody who wants to rent a place for \$125 a month?" he said.

Mr. Ali, who has been disabled by a stroke and heart attack, said the town had denied his request for a waiver for him and his wife to live legally in their home year-round. "If they want to evict me, they have to find some way to buy my property and find me someplace else to live," he said.

Mr. Gilbert, who said he was also refused a waiver, said: "I'm not going anywhere. 'I don't pollute. I do nothing wrong. Why can't I live here? They've got a thing they want the people off of the lakes. If you could have seen some of the elderly people thrown out of here, your heart would break."

Mr. Gilbert, a 42-year-old ironworker, said he built his house in 1968 with the intention of living in it full-time. "I didn't build this big house on the lake for a summer cottage," he said of his two-story home overlooking Red Cedar Lake.

However, town officials said people such as Mr. Gilbert should have known of the restrictions, because building permits issued to lake residents were all marked "seasonal."

The owner of a dress shop in Colchester, Joseph Conti, moved out of his A-frame house on Red Cedar Lake to a condominium in Colchester. "I would have stayed here," he said, during a recent visit to the lakefront home, "but my wife was so nervous."

Mr. Conti said he knew the zoning was restricted when he bought his property 10 years ago. But, he said, "we figured it was O.K., because other people lived here."

There are more than 300 houses in the three areas. They include summer cottages and permanent homes for people who lived there before the zoning went into effect or who have received waivers.

There is disagreement over when the zoning rules took effect. The town says interim regulations were adopted in 1962 and permanent ones in 1968.

People at Red Cedar Lake cite a Superior Court ruling that their area was not included in local regulations until 1972.

The town disagrees with the ruling. The Town Attorney, Mary E. Holzworth, said the decision was "not binding on other courts."

"A good majority of the ones in violation," Mr. Johnson said, "are people who built second homes on the lakes in the 60's. Now, they've gotten to the point where they retired and they can't afford to maintain two homes. Naturally, they want to live in the one near the lake. So, they up and moved into it."

"I know this happened to several of them I know personally. I feel like a damn fool telling them they have to move out of the house when I know them that well."

Mr. Johnson said because of the small size of many of the lots — some are 6,000

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NEW YORK TIMES
2/24/85 (pg 2)



The New York Times / Steve Miller



Bruce Gilbert, top, is suing Lebanon to let him continue to live in his lakefront home. Joseph Conti, left, vacated his home and moved. Above, homes along Red Cedar Lake.

Owners Say Houses Are for All Seasons

Continued From Page 1

square feet — "it's almost impossible" to satisfy Health Code requirements on distances between wells and septic systems.

He said although it did not appear that pollution was occurring, if permanent residency became widespread, that would happen.

Among the rules for year-round residency are requirements for ownership of two acres and 200 feet fronting on a town road.

Mr. Johnson is on a town road at Red Cedar Lake and not on a private road, as are most of the others. He said he was, thus, not violating the zoning rule.

The president of the Lake Williams Beach Association, George Mitchell, questioned the two-acre standard for septic systems. Mr. Williams, whose home is not in violation of zoning rules, said he believed the town should test the land, instead of using "an arbitrary two-acre standard."

"On a two-acre lot on bedrock, there is no drainoff for a septic system at all," Mr. Williams said. "A half-acre of sand has better drain-off."

His house, on a quarter-acre, has been a permanent residence for 28 years, predating zoning. "I have had no difficulties with the septic system at all," he said.

People who own homes zoned for seasonal use are restricted to living in

them from May 1 through Nov. 1 and for 30 days during the rest of the year. Mr. Scott used his lakefront house as a summer cottage from 1964 to 1973. For the last 12 years, he has lived there full-time. He said he lived on a fixed income of \$600 a month.

"Let them take care of me," he said of the town. Mr. Scott added that he sent his lawyer \$80 a month for legal fees.

Mr. Gilbert said state law would require him to pay Lebanon for its court costs if the residents lost their case.

Mrs. Holzworth said she hoped the case would go to trial next spring or summer.

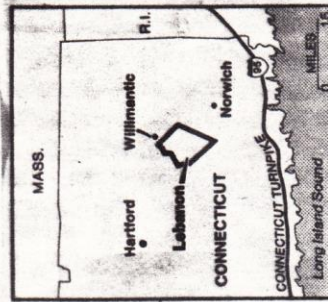
The town acted against Theodore Murzyn of Red Cedar Lake in 1979.

The court fined Mr. Murzyn \$250, but did not require him to move.

Lebanon appealed the decision, and an appellate court last year directed that he not be allowed year-round residency. Mr. Murzyn moved to adjoining Bozrah.

