



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION  
REGULAR MEETING  
TOWN HALL CONFERENCE ROOM "A"  
November 28, 2023, 2023 7:30 p.m.**

**PRESENT IN PERSON:** Chair, Dori Wollen, Cathy Alfandre, Maria Corti, Brandon Harvey (alternate), Kevin Kilner, Dave Logie, Karin Niesyn.

**ABSENT:** Anthony Battaglia, Sarah Cwikla

**PUBLIC PRESENT:** Taylor Westlund, Brian Carey, AJ Grasso, Hal Rosnick

Chair Wollen called the meeting to order at 7:30 p.m. The Chair appointed Brandon Harvey to vote for Anthony Battaglia.

**1. INLAND WETLAND APPLICATIONS: #23-644, 1015 Sport Hill Road, -** Install inground pool, expand patio. Received 9/26/2023 + 65 Days = 11/30/2023. Taylor Westlund appeared on behalf of this application. The new site plans the correct angle of the pool and added a stone wall as well as a silt fence which has already been installed. Mr. Westlund advised that he has removed a blue stone patio. He made amendments to a new site plan, signed and dated it. **MOTION:** Dave Logie moved to approve #23-644 installation of an inground pool and expand the patio with standard stipulations as shown on the site plan dated November 28, 2023, amended, signed and dated 11/28/2023 by Mr. Westlund. Karin Niesyn seconded. **VOTE: #23-644** was approved by unanimous voice vote.

**#23-648, 52 Adirondack Trail, -** Construct 4-bedroom house with an in-law apartment, Shawna Kettyle and Zach Lewis, owners. Received 10/24/2023 + 65 days = 12/28/2023. AJ Grasso, of A.J. Grasso Builders, appeared on behalf of this application. He stated that the plans changed to bring the house closer to the street. Several members questioned the purpose of the large dirt pile at the front of the property and if it is to be used for fill. Mr. Grasso replied that it was soil from across the street in the process of being screened. He confirmed that although the property is on a steep slope, the construction will require minimal fill. Chair Wollen noted that there is no pool or tennis court planned although many of the properties in the area have them. **MOTION:** Dave Logie moved to approve #23-648 as shown on the site plans dated November 10, 2023 with standard stipulations. Brandon Harvey seconded. **VOTE: # 23-648** was approved by unanimous voice vote.

**#23-649, 212 Beers Road, -** Install pool, patio and walkway, Robert Natt, owner. Received 11/14/2023 + 65 days = 1/19/2024. Brian Carey, Soil Scientist of Land Tech, appeared on behalf

of this application. He stated that the pool is going to be installed a distance from the house on the southern boundary of the property in order to have minimal impact to wetlands. Chair Wollen asked about a large number of trees being removed between the silt fence and the limit of disturbance. Brandon Harvey asked what was going to be done with the spoils from the pool. Mr. Carey said they will be removed from the property. **MOTION:** Kevin Kilner moved to approve #23-649 with standard stipulations and an additional stipulation to have the spoils from excavating the pool be removed from the property. Cathy Alfandre seconded. **VOTE: #23-648** was approved by unanimous voice vote.

**#23-650, 29 Adirondack Trail**, - 5-bedroom house, 17 Adirondack Trail LLC, owner, received November 28+ 65 = 2/1/2024, Hal Rosnick, principal, 17 Adirondack Trail, LLC appeared on behalf of this application. He stated that he is concerned about being able to pour the foundation before the first frost. Chair Wollen reminded Mr. Rosnick that State Statute requires applications be reviewed and examined, including site walks, prior to rendering a decision. She asked Mr. Rosnick to have the edge of the driveway, the house corners, and the corners of a potential pool flagged.

## **2. UNFINISHED BUSINESS:**

- A. **V#21-584** Notice of Violation at 1074 Black Rock Road- Trevor A. Smith (3/14/23) was present to discuss the outstanding violation. He presented a soil scientist report for a part of his property only, however, this report does not deal with the area in question, i.e. the area subject to the violation. The Commission requested Mr. Smith obtain a map that shows the wetlands including the setback on his entire property. Mr. Smith agreed to have a map showing the wetlands and setback lines. – no new information. 6/9/2023, no new information. 9/12/2023, no new information received. On September 18, 2023, Chair Wollen wrote to Mr. Smith and his attorney Lukas Thomas asking for the map described above. As of this date there has been no reply. 10/10/23, as of this date there has been no reply. Mr. Smith's neighbor appeared at this meeting 10/24/2023 (see #23-646) and mentioned that the civil lawsuit between Messrs. Smith and Ramos has been resolved. 11/20/2023 -Mr. Smith dropped off a site plan and a January 2023 letter from his soil scientist which stated there are no wetlands on his property. This information is inconclusive as it does not show any information about wetlands on adjoining properties. Additional research is being undertaken,

B. **Warning** re; activities within 100 feet of wetlands- David Harding 570 Morehouse Road, Easton CT, issued May 17, 2021.

