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“A Story About A Uniquely Beautiful Place And A Special Family”

Behind the state’s recent purchase of an 155-acre scenic, ecologically important parcel of open space on the Menunketesuck River and Chapman Mill Pond is a fierce battle for the land stretching back almost three decades.

Posted by [Pem McNerney](#) (Editor) , October 28, 2013 at 04:02 PM

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By Pem McNerney

When Edward and Harriet Sciongay bought a vacation home and hundreds of acres on the banks of Chapman Mill Pond on the Westbrook/Clinton town line, they knew they were buying a quiet wooded paradise where they and their four children could relax, play, and enjoy.

The land that eventually became Edward and Harriet's full-time home is also home to a stunning array of fish and wildlife. Deer, wild turkey, songbirds, osprey, horned owl, wood duck, otter, and rare turtles inhabit the land and trees surrounded by vernal pools filled with wood frogs and spotted salamanders. And, at the southern end of the property, is the head-of-tide of the Menunketesuck River, where mussels, blue crab, and migratory fish mingle in the waters that flow to and from the banks of Long Island Sound downstream. In the many years they lived there, the Sciongay family grew from six people to include more than 70 species of birds, 17 species of reptiles and amphibians, two state-listed turtles, and a rare plant. They all called this land home.

The sandy banks of the family's property on Chapman Mill Pond, on the Clinton side, were special for another reason. The town of Clinton would in the 1980s decide that the property could serve as the perfect home for a wastewater sewage treatment system the town desperately needed to expand and grow. A town's ability to grow and expand its tax base, and local jobs, is integrally tied to its ability to keep taxes on residents low, while providing needed services to those residents. All along the shoreline, towns struggle with the complex problems associated with how to deal with the sewage generated from needed growth and economic development. Clinton, propelled by that need, would over a period of many years wage two fierce battles to wrest a portion of the property from the Sciongays by eminent domain.

But the family didn't know that when they bought the land in 1971.

"Daddy just wanted a pond for us to play in," says Shirley Sciongay Carroll, the youngest of the four Sciongay children.

Just a couple of hard-working Polish people

Neither Edward Sciongay nor Harriet Fritz graduated from high school. Shirley says her parents were "just hard-working Polish people." Before he shipped off to France to serve in the U.S. Army in World War II, Edward proposed to Harriet. He didn't want this girl to get away. Along with the engagement ring, he gave her the payment book for the ring. Yes, she was to make the payments on the ring while he was away. Harriet accepted the ring, the payment book, and

control of the family finances. She paid off the ring and got rid of the payment book. She kept the ring and control of the family finances.

Harriet worked, sometimes earning no more than 50 cents a week, while her man was away at war. She managed to pay the bills and save enough so that when Edward returned, she bought a car, a lot to build a house in the Huntington neighborhood of Shelton, and six machines. He, in turn, started up a one-man machine shop that grew into a large manufacturing business that sold spare parts to the aircraft industry and the U.S. government. He also made a series of lucrative real estate deals.

The children needed something more

As the family prospered, they found themselves living on Huntington's main street in a 6,000-square-foot home with a pool in the back yard, a huge dance floor in the party room, a pool table in the game room, and a 30-foot oak bar. But Edward and Harriet decided their children needed something more than that. The children, they decided, needed a place where they could learn about and appreciate nature, along with the sense of accomplishment and pride that comes from working hard while building something of value.

The modest brown cottage, built in the 1700's, on the pond in the woods, was the ideal place for the children to learn those lessons. Shirley was 12 years old when the family started to spend time there. She remembers that, in the same way her mother built the family's early fortune and in the same way that her father built the family business, the whole family built upon their new acquisition.

During the family's tenure as stewards of the property, they added to the main house and a nearby cottage, creating a family compound. They planted more than 80,000 trees, with the help of the state. Shirley remembers being picked up the end of her school day and leaving the family's grand home in Huntington behind to travel to Chapman Mill Pond, where her father handed her and her siblings some seedlings and a shovel, and told them to get to work. White Pine, Spruce, all in the pine family, one by one, the trees were planted with the help of the children.

"We'd go off like a conveyor belt"

"We'd go off like a conveyor belt, planting those trees" Shirley said. "Every weekend, and every weekend, and every weekend. You'd grumble about it when you were a kid. But I'm glad I had the childhood I had." After planting the trees, the kids might launch their rowboats into the pond and have a family fishing tournament. The next morning, they might be called upon to work on some of the family's seasonal cottages that were for rent by an old dam on the river.

Later that afternoon, the children might find themselves deep in conversation with two Jewish couples who rented the cottages. They would tell the children stories about concentration camps where they were shot and thrown into a pit with their dead friends and relatives, a pit from which they clawed their way out to make their escape to freedom, to America, and, ultimately, to the serenity of Chapman Mill Pond.