The town then initiated two other suits. The people in one of them were renters and moved. In the other case, Raymond Luppert was given court permission to remain in his house until next November.

"It's been an issue of great importance for these people in Lebanon," Mrs. Holzworth said. "It hasn't been very easy for the town. They make the town look like the real bad guys



The New York Times / Feb. 24, 1985

when, in effect, people came in with their eyes open. "When you have zoning regulations, people have to abide by them. When you let people flagrantly disobey them, none will be obeyed."

NEW YORK TIMES
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(Pg 3)

DEP May Pay Cost Of Repairing Dam
STENZA, LISA
The Hartford Courant (1923-1987); Feb 27, 1985;
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pg. C2

DEP May Pay Cost Of Repairing Dam

By LISA STENZA
Courant Staff Writer

LEBANON — The state Department of Environmental Protection has rejected state Sen. Eric H. Benson's recommendation that it buy the troubled Lake Williams dam, but it may be willing to pick up the \$200,000 repair tab.

The Franklin Republican has stepped into a battle between the town of Lebanon and the owners of the dam that creates Lake Williams, which soon could become a muddy crater unless the two sides can reach an agreement.

Under order to either repair or remove the dam, Gilman Bros. Co., the dam's owners, decided last year not to repair the dam and instead began to drain the popular 247-acre lake. Lake residents, who envisioned their property values washing away with Lake Williams, were furious.

A bill proposed by Benson originally called for the DEP to buy the dam from Gilman Bros., make repairs and maintain it. The company would save money, the lake would be saved, and residents would be satisfied, he said.

But Benjamin Warner, DEP's director of water resources, said there are 36 comparable dams throughout the state and hundreds of others that might fit into a similar category.

Warner said the prospect of buying every dam that needs repairing worries DEP officials.

"What would seem to the people there and to Senator Benson a very simple and logical solution to the problem would actually create more problems," Warner said.

At Warner's urging, Benson revised the bill so that it now calls for the town, not the DEP, to take control of the dam and for the state to pay for the estimated \$200,000 worth of repairs the dam needs. Benson's revised bill will be presented at a public hearing March 12 at the Lebanon Town Hall.

After the hearing, the bill will be

considered for presentation either to the General Assembly's Appropriations Committee or to the Finance, Revenue and Bonding Committee for review and possible revision before any floor vote.

Benson believes DEP should assume at least some of the responsibility for the problem.

After inspecting the dam in 1978, the U.S. Army Corps of Engineers concluded the dam needed repairs to meet federal safety standards and DEP ordered Gilman in 1980 to repair the dam or remove it.

Benson said DEP should have examined the conclusions in the 1978 inspection report more closely before going along with the corps' recommendations. He said DEP had a "knee-jerk" response.

"They're at fault because they over-reacted," he said. "The DEP jumped into the forefront and I don't think they really assessed [the situation]."

Warner declined to discuss Benson's new proposal until all the details have been worked out. Benson said he did not expect DEP to object to his plan.

The town has established a Flood and Erosion Control Board to deal with the situation. The board has the power to take the dam by eminent domain if it proves essential to flood control.

Benson's bill calls for the town to lease the dam from Gilman Bros. He estimates that cost at about \$5,000 a year. The town would also pay the dam's maintenance costs. The money would come from lake residents, who would be taxed under a special taxing district.

Warner said there is about \$2.9 million worth of taxable property around the lake, and Benson expects lake residents would not see more than a 1- or 2-mill increase in their tax bills.

"We're trying to find a way that essentially takes care of all parties involved," he said.

3/9/85
STANDARD

Lebanon...Lebanon...Lebanon...Lebanon..

Legislative Hearing On Lake Williams' Dam

By Greg Barden

LEBANON - A public hearing concerning proposed legislation by State Sen. Eric Benson (R-19th District) that would have the state assume costs to repair the Lake Williams dam will be held at Lyman Memorial High School on Tuesday, March 12 at 7 p.m.

Members of the legislature's Environment Committee, which Benson chairs, will be at the hearing as well as representatives from the state Department of Environmental Protection, including DEP Commissioner Stanley Pac.

First Selectman Edward Clark said this week he is glad Benson was able to hold the hearing in Lebanon "because it will give the people a fair shot at speaking."

Attempting to end a stand-off between lake residents and the Gilman brothers, owners of the dam, Benson submitted a bill that would require the DEP to purchase the dam, the land on which it is built and water rights to the lake. It would also require the DEP to repair minor defects in the dam

in accordance with an order the department issued to the Gilmans almost six years ago.

