



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
EASTON TOWN HALL—CONFERENCE ROOM A
TUESDAY, March 24, 2015
7:30 PM**

PRESENT: Roy Gosse, Chairman; Dori Wollen, Secretary; Stephen Corti; and Elliot Leonard

ABSENT: Stephen Edwards, Vice Chairman; Catherine Alfandre; Steven Hume; and Sarah Cwikla, Alternate

- 1. MEETING CALL TO ORDER:** Roy Gosse called the meeting to order at approximately 7:31 p.m.
- 2. INLAND WETLANDS APPLICATIONS:** No new applications to discuss.
- 3. UNFINISHED BUSINESS:**
 - A. V#05-143--Notice of Violation at 740 Stepney Road--**Neunteufel and VonKuthy**, issued 7/5/05
 - B. Cease and Desist Order for property located at 740 Stepney Road-- **Neunteufel and VonKuthy**, issued 7/20/05
 - C. V#08-153—Notice of Violation at 68 Sport Hill Parkway—**Michael Newman**, issued 12/1/08
 - D. Cease and Remediate order for 68 Sport Hill Parkway--**Michael Newman**, issued 4/21/09
 - E. V#11-158, Notice of Violation at 580 Sport Hill Road—**Austin Ganim**, issued 5/24/11
Steve Edwards will speak with First Selectman Adam Dunsby regarding the noted violation to discuss gaining approval for legal review.
 - F. Amended Wetlands Permit #10-389, 288 Maple Road – Helena Morf, 4-lot subdivision.
Roy Gosse told the Members that Phil Doremus is going to draft a memo to Planning and Zoning regarding this item. Property owner Vincent Toscano contacted the Commission for direction on how to get money back on his subdivision bond and was told the Conservation Commission did not require a bond. Instead the Commission looked to the Connecticut Department of Energy and Environmental Protection to set a bond, but CT DEEP did not. When Mr. Toscano returns to the Planning and Zoning

Commission for his bond release, as dam repair is a requirement of their Inland Wetlands application, the Conservation Commission would like Planning and Zoning to remind Mr. Toscano that dam repair is a requirement of the I/W permit. The Members feel strongly about the need to for Mr. Toscano to follow through with the repair as a matter of public safety--a sentiment echoed in a letter from CT DEEP dated July 29, 2011 to Helen Morf, former property owner. Dori Wollen added that if the project is not complete and the water breaches the dam, the homeowner will assume liability.

- G. V#14-474, Notice of Violation at 40 Sherwood Road – **Brian Alberino and Sarah Gerard**, issued 5/5/14. Phil Doremus, WEO will revisit the site once the snow melts.
- H. Discussion with Attorney Hal Rosnick re open space land swap off of Riverside Lane. This item has been put on hold until the snow melts and the Members have had an opportunity to walk the site.

4. NEW BUSINESS:

- A. As-of-Right Determination #15-487—Maple Row Farm, 227-229 Stepney Road
Note: Although not present at the meeting, Vice-Chairman Stephen Edwards has recused himself from discussion of items relating to the applicant due to his relationship to the applicant. The Commission determined at their last meeting that there would be activity in the regulated area, and thus requested submission of an “As-of-Right” application. Attorney Raymond Rizio of Quatrella & Rizio, LLC of Fairfield was present, with his associate Christopher Russo, as well as Scott Edwards of Maple Row Farm. Attorney Rizio presented an amended plan, entitled, “Site Plan; Prepared For; Edwards Properties, LLC; North Park Avenue & Stepney Road; Easton, Connecticut”, dated January 28, 2015, last revised March 18, 2015, noting that the only activity in the regulated area is mulch storage. Attorney Rizio continued, stating that a cement Jersey barrier will be located a minimum of 30 feet from the water, creating a buffer between the processed mulch and the water, adding that all mulching machinery will stay outside of the regulated area and that the barriers should be in place by July 1 of this year. Steve Corti made a motion to approve the submitted As-of-Right Determination “application”, subject to standard stipulations, as well as two additional stipulations to read as follows:
 - 1. “This is a conditional approval, pending installation of Jersey barriers by July 1, 2015.”
 - 2. “There will be no fueling of machinery in the regulated area.”