"They were our friends. We'd talk and then we had to paint the cottages," Shirley said. "Daddy always had jobs for us."

"She closed the checkbook"

Edward developed about 50 acres on the upper end of the pond to create Lake Laconia Estates. He was thinking about doing some additional development on the 250 acres that remained, but his children did not want that. They tried to convince Edward that it made more sense to conserve the remaining land for future generations rather than build the family fortune, Shirley remembers. Harriet, after listening to both sides, finally had the last word. Harriet still controlled the family finances. When it came to doing exploratory work for additional development, "she closed the checkbook," Shirley says.

An 83-acre parcel was sold to Westbrook for open space, and the family began work to conserve the rest of it.

While the family worked to solve that puzzle, the town of Clinton was struggling to solve a problem. Like many other shoreline communities, it was reliant upon septic systems throughout the town and the capacity of those septic systems to adequately process wastewater was a limiting factor in growth. Businesses along the main street got to the point where they sometimes had to have their septic tanks pumped out once a month or even once a week. And, as in some other shoreline towns, the problems relating to wastewater disposal pose a potential threat to the health of Long Island Sound and other waterways

"Clinton concerned about shoreline and "starved for economic development"

In a town that some described as "starved for economic development," a variety of options were evaluated. The town met resistance everywhere they turned. Nobody wanted a wastewater sewage treatment facility in their backyard. This was not a situation unique to Clinton. It is such a common problem that state law specifically allows for municipalities to use the process of eminent domain to "condemn property," which is the legal term, for use as a sewage system.

Sometime around 1985, Shirley says, the town of Clinton asked for permission to test the soil on the banks of the Clinton side of the pond. The family was not

interested in having the soil tested, or having a wastewater treatment plant there, so, while sympathetic to the town's needs, they refused. The town eventually got a court order that allowed them to do some testing, but the family continued to resist and, after a court battle, it seemed like the whole problem was going to fade away around 1989. The Sciongays heard the judge on the case say, it's your land, do with it what you want. There was a respite.

And again

And then, in 2003, Shirley got a call from her mother. She was sobbing, hysterical. Shirley quickly ran over to her parent's house.

Her mother was holding a copy of the newspaper that landed on her doorstep that morning. She pointed to a story in the newspaper that said the town of Clinton was again starting condemnation proceedings so town officials could take part of the property, the sandy banks of Chapman Mill Pond. Shirley called the family attorney. He called town hall.

Game on

Again.

"Stomach-wrenching times"

Shirley said the years that followed were "stomach-wrenching times" filled with sleepless nights as the family battled to save the land from what they saw as the forces that would destroy it. "It was two steps forward and ten steps back." She and her family fought in court, and, outside of court, recruiting anyone they could to their side to help do battle. Adding to their heartache was the illness and eventual demise of the family patriarch Edward, who passed away after a long illness in 2007. Also, one of Shirley's siblings died unexpectedly in 2011.

As they dealt with their private family sorrows, the Sciongays had to worry about the sheriff showing up at the door to serve them papers associated with the ongoing legal activity. Projections and estimates about what exactly would happen if Clinton won were bandied about, but the Sciongays were worried about what they saw as the worst-case scenario. They heard one estimate that said up to a million gallons of sewage a day might be processed across the pond from their family home in the woods they loved.

These were tough times for the family. But Shirley's husband, Richard Carroll, says Shirley led the charge with her secret weapons. The first is her index finger, he says, that she uses on her phone to call upon friends and allies when she's in need of help or an answer to a question. The second secret weapon is her willingness to ask just about anyone to do anything if she thinks it will serve the greater good. If she doesn't get an answer the first time, or if she doesn't

understand the answer, or she doesn't like the answer, she will ask again, and again, and again, and again.

Taking the battle to the streets

Shirley agrees. She says she would call someone once a day if necessary. Or 20 times, if necessary. Yes, she said, 20 times. In one day.

Shirley took the battle to the members of the public, seeking allies and support. She passed out leaflets to passersby on the street and to kayakers as they were kayaking down the waterway. She sent spies into Clinton town meetings to determine the town's strategy. She laughs now when she says "spies." The meetings, of course, were public meetings open to all. But it was all deadly serious business then, in the midst of the battle, when each side was looking for any advantage it could gain over the other.

The family worked with and called upon a long list of people over the years to achieve their objective. Al Smith, Everett E. Newton, and others from the law firm of Murtha Cullina; Scientists and officials from the state Department of Energy & Environment Protection including David J. Kozak the senior coastal planner from DEEP's Office of Long Island Sound Programs and Stephen Gephard the supervisor of the Diadromous Fish Program and the Conservation Enhancement Program for the Inland Fisheries Division of DEEP; Officials from the federal Environmental Protection Agency including Curt Spalding, the administrator for EPA-New England Region; Alicia Betty, the state director for the Trust For Public Land; Members of the congressional delegations of Connecticut and New York including U.S. Rep. Joe Courtney and U.S. Senator Richard Blumenthal; Westbrook officials including former First Selectman Tony Palermo, and Tom O'Dell of the town's Conservation Commission.

