

**RAISED BILL No. S.B. 6616  
AN ACT ESTABLISHING WOOD SMOKE TO BE A PUBLIC NUISANCE.**

Chairs Senator Jonathan Harris, Representative Betsy Ritter, and Members of the Public Health Committee:

I am Sandra Bengé and this is my son Henry. We live in Terryville, near the Harwinton / Terryville town line.

We are being harmed by several wood burning activities and appliances.

**I have developed asthma and require an inhaler and emergency inhaler when all else fails to open my air ways. Our mouth, eyes, chest and throat burn. I have a nagging cough throughout the year. My son wheezes in his sleep, has frequent sore throats that have been well documented by his pediatrician, coughs frequently, and has a lot of discolored mucous coming out of his nose most of the time. We have not yet been hospitalized for breathing problems from the wood smoke. I did not have these breathing problems before I moved to our current home. My son, who will be four years old next week came home from the hospital to be greeted with wood smoke. He has now been prescribed a bronchial dilator when he wheezes in his sleep. I am a Disabled Veteran with Post Traumatic Stress Disorder so dealing with all this exacerbates my PTSD.**

After four years of seeking help from DEP, the local fire marshal, and the previous mayors of Terryville we have been helped by the newest Mayor of Terryville, Vinny Festa, who sought the help of the town lawyer to define what a nuisance actually is and a letter banning the neighbors to the direct west of us from having outdoor bon fires and campfires was sent out by the local fire marshal. About fifty percent of the smoke problem in the summer time was alleviated; no winter smoke has been affected.

The DEP says it does not have the man power or the budget to find out who is burning at night. The DEP also informed me that my photos of the smoke crossing over property lines are not allowed in court and only photos taken by the DEP office is allowed in court to show the trespass of the smoke onto our property.

When the police have responded they say yes there is smoke, but we don't know where it is coming from. I have told that I need to figure out where the smoke is coming from before I call the police. I am supposed to leave my child in bed in the house or awake him at night and roam the neighborhood looking for who ever is burning. I do not own infrared technology to see in the dark who and where the burning is coming from.

When the fire department responds they also smell smoke, but cannot determine where it is coming from. Often they claim they cannot smell any smoke even when the smoke is strong. When they do find where it coming from they have at times not stopped the people from burning.

I have lived in Connecticut since October of 1986. I moved to Terryville, CT in October 2003 and by early spring 2004 the wood smoke became a problem for me. In the early spring of 2004, I was working in my garage sorting through boxes of stuff when smoke filled the garage. I sought to find out where there smoke was coming from and found my neighbors to the west of me were having a bonfire/campfire they claimed they used for cooking was causing all the smoke. I called the police

for help and was promptly told that a cooking fire is fine, no matter how much smoke it created. It is a cooking fire. The fire marshal last year told me that this family has at least five fire pits with some as large as five feet in diameter, used for recreational purposes. . At times flames have been visible over a six foot tall stockade fence they have to hide their burning activities. I actually have video footage of this. They often burn these "campfires" all day and well into the night-sometimes at 4 am the smoke is still so thick I cannot open the windows. Their wood smoke travels to our home and according to the local fire marshal the topography of the land draws the smoke and keeps it there not to dissipate.

Other fences, uprooted tree stumps filled with debris, sheds, and lean twos have been erected on this property to hide their burning activities. They can even burn when it is raining in some way. They love their fires.

I continued to call the police when the smoke was bad and soon the police told me that I was going to be arrested for calling for the smoke if I did not stop. I did not stop. I was not arrested but threats were made time and time again.

These folks are not the only ones who burn in the neighborhood. The Wood Acres Farm less than a mile away advertises pig roasts and bon fires as things they offer for clients on their property. When ever they have a pig roast my home smells like a burnt hot dog for days if not more than a week. Smoke coming out the woods to the north of our property is common. This is Harwinton and not the jurisdiction of Terryville. So absolutely nothing has been done about problems with burning in Harwinton that blows our way.

The wood smoke comes from our neighbors' chimneys and wood stoves as well as several neighbors' outdoor furnaces. Three homes to the west of our home all have active wood burning devices all winter long. The home with the nearest outdoor wood furnace also burns all year long.

As soon I recognized that wood smoke is coming into my home whenever I opened a window, I would shut my windows immediately. I cannot open the windows of our home at anytime of the year without fearing and knowing that wood smoke will fill my home. I attempted to open one window on the north side of my home about two inches and the wood smoke bellows in almost every time I open my window. I cannot open the windows of my bedroom and cannot open windows in my sunroom, nor can we use our screened in porch on the lower level of our home, a raised ranch during any time of the year. I cannot do simple yard work, nor walk to the mailbox in the winter without having breathing problems from the wood smoke. I cannot hang out laundry or air out comforters or pillows at any time of the year.

One evening in the summer when I left a window open and went to bed I was awakened by the smell of wood smoke in my home about 4 am. I believed my home was on fire. Upon evacuating my home and looking back the house was totally engulfed with smoke, no flames were visible. The smoke was thick and the responding fire fighter thought the dense smoke must be from a forest fire if my house was not on fire. The smoke was that thick. No forest fire was found and it was thought the neighbor's campfire all night had created the smoke that hung in the air. I was threatened with false report and arrest. I even gave taped testimony to the local fire marshal on this incident later.