"That DEP order started this whole controversy," Benson said. "This whole unfortunate and unnecessary situation would never have developed had the DEP not proposed so drastic a solution to such a minor problem."

In 1978 the Army Corps of Engineers declared the dam unsafe and the state ordered the Gilmans to either repair or remove the dam. The company recently submitted an application to the DEP to keep the dam gates open all the time, thus destroying the lake. The method would provide for the flood protection required by the federal report, representatives for the company argued at a DEP hearing on the matter in January.

Since the Jan. 22 hearing, DEP officials have proposed that a cost-sharing agreement be reached between the dam owners and the Lebanon Flood and Erosion Control Board, but this has

not materialized thus far. That plan called for lake residents to pay for some of the costs to repair the dam by forming a tax district, with the state picking up half the repair costs estimated to be about \$200,000 by DEP engineers. The Gilmans would lease the dam to the flood board in exchange for continued use of the water at their industrial plant in Bozrah.

After the hearing, the bill will be presented either to the General Assembly's Appropriations Committee or to the Finance Revenue and Bonding Committee for review and possible revision before it reaches the General Assembly.

"Public input on this issue is extremely important," Benson said. "I urge everyone who can to come to the hearing and let the DEP and the Environment Committee know their thoughts on the bill."

Benson said if there are any questions about the bill or the hearing he may be contacted at home at 887-7302 or toll-free at the Capitol at 1-800-842-1421.

Residents Express Views On Lake Williams Bill

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By Greg Barden

LEBANON - Most townspeople want Lake Williams to somehow be saved and its dam repaired, but some are not too keen about the prospect of

giving the owners of the dam, the Gilman Brothers Company, \$1.5 million for the dam and water

rights.

Comments on the issue were heard at Tuesday's public hearing on a bill proposed by state Sen. Eric Benson (R-19th) that calls for the state to purchase the Lake Williams dam and water rights and make necessary repairs to the dam. While

the formal hearing on the proposal will be held by the legislature's Environment Committee this Tuesday in Hartford, Benson, chairman of the committee, explained that testimony given at the local hearing will be considered as evidence on the bill.

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Residents Express/ (Continued from Page 1)

Before receiving comments from the 70 residents in attendance, Benson said the committee has opted for the bonding form of his bill that would authorize bonding for the purchase rather than a direct appropriation. Once the committee hears the bill this week, the proposal will be submitted to the legislature's Finance, Revenue and Bonding Committee. It will also have to go before the state Bonding Commission if approved at the legislative level.

The senator told residents that his year's version of the bill is more clearly spelled out than his unsuccessful proposal last year to ensure the purchase price for the water rights to the dam. The state will appraise the property and the purchase will be reviewed by the state Properties Review Board, Benson said. "It's clear that there will be no unjustified enrichments," he said. "It can't be purchased for more than its worth."

Before turning the evening over for public comment, the senator indicated language may have to be added to the bill, such as the establishment of a taxing district that would contribute one-third of the purchase price, to improve its chances of approval. During testimony, Benson questioned many persons in attendance as to their feeling on local assistance with the purchase.

Benson said that the state already owns nine of the 49 lakes which are 200 acres and larger in Connecticut. Protection of the Yantic River watershed into which Lake Williams drains has also been designated as a priority of the state, the senator noted.

As written, Benson's bill calls for 100 percent state funding of the purchase, but Benson admitted he was "very concerned" about the bill's chance of passing. The creation of the tax district, or a one-third split between the town, lake residents and state, may have to be agreed to in order to gain approval of the plan. The state would still own and maintain

the dam, but public access for all residents would be guaranteed.

Lake Resident George Mitchell pointed out that more than 1,100 letters from resident from over the state urging the DEP to make sure the lake is saved have been sent to Commissioner Pac. When asked if he would mind paying additional taxes through a district, Mitchell said, "I think it's unreasonable to have everyone pay the same. I would expect to pay more."

Flood Board Member Al Lopes argued against the tax district. "I feel the bill is great, but I will vote down any plans for a tax district. We have no right to tax only certain people," he said.

Lopes added that if the state does purchase the lake, the Gilmans would be paid the \$1.5 million and still have use of the water. "We have the right to charge them for that water," he said.

Resident Frank Adamciewicz also criticized the owners. "I'm aghast at their power and authority. The town has been frustrated in its attempts to negotiate with them," he commented. "I think they should sell the dam and water rights to the town for \$1 and take a tax write-off."

Benson added that he would be more than willing to give the Gilmans the dollar.