C. **V#21-592** Activities within 100 feet of wetlands-David Harding, 570 Morehouse Road, Easton CT, issued August 12, 2021. Chair Wollen wrote to Mr. Harding on June 9<sup>th</sup>, 2022 levying a \$1000 fine without any response. On 10/7/22 the First Selectman advised staff that Peter Howard has been appointed as Hearing Officer and directed staff to work with his Assistant to initiate legal proceedings due to non-compliance pursuant to Chapter 325 of the Town Code. The hearing was held on December 9, 2022. During this hearing Mr. Harding asserted he had obtained a farm designation for his property. His friend and neighbor, Dan Phillips, who also appeared, said Mr. Harding's property was covered by the Stanczyk's permit for regulated activities. Mr. Harding was expected to appear at this meeting with an As of Right Determination request and also provide information regarding the alleged activities at the rear of his property. Mr. Harding has not

submitted any application. Mr. Howard sent Mr. Harding a follow up letter on 1/6/23. As of tonight, 2/14/23, no word from Mr. Harding and the case will be turned over to outside counsel for further handling. - 3/28/23 – As of Right Determination request received – but without signature. It was removed from the agenda on 5/9/2023 by unanimous voice vote as it was incomplete.

5/23/2023 – David Harding and his friend/neighbor, Dan Phillips appeared in response to the 5/17/23 letter informing him that the As-of-Right determination request was deemed incomplete and therefore it was removed from the agenda. Chair Wollen handed Mr. Harding the As-of-Right determination request #23-635 and asked him to sign and date it and stated that the clock for this case would start tonight. Mr. Harding wanted Mr. Phillips to speak for him. A discussion ensued re the necessity of the As-of-Right request and was determined that the work Mr. Harding has been doing does not need any permit unless it is performed in a regulated area. Mr. Harding stated that he has been harassed by neighbors and the Town. He claimed that the reason he was issued a warning and a violation because of all the harassment. Chair Wollen stated that none of these allegations are due to the Conservation Commission and there is nothing we can do about them. Chair Wollen asked Mr. Harding to describe his plans in detail for both the front and the back of the property. For the front he is planning to plant Xmas trees and he refused to talk about the back of his property, except that he was not working in wetlands. Mr. Phillips discussed the violations and the Dec 9, 2022 hearing. Cathy Alfandre suggested Mr. Harding pick two or three dates at which time the Commission members could come and inspect the areas of the property that are subject to V#21-592(8/12/21) and the Warning (5/17/21).

6/13/2023- Chair Alfandre read into the record a memo from the WEO Mark DeLieto. The WEO stated he had been invited onto the property by Mr. Harding who stated that he would not allow the Commission to conduct a site visit upon the advice of his attorney. Several members expressed surprise at Mr. Harding's change of mind, since he had been amenable to a site visit at the end of the last commission meeting (5/23/2023) There was a discussion of how to proceed. A suggestion was made to ask Mr. Harding's attorney to contact the Commission. It was decided to ask the WEO to revisit and take photographs and make a comprehensive report on the condition of the property. 6/27/2023. WEO Mark DeLieto appeared to report to the Commission about his visit to Mr. Harding's property. The Commission asked the WEO to contact Mr. Harding for another visit for additional clarification and updates. 7/11/2023. A meeting has been set up with Mr. Harding for Friday July 14-. The WEO met with Mr. Harding but no new information was obtained. 9/12/2023-Chair Wollen prepared a time line and presented it and a memo to the First Selectman asking to proceed with legal action against Mr. Harding. 9/26/2023- No new information. 10/10/2023- no new information. 10/24/2023, Chair Wollen stated she had spoken to Counsel for the Town who will to write to Mr. Harding to ask who his attorney is. 11/14/2023, Chair Wollen sent an e-mail to the Town Attorney to ask for an update.

**D. V#23-644** Cease and Desist order, activities within 100 feet of wetlands- Wesley Silva, Sandra Teixeira 22 Buttonwood Trail, Trumbull, 53 Adirondack Trail, Easton (June 26, 2023). Chair Wollen read a report from the WEO regarding this violation which occurred on a property that straddles the Town line and an additional property. The Cease and Desist order was returned by the Post Office on July 26 as unclaimed. Staff was directed to resend. 10/10/23, Letter was resent, no response as of this date. 11/20/23, Chair Wollen wrote to Hal Rosnick, owner of 53 Adirondack Trail, advising that the Cease and Desist order was being placed on the Town Land Records, although he was not the violator. 11/28/2023, Mr. Rosnick appeared at this meeting. He advised that it is his intention to reach out to Mr. Silva and Ms. Teixeira of Buttonwood Trail to ask them to remediate Mr. Rosnick's property.

**3. NEW BUSINESS.**

**4. REVIEW FOR REPORT TO PLANNING AND ZONING.**

**5. CONSERVATION PROJECTS.**

**6. OPEN SPACE ISSUES** Maria Corti reported that she had been informed that the trails at Paine Open Space are badly overgrown. A discussion ensued regarding whose responsibility it is to maintain trails,

**7. WEO COMMUNICATIONS:**

**8. CORRESPONDENCE:**

**9 MISCELLANEOUS:** Chair Wollen discussed the article from the Connecticut Post regarding the town of Fairfield's study of Vernal Pools. She has contacted Tim Bishop, Director of the Fairfield Conservation Department to ask for leads on how to find and map vernal pools. She is also going to reach to Rob Turnbull of Aquarion to see if they have mapped vernal wetlands.

**10. APPROVAL OF MINUTES FROM PRIOR MEETING:** Cathy Alfandre moved and Kevin Kilner seconded the approval of the minutes from November 14, 2023. **VOTE:** Approved by unanimous voice vote.

**11. ADJOURNMENT:** Dave Logie moved to adjourn, seconded by Maria Corti **VOTE:** Approved by unanimous voice vote.

The meeting adjourned at 9:07 p.m. by Chair Dori Wollen  
Submitted by Frances M. Daly  
Secretary Easton Conservation Commission