



INSTR # M2024000231

DATE FILED 04/01/2024 11:40:39 AM

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"
MARCH 26, 2024 7:30 p.m.**

PRESENT IN PERSON: Chair, Dori Wollen, Cathy Alfandre, Jeff Borofsky (alternate), Washington Cabezas Jr.(alternate), Maria Corti, Kevin Kilner, Dave Logie, Karin Niesyn.

ABSENT: Anthony Battaglia, Brandon Harvey (alternate)

Chair Wollen called the meeting to order at 7:32 p.m. She appointed Washington Cabezas, Jr. to vote for Anthony Battaglia.

1. **AS OF RIGHT DETERMINATION REQUEST: #24-651, 95 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. Both Mr. and Mrs. Khamarji appeared on behalf of this application. It was noted that all the Commissioners present had done a site walk or viewed another commissioners site walk he had videoed. Chair Wollen noted that the only site plan presented to the Commission was from 2006. She said that the Commission needs to see an updated map showing the contour lines for elevations on the site. **February 20,2024.**

Mrs. Khamarji distributed a summary of the actions they had taken since filing their application and a plan that they have broken into phases. As noted by several Commissioners they did build a gravel access road onto the property and a dirt road going to the back of the property where they now have some cows. Cathy Alfandre asked if it was their intent to present the project to the Commission piecemeal. Mrs. Khamarji said they had started to work with a soil scientist Bill Kenny at the suggestion of Mark Ochman. She stated that Mr. Ochman did not want to do a land survey until he saw the results of Mr. Kenney's site work. In addition, she stated they have contacted Kip Kolesinkas, Land Conservation Specialist at UCONN and have an appointment with him this Friday. Chair Wollen stated that the application can be amended as timing for the entire project is problematic, since a public hearing is required, and cannot be scheduled without a professionally prepared site plan. Cathy Alfandre stated that she believes the wetlands on this property play an important part in flood plain management.

MOTION: Cathy Alfandre moved to approve the section of the plan marked as Phase 1 to create a 20-foot-wide farm access road to access farmable area of the property as

shown on a copy of the 2006 site plan signed and dated by Mr. Khamarji on February 20, 2024. Anthony Battaglia seconded. **VOTE:** The construction of a 20-foot-wide farm access road was approved by unanimous voice vote. No other parts of the proposal will be considered until new site plans are available.

February 27, 2024. Mr. and Mrs. Khamarji appeared on behalf of this application. They reported that they have been working with Bill Kenny, Mark Ochman and Kip Kolesinkas of UConn and are awaiting new site plans. Chair Wollen stated that when they have the new site plan the Commission can move forward with a public hearing.

March 12, 2024. Mr. and Mrs. Khamarji e-mailed Chair Wollen to advise they were both ill and could not attend this meeting. She said they had walked the property with Mark Ochman. This application is to expire in one day and therefore the applicants will be asked to grant an extension. The maximum extension is 65 days. Applicants will be notified accordingly.

March 26, 2024. Mr. and Mrs. Khamarji appeared on behalf of this application. They submitted a request for a 65-day extension via e-mail. They received a memo from Rachel Maciulewski assigning # 95 as the mailing address for this property. Mrs. Khamarji stated they have contacted Brian Carey of Land Tech to survey the property and expect to receive a new map shortly. They questioned if they would be able to plant blueberries and elderberries within the upland review area if they maintain a 30-foot buffer from the current wetland boundary. Chair Wollen stated that is an As of Right activity. **MOTION:** Cathy Alfandre moved to approve the As of Right activity of planting a berry crop in the North East corner of the property while observing a 30-foot buffer from the edge of the 100-foot wetland line Karin Niesyn seconded. **VOTE;** The planting of berries in the North east corner of the property with a 30-foot buffer was approved by unanimous voice vote.

3. #24-655 30 Far Horizon Drive, Joe Martini, owner, add 1 story addition to expand master bed and bath, 1 story deck off bedroom. Received 3/12/2024 + 65 days = 5/16/2024. Rich Bernstein, contractor appeared on behalf of this application. Questions were raised as to why the septic work being done was not part of this application. Mr. Bernstein said the system is failing and that Aspetuck Health District was requiring he get the system redesigned. **MOTION:** Kevin Kilner moved to amend this application to include a redesigned septic system, including showing a silt fence on the redesign. Dave Logie seconded. **VOTE: #24-655** was amended by unanimous voice vote, to include redesigned septic system and silt fence. Mr. Bernstein was asked to return with new site plans.

4.#24-656: 76 Northwood Drive, Carrena Property Management, owner. Received 3/12/2024 + 65 = 5/16/2024. Christopher and Luis Carrena appeared on behalf of this application. Questions were posed as to the plan for the cleared backyard and the walkway down to the pond. Mr. Carrena Sr. stated that they plan to plant grass on the backyard and clear the trail to the pond. The brush and brambles will be cleared by hand. Christopher Carrena said they plan to install a solar operated pump in the pond to keep water moving to discourage mosquito populations. **MOTION:** Kevin Kilner moved to allow brush, brambles, and small trees be removed by hand and no new gravel be added to the path. Also, a solar pump will be installed in the pond. Karin Niesyn seconded. **VOTE: #24-656** was approved by unanimous voice vote.

