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DEBORAH SZEDEI

TOWN CLERK

EASTON CT



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
TOWN HALL CONFERENCE ROOM "A"
JANUARY 23, 2024 7:30 p.m.**

PRESENT IN PERSON: Chair, Dori Wollen, Cathy Alfandre, Maria Corti, Dave Logie
Alternates: Jeff Borofsky, Washington Cabeza Jr.

ABSENT: Anthony Battaglia, Brandon Harvey (alternate), Kevin Kilner, Karin Niesyn

Chair Wollen called the meeting to order at 7:31 p.m. She appointed Jeff Borofsky to vote for Anthony Battaglia and Washington Cabeza to vote for Karin Niesyn.

1. **AS OF RIGHT DETERMINATION REQUEST: #24-651, Wood End Road:** Paul Khamarji, applicant. Construct gravel road to barns, fields and pond, consolidate wetlands into an irrigation pond for crops and livestock, clear 8 acres to become pastures and crop fields. Received 1/9/2024 + 65 days = 3/14/2024. No one appeared on behalf of this application. At the last meeting, Mr. Khamarji stated he hopes to turn this 29.5-acre property into a working farm with livestock, a vineyard and varied crops. Chair Wollen reported that since there is a large portion of this property which are wetlands, she had started to do some research by speaking to the Director of Public Works and to Mark Ochmans office. The size of this property, the size of the wetlands, upland review area and the proposed projects will require that a public hearing be held. In addition, it may require consultation with the Army Corps of Engineers. Research into who applies for a permit from the Army Corps is needed. If scheduled, a public hearing would be held on February 27th, 2024. In reviewing the map Mr. Khamarji had provided at the last meeting it was noted that there are wetlands in the area where he plans to build an access gravel road. Staff was directed to ask Mr. Khamarji to come to the next meeting with a site plan that just shows the driveway in order that the Commission can determine if it can grant a permit for the driveway.
2. **#22-608, South Park Avenue**, Town of Easton, Install catch basin within 100 of wetlands, permit to expire April 22, 2024. Owner of record, Town of Easton. The First Selectman submitted a letter asking for an extension. **MOTION:** Cathy Alfandre moved to extend **#22-608, South Park Avenue** for 2 years until April 21, 2026. Dave Logie seconded. **VOTE:** Extension of # 22-608 approved by unanimous voice vote.
3. **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. December 14, 2023 Chair Wollen reported that she had an e-mail from Joe Welch of Aquarion, which she read into the record. His e-mail recounted that in 2021 Aquarion received a call from DEEP that Mr. Smith was observed dumping construction debris, asphalt and garbage at the head of a creek on his property. Mr. Welch also provided a photo taken by Aquarion staff of the dump site. A discussion ensued wondering if the soil scientist employed by Mr. Smith didn't find any wetlands on the property because the creek had been buried.

Chair Wollen described the research she has been doing into the history of this violation.

1/24/2024. Chair Wollen wrote a letter to Mr. Smith dated January 23, 2024, which she copied to DEEP, Aquarion, the soil scientist and Mr. Smith's attorney. She read the letter into the record.

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 9th, 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 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. 1/9/2024 Chair Wollen shared with the Commission correspondence she received from Mr. Harding on January 2nd, 2024. January 23, 2024, Chair Wollen reported that she and Kevin Kilner met with the First Selectman to discuss this violation.

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. 1/9/2024 No new information.

E. V#24-652 Cease and Desist order, activities within 100 feet of wetlands, - Carrena Property management, 76 Northwood Drive, Easton. Chair Wollen read a report from the WEO detailing

how he and Justin Giorlando had made a site visit on January 11th and observed work taking place in a regulated area. He knocked on the door and spoke to the owner's son, requesting a silt fence be installed and advising a letter of Violation would be issued. The WEO reported that a silt fence was installed, but no one appeared at this meeting.

3. NEW BUSINESS.

4. REVIEW FOR REPORT TO PLANNING AND ZONING.

5. CONSERVATION PROJECTS.

6. OPEN SPACE ISSUES Dave Logie reported on the status of the kiosk at Paine.

7. WEO COMMUNICATIONS:

8. CORRESPONDENCE:

9 MISCELLANEOUS: The possible public hearing for Wood End Road was discussed. Chair Wollen reported that Karin Niesyn attended the conference on Friday and will report on it at the next meeting.

10. APPROVAL OF MINUTES FROM PRIOR MEETING: Cathy Alfandre moved and Jeff Borofsky seconded the approval of the minutes from January 9, 2024. **VOTE:** Approved by unanimous voice vote.

11. ADJOURNMENT: Dave Logie moved to adjourn, seconded by Washington Cabeza.

VOTE: Approved by unanimous voice vote.

The meeting adjourned at 8:23 p.m. by Chair Dori Wollen

Submitted by Frances M. Daly

Secretary Easton Conservation Commission