State Rep. Edith Prague (D-8th) expressed her dissatisfaction with the situation. "It seems as though the Gilmans are holding the town hostage because of their demand for a certain amount of money for the dam," Prague said. "I wonder if there isn't some other recourse to deal with them without giving in to their unreasonable demand."

A cap of about one mill per year of taxes could be collected from lake property owners by the town and forwarded to the state over 50 years to show local support of the purchase. But many persons argued the entire town should contribute toward the purchase since they all benefit from the 242-acre lake.

Lake Williams Beach Association President Ron LaForge commented that local support of the purchase would be feasible as long as a realistic

cap was put on the yearly rate. "We must solve a problem that has become a crisis situation," he said. "The state has the responsibility to protect the environment. We all love the lake and want to see it saved."

But lake resident Mary Anderson does not approve of a tax district being established. "There's no need for additional bureaucracy. If you want a show of local support, the entire town could pay one mill," she said. "Once a mechanism such as a tax district is in place, it can be abused. It opens up a Pandora's box."

Flood and Erosion-Control Board Chairman Irving "Sol" Kiotic favors the bill, and although he lives more than three miles from the lake, said he would want to be included in the taxing district. "I enjoy the lake so much I would want to be a part of it," Kiotic commented.

Kiotic urged the state Department of Environmental Protection, which opposed last year's bill, to endorse the current proposal. "Commissioner (Stanley) Pac and his staff agree as to how important the lake is. It seems to me they should back the bill," Kiotic said.

State Rep. Peter Cuprak of Norwich (R-49th), the other member of the Environmental Committee present at the hearing, stated his concerns about Benson's bill. "There are 169 towns in the state and probably that many privately-owned dams; I feel it's something we shouldn't have to deal with," the representative said. "Can we jump in and bail people out every time there's a problem?"

Kiotic replied, "If there's ever going to be a precedent set, this is the one."

After rejecting two proposals to remove the dam, Pac has given the Gilmans a May 1 deadline to submit acceptable repair plans for the dam to the DEP. An appeal filed by the owners against Pac's decision is scheduled to be heard at Hartford Superior Court, Monday.

3/13/85
COMMUNITY
BULLETIN

Proposal would allow state to repair dam

LEBANON — State and town officials agreed to seek an amendment to a state bill that will allow the state to repair the Lake Williams Dam.

The amendment would call for the municipal Flood and Erosion Control Board to assume the long-term maintenance of the dam after the state repairs it.

The agreement came in response to a bill presented by Sen. Eric Benson, R-Franklin, allowing the state to take over the dam and pay for the necessary repairs. A public hearing

will be held March 12 to comment on the bill before it is reworded and returned to the state legislature for a vote.

Some members of the board met with Department of Environmental Protection Commissioner Stanley J. Pac and Director of Water Resources Benjamin Warner to discuss the bill.

Warner noted that if this proposal is accepted, the Flood and Erosion Control Board would have to set up a taxing district and assess lake users for the dam's maintenance.

Warner said the board would need an agreement from the dam owners, the Gilman Brothers Company, requiring

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Repair

(Continued from Page 12)

them to keep the water at a sufficient recreational level throughout the summer. Negotiations would determine how much the company would charge for such an agreement.

But Lawrence Gilman, who said he was not aware of yesterday's meeting, said the final decision on the dam remains with his company. "We own the dam and we own the water rights," he said. "It is very nice for a bunch of people to make decisions for us, but the only people who are going

to decide what is going to happen to that dam is us."

Warner said having the local board take long-term responsibility for the dam would mean the state would not turn the Lake Williams beach area into a state park. The beach instead would become a town park.

Repairs to the dam are necessary because a 1978 Army Corps of Engineers study determined that it was unsafe. The DEP then ordered Gilman Brothers to repair or remove the dam.

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Norwich Community Bulletin, Wednesday,

3/13/85
COMMUNITY
BULLETIN

Flood board favors amending dam bill

LEBANON — The Flood and Erosion Control Board unanimously agreed last Tuesday to try to amend a state bill intended to solve the Lake Williams Dam controversy.

But Sen. Eric Benson, R-Franklin, the bill's sponsor, said he would stand fast on his original proposal.

Benson's bill would allow the state to take over and repair the dam. The dam and part of the beach area would then become state property.

State and local officials recently agreed to try to amend the bill to have the state repair the dam only and give the local board long-term responsibility for maintaining it. In this case, the area would become local property and a tax district would have to be created to pay for the maintenance work.

Both Benson and First Selectman Edward O. Clark said they doubted the town had

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(Continued from Page 12)

either the money or the desire to enter into that type of agreement.