5.#24-657: 1080 Black Rock Road, Cleber Ramos, owner, build new gravel driveway with 48" drainage pipe. Received 3/26/2024 + 65 days = 5/30/2024. No one appeared on behalf of this application.

4. UNFINISHED BUSINESS:

A. **V#21-584** Notice of Violation at 1074 Black Rock Road- (3/14/23) Trevor A. Smith 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.

2/20/24. Chair Wollen reported that she had spoken to Steven Danzer, the soil scientist. She said that Mr. Danzer related to her he had been instructed to observe and report on a small corner of the property which had no wetlands on it. There has been no response from any of the other addressees on this letter.

3/12/2024. The 1/23/2024 letter to Mr. Smith was returned by the post office as undelivered.

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

B. **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.

D. **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.

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.

February 20, 2024 Attorney Peter Gelderman attended this meeting at the request of the First Selectman. Attorney Gelderman advised that despite his statements to the contrary, Mr. Harding does not have an attorney. Mr. Gelderman discussed section 7-152c of the Connecticut General Statutes and the possible next steps.

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. February 20, 2024. Chair Wollen read a letter she wrote asking the violators to attend the meeting on February 27th, 2024

2/27/2024 Mr. Silva and Ms. Teixeira appeared on behalf of this violation in response to Chair Wollen's letter explaining the violation to them.

Ms. Teixeira stated that their back yard was full of brush and debris, and they hired a yard guy to clean it up, and fill in the uneven ground. When he delivered a truckload of topsoil he drove over a drainage pipe and crushed it. They were advised by the Town of Trumbull that they had to hire an approved contractor from a list provided by Trumbull. Ms. Teixeira said the "inspector Mike" from Trumbull was always present when any work was done, and gave them a map showing what had been done. Chair Wollen asked them to get something in writing from Trumbull showing the remediation had been completed.

3/12/2024 No one appeared at this meeting. Kevin Kilner visited this site and reported that the area in question looks like it needs more remediation. A site visit will take place.

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. Chair Wollen read a memo from the WEO and a memo from the secretary. Mr. Carrena was asked to attend the February 27th meeting. **February 27th, 2024.** Louis and Christopher Carrena appeared on behalf of this

violation. Chair Wollen read the WEO's memo of 1/11/24. They explained they didn't think it was a problem to cut trees down. However, according to the WEO they were working in the regulated area. Since they are planning additional work in the regulated area they were asked to complete an application and return to the next to meeting with it and site plans. Chair Wollen stated that if they stake the wetlands the Commission can do a site walk.

3/12/2024. Messrs. Carrena appeared with a new application # 24-656.

3/26/2024. Messrs. Carrena appeared on behalf of this violation and application 24-656.

Commissioners completed site walks of the property. There was a lengthy discussion of the measurement of the upland review area and wetlands, as well as the work that had been done prior to the WEO's visit in January. **MOTION;** Washington Cabeza moved to LIFT violation V#24-652 subject to the planting of privacy hedges and or native plantings for the length of the shared property line. Upon completion and WEO confirmation of the completed plantings, the violation will be lifted. Cathy Alfandre seconded. **VOTE:** The lifting of V#24-652 once the planting work is completed was approved by unanimous voice vote.

7. NEW BUSINESS. Chair Wollen looked at 29 Bibbins Road to investigate the Supon's drainage complaint. Several members did a site walk and noted the ground was very spongy. It was also noted that the silt fences are in disrepair. A letter will be sent to Mr. Monteiro asking to install hay bales and fix the silt fences to reduce the drainage onto adjoining property.

8 REVIEW FOR REPORT TO PLANNING AND ZONING.

9. CONSERVATION PROJECTS.

10. OPEN SPACE ISSUES

11. WEO COMMUNICATIONS:

12. CORRESPONDENCE:

13. MISCELLANEOUS: Election of Officers: Motion: Kevin Kilner moved to keep Dori Wollen as Chair, Cathy Alfandre as Vice Chair and Dave Logie as Secretary. Maria Corti seconded. **VOTE:** The current officers were reelected by unanimous voice vote.

14. APPROVAL OF MINUTES FROM MARCH 12 MEETING: Maria Corti moved and Kevin Kilner seconded the approval of the minutes from March 12, 2024. **VOTE:** Approved by unanimous voice vote.

15. ADJOURNMENT: Karin Niesyn moved to adjourn, seconded by Cathy Alfandre. **VOTE:** Approved by unanimous voice vote.

The meeting adjourned at 9:22 p.m. by Chair Dori Wollen
Submitted by Frances M. Daly
Secretary Easton Conservation Commission