The family's vision is realized

The family in September of this year sold the land for use as open space to the state for \$1.2 million with a grant from the US Environmental Protection Agency's Long Island Sound Program. While that sum is not as large as it might have been had the family sold the property for development, it's enough for Harriet to have what she wants, says her family. And what Harriet wants is to pay her taxes, to have a worry-free and comfortable retirement, and to be left alone without the worry of having a sheriff show up at her door. She would like her biggest worry to be where to go to lunch each day.

Shirley says she is looking forward to sleeping soundly now that it's over. When the papers were signed and the deal was done, the family festooned the bridge over the pond with yellow ribbons and indulged in a small champagne toast on

Harriet's little brown deck overlooking the pond. As the glasses clinked, a bald eagle and an osprey flew overhead.

In late October, there was another celebration. Dozens of friends, family members, supporters, along with local, state, and federal officials gathered over breakfast in a sun-drenched room at the Westbrook Elks Lodge at 142 Seaside Avenue in Westbrook. The window-lined room overlooked the expanse of Long Island Sound that would benefit from the preservation of the property.

The mother thanks the daughter; the husband expresses love for his wife

[At the celebration](#), Harriet Sciongay recalled how hard the family has worked over so many years to keep the land beautiful. In a prepared statement, she thanked her daughter, Shirley, for her exhaustive efforts "to assure that this land is preserved in the public trust." Curt Spalding, the regional administrator of the EPA's New England office, said that the acquisition of this property will make a significant contribution to the health of Long Island Sound.

[Stephen Gephard, a biologist from the state DEEP explained why, exactly, this land is so special from a scientific, ecological, and aesthetic point of view.](#) DEEP Commissioner Daniel Esty called it the acquisition a "rare and significant accomplishment." He heralded it as a great example of a private-public partnership, and of local, state, and federal cooperation. "I want to thank the Sciongay family for their dedication in seeing this land preserved for the future residents of this state," he said. "I also thank the EPA for their invaluable assistance in helping to conserve one of the few last parcels of undeveloped coastal forest along a tributary to Long Island Sound."

Sciongay family members cited Al Smith, Jr. a partner with Murtha Cullina, as a key member of the team that saved the land and "the very best environmental attorney that there is." Smith said he felt "blessed" to have worked with the family on such an important project. "This is a story about a uniquely beautiful place and a special family," he said.

Richard Carroll said, about his wife Shirley, "She's my hero." Standing in the front of the room at the podium, looking at Shirley, in the back of the room next to her mother Harriet, he said, "I love you very much. Congratulations."

Clinton's problem remains unsolved

As the Sciongay family and friends celebrated, hugged, and took pictures, Clinton First Selectman Willie Fritz [told a reporter from the New Haven Register](#) that he was in no mood to celebrate. He was quoted as saying it was a "sore subject." He said he and other town officials are asking the DEEP to pay

the money back the money it's spent on the Sciongay legal battle. The article noted that the town is under a state mandate from the department to address its wastewater sewage problems.

Likewise, Shirley is not pleased with the money her family has had to spend fighting off the town's advances and she is talking with her lawyers about whether it makes sense to try to recoup legal fees from Clinton.

While DEEP Commissioner Esty ultimately disagreed with Clinton about the best location for the sewage treatment system, he understands the desire on the part of the town to grow and expand their tax base to alleviate pressure on homeowners while at the same time expanding services to people who need them. It is understood that this cannot be done if a town cannot adequately process its sewage or if the sewage is being processed in a way that threatens Long Island Sound and other waterways.

Recent history shows unsuitability of Sciongay site for treatment site

Esty said recent history shows the Sciongay land would have been a highly unsuitable place for a sewage treatment system. That may not have seemed to be the case when this chapter of Chapman Mill Pond's history started in the 1980's, he said, but the thinking about this kind of thing has changed in recent times.

"One thing we have learned in the last several years, is that we have to be very careful about siting these kinds of wastewater facilities," he said. "It does not make sense to site them anywhere where they will be susceptible to flooding and storm surges." In fact, during Hurricane Sandy in 2012, [some studies show that more than 11 billion gallons of raw sewage overflows were recording in the tri-state area as one sewage system after another was pummeled by the storm.](#)

Esty said his department will continue to work with Clinton to resolve its wastewater problems. "We are committed to working with the town to find the right way and the right place," he said. "We will find an appropriate location."

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