The farmer who owns the land directly north of our home frequently burns brush without a burn permit, huge piles of brush he accumulates on his property. The smoke comes right to our home. After my complaint he was issued a burn permit and burned a huge pile that was visible from my

kitchen window and the smoke came into our home on the first nice day of the spring last year. This man chose the first beautiful days of the spring to burn bush without regard for anyone down wind from his fire. Later that night the people he had watching his fires returned to stoke the smoldering ashes after 8:30 PM. They started the burning again with flames rising taller than they stood. The people he hired were the people who live in the house directly west of my home who build the campfires.

In weather with fog, rain or low clouds the wood smoke stays even longer. Last winter while building my son's first snowman I had to use my emergency inhaler to be able to breath. We have not built a snowman this year because of the smoke. My child and I have been prisoners in our home from this wood smoke.

**Now in the inside of our home smells like smoke. The lower level has a pronounced smell of smoke almost all the time. My sinuses are filled with the smell of wood smoke and even mucous I cough up tastes of wood smoke.**

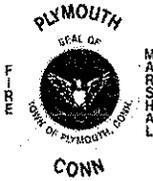
I have called the DEP and the Health Department and they refer me back to the Fire Marshall / Burn official of Terryville-Plymouth. The Fire Marshall is the one that is threatening me with arrest should I call when I have too much smoke and when they arrive it has dissipated or is much less, or they simply cannot smell it because their fire uniforms and environment they have come from are so smokey they could not tell if there was smoke or not. They cannot go from a high concentration to a lower concentration and determine smokiness. It is impossible. Even the DEP has talked with them about this aspect of detecting smoke. I spoke with the DEP about having them use a nephelometer to measure the air quality, but they don't do that.

Right now outside my kitchen window I can see the other neighbor stacking up tree limbs and brush in a big pile that grows taller and taller by the week. Today there are two piles of bush and branches. I am sure he plans to get a permit to burn it and smoke our family out again. This is the same neighbor who burned last year without a permit and then when I complained they went and spoke with him to have him get a burn permit for \$10. He was issued him a burn permit in 2007. So for \$10 the man has permission to start a fire and create enough smoke to be hazardous to our health before I can call and beg the fire department to have them put it out.. This open burning smolders for hours after it is put out, with the smoke lingering in the air for days.

We need your help to end the trespass of smoke onto our property, into our home and into our lungs, especially the lungs of my young son.

Thank you.

--Sandra Bengé  
Terryville, CT



# COPY

**Fire Marshal  
Town of Plymouth  
80 Main Street  
Terryville, CT 06786**



*John F. Schubert Fire Marshal*

*Peter Buonome Deputy Fire Marshal*

*Kevin Engle Deputy Fire Marshal*

*Robert Massicotte Deputy Fire Marshal*

*Victor Gara Deputy Fire Marshal*

Telephone (860) 585-4012 Fax (860) 583-1269

HTTP://WWW.plymouthct.us

EMAIL [jschubert@plymouthct.us](mailto:jschubert@plymouthct.us)

David and Donna Palance  
41 Curtis Rd.  
Terryville, Ct  
06786

February 15, 2008

Dear Mr. & Mrs. Palance

This letter is in reference to the open burning complaints registered by your neighbor, Sandra Bengel of 10 Griffin Rd Terryville, CT

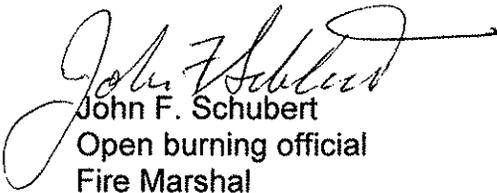
After many complaints and research by this office as the open burning official, it is my duty to inform you that you must cease and desist from any open burning on your property.

This order is the results of exhaustive research of the state statutes on open burning and the authority vested in me by the State Department of Environmental Protection. I have also consulted with our town attorney regarding the definition of the word "nuisance" as it appears in the state statute and have found that your camp fires and open burning falls under this definition.

This order includes any person living or visiting at the above named address.

Failure to comply with this order may result in an arrest under section 23-48 of the Connecticut general statutes as amended by PA 01-150, which is an offense of sect. 53a-24 which carries a fine of \$ 200.00 and/or imprisonment of not more than 6 months.

Your co-operation in this matter is greatly appreciated.

  
John F. Schubert  
Open burning official  
Fire Marshal



**Fire Marshal  
Town of Plymouth  
80 Main Street  
Terryville, CT 06786**



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EMAIL [jschubert@plymouthct.us](mailto:jschubert@plymouthct.us)

MZ. Sandra Bengé  
10 Griffin Rd.  
Terryville, Ct.  
06786

February 15, 2008

Dear Mz. Bengé,

This letter is in response to your complaint of open burning caused by your neighbors, David and Donna Palance and others of 41 Curtis Rd. Terryville, Ct.

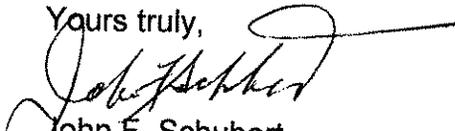
After lengthy research I have come to the conclusion to ban all open burning at the property owned by the Palances

I have consulted the present town attorney regarding the word "nuisance" as it is used in the State Statute pertaining to open burning and he has concluded that the fires on your neighbor's property are a nuisance. Along with this decision, and further input from the Department of Environmental Protection, I have concluded that a ban must be put on your neighbors open burning.

I also feel that any complaints regarding the smell of smoke in your area that the fire department responds to that are unfounded should be considered a false alarm and dealt with in the prescribed manner.

Hopefully this will resolve your problem.

Yours truly,

  
John F. Schubert  
Open burning official  
Fire Marshal