- Dori Wollen seconded the motion; the motion passed unanimously. A memo noting the approval will be sent to the Planning and Zoning Commission.
- B. Determination of Wetland Impact #15-488—Town of Easton. Proposed Pavilion to be located at 515 Morehouse Road. Based on the plan provided, entitled “Proposed Pavilion for the Town of Easton” and dated March 2015, the Commission sees no wetland impact but is concerned about avoiding any encroachment into the Conservation easement around the swamp white oak tree on the property just south of the proposed pavilion. Accordingly, the

Commission would like to review an updated plan as detailed in the undated specs submitted to P&Z by Athan Crist.

Dori Wollen made a motion to add a new item, "C", "Paine Open Space Maintenance", under "New Business", and Elliot Leonard seconded. The motion passed unanimously.

- C. After reviewing the Inland Wetlands application for Paine Open Space Maintenance, prepared by Krista Kot, Commission Secretary, Steve Corti made note of two additional locations needing pipe replacement to add to the application description, as follows: 3.) Heron Pond Spillway, and 4.) Under Apple Tree Crossing. The Members looked over the Paine Open Space Map, and noted that it needs to be updated, possibly numbering the ponds and including a description for each.

5. REVIEW FOR REPORT TO PLANNING & ZONING:

Request for Comment from Inland Wetlands re SP-15-03, by the Town of Easton, to construct an Open-Air Pavilion at 515 Morehouse Road, as depicted on a map dated March 2015 entitled "Proposed Pavilion for the Town of Easton". See Item 4.B. above. Post meeting note: The Request for Comment was intended for the Conservation Commission. Roy Gosse issued comment noting the Conservation Commission would like to remind the Planning and Zoning Commission and other town departments that there is a Conservation Easement on the wetlands surrounding the swamp white oak tree on the property just south of the proposed pavilion, adding, this area needs to be protected from any incursion.

6. CONSERVATION PROJECTS:

- A. Steve Corti told the Members that he met with Ed Nagy of the Public Works Department last month. Mr. Corti plans to go to the Paine property next week to perform maintenance work so the Public Works Department will then be able to go in and do some grading.
Mr. Corti also noted that a number of trees had fallen on power lines on the open space property, which he has since removed.

7. CORRESPONDENCE:

- A. FYI and possible comment: CT DEEP Aquatic Pesticide Permit application from Aquatic Control Technology for Button Mill Pond, located between Dogwood and Pond Road. Duly noted.
- B. FYI and possible comment: CT DEEP Aquatic Pesticide permit application from Connecticut Pond Services for Aquatic Plant Management at Heinold Pond at 735 Sport Hill Road. Duly noted.

8. OPEN-SPACE ISSUES:

- A. Signage for Morehouse Open Space and Tatatuck Open Space properties. The Members discussed sizing for a sign for the Morehouse Open Space and suggested checking with Phillip Doremus, Wetlands Enforcement Officer regarding size restrictions for signs, noting larger signs at the schools and police department.

9. WEO COMMUNICATIONS:

- A. The Members would like Phillip Doremus, WEO to visit both 25 Rock House Road and 70 Redding Road as there are concerns regarding each site relating to possible activity in the regulated area.

10. SITE WALKS:

- A. 20 Riverside Lane (Both 20 [Lot 5] and 30 [Lot 6] are owned by same party.)--when snow melts. The Members expect to be able to walk the property before the next meeting.

11. APPROVE MINUTES FROM PRIOR MEETING:

- A. Elliot Leonard made a motion to approve the Minutes from the March 10, 2015 Meeting, and Dori Wollen seconded. The motion passed unanimously.

Dori Wollen made a motion to add the two items below to "Miscellaneous". Steve Corti seconded "A.", and Elliot Leonard seconded "B". Both motions passed unanimously.

12. MISCELLANEOUS:

- A. 25 Rock House Road—The Members once again noted activity in the regulated area at this address, with one member stating that they saw machinery in wetlands. Krista Kot said that she would inform Phil Doremus.
- B. 195 North Park Avenue—The Members discussed Ed Nagy's concern that the stone wall approved through and "As-of-Right" determination is being partially constructed on town property. The Commission feels that as the property owner, is not violating the "As-of-Right" use, approved in January of this year, it's up to Ed Nagy to determine whether the wall is being constructed on town property. A copy of these Minutes will be added to the file.

13. ADJOURNMENT: Elliot Leonard made a motion to adjourn at approximately 9:07p.m., and Steven Corti seconded. The motion passed unanimously.

PREPARED and FILED
BY KRISTA KOT
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