"We're taking for granted that the citizens of Lebanon are going to take on the responsibility of maintaining that dam," Benson said. "I fail to see that there's sufficient tax base to absorb that type of cost. It pushes me toward staying with my original proposal of having the state take the dam over."

Irving Kiotic, chairman of the Flood Board, said residents would have the opportunity to comment on the bill at a public hearing. The bill will then be re-worded and sent to the legislature for a vote.

Benjamin Warner, director of water resources for the state Department of Environmental Protection, said if this proposal is accepted, the Flood Board would need an agreement from the dam owners requiring the Gilman Brothers Company to keep the water at a sufficient recreational level during summer.

Kiotic said if the residents agreed with the amendment, the board's communications committee would try to contact

Gilman Brothers to determine what price the firm would want to keep the lake at that level.

But Lawrence Gilman said Tuesday the company would continue to ask the DEP to agree to its proposal to keep the gates open year-round, a move that would destroy the lake. The state agency heard the company's presentation in January, and a decision on whether to grant the company a permit is not expected until later this month.

Repairs to the dam are necessary because a 1978 Army Corps of Engineers study determined that it was unsafe. The state then ordered the Gilman Brothers to repair or remove the dam.

Lebanon Ready To Crack Down On Lake Homes
KAREN G. ANDERSON *Courant Staff Writer*
The Hartford Courant (1923-1987); Mar. 15, 1984.
ProQuest Historical Newspapers: Hartford Courant (1764-1987)
pg. C120

3/15/84

Lebanon Ready To Crack Down On Lake Homes

By KAREN G. ANDERSON
Courant Staff Writer

LEBANON — After winning a five-year, \$10,000 court fight, town officials are ready to enforce a zoning ordinance barring year-round homes around three lakes.

The potential losers are 28 property owners who live in houses on the lakes despite the ordinance, which was intended to prevent septic systems from polluting the lakes.

The town Planning and Zoning Commission met Wednesday night to discuss legal action against the residents. "You could feel sorry for them," commission Chairman Harold Liebman said after reading several letters from lakeside homeowners. "But, they certainly did it to themselves."

The town's test case, filed against Red Cedar Lake resident Theodore Murzyn in 1979, was resolved Jan. 18 when the state Appellate Court ruled that the Superior Court could issue an injunction enforcing the town ordinance. March 21, Manchester Superior Court Judge Richard C. Noren is scheduled to set a date by which Murzyn must stop living in his house year-round.

The impending court action has frightened other Red Cedar, Williams and Amston lake residents who had previously shrugged off the town's yearly cease-and-desist orders.

At least two families have moved since the most recent orders were issued Feb. 11 by Zoning Enforcement Officer Donald C. Johnson. Four families have told the town they will move by November, and six other families have applied to the Zoning Board of Appeals for variances or relief from the order.

"We're just sweating it out to see if we get the variance," said Edward Stonaha, a Red Cedar Lake resident.

Stonaha has owned his land since 1968, using the house as a summer home until five years ago, when he retired. He said he had not applied for a variance previously, assuming that because others in his neighborhood had variances, one would be easy to obtain.

First Selectman Edward D. Clark said it is about time lakeside residents took the town's zoning regulations more seriously.

"They've taken the attitude nobody can do anything to them," Clark said. "Now we've won in court, and they've started moving." The regulations allow owners or tenants to live in the houses from May 1 through Nov. 1, and for 30 days in the winter.

Johnson said that of 411 cottages at the three lakes, the vast majority are "legitimate seasonal homes." Johnson's survey found that more than 30 cottages were occupied year-round, 28 of them without the necessary zoning variances.

Clark said town officials were concerned that year-round occupancy of lakeside homes would pollute the man-made lakes with drainage from septic tanks.

The town's battle to enforce its zoning regulations has taken five years and cost \$10,000 in legal fees, Clark said. While the town waited for a court injunction to enforce its cease-and-desist orders, relations between the town and the year-round lake dwellers were amiable.

The year-round population at the lakes grew because the town seemed unable to enforce its regulations, Clark said. And the town made the best of the situation by taxing the summer homes used year-round at the year-round tax rate.

"We figured if they live there all year round, we have to school the kids, so we taxed them accordingly," Clark said.

The six families who have applied to the zoning board for relief from the cease-and-desist orders are hoping the board, scheduled to hear the requests April 4, will grant them variances given previously to their neighbors.

All but six of the 28 residents ordered to cease and desist have contacted the town, and Johnson said the Planning and Zoning Commission will be deciding which cases to take to court.

Clark said that it is unlikely anyone would be forced to move before the summer season begins May 1, and that the town will not know until after the season ends Nov. 1 how effective its court victory has been.