



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
HELD IN PERSON
TOWN HALL CONFERENCE ROOM "A"
FEBRUARY 14, 2023 7:30 p.m.**

PRESENT IN PERSON: Dori Wollen, Chair, Cathy Alfandre, Steve Montgomery, Karin Niesyn. **ALTERNATE:** Brandon Harvey
ABSENT: Sarah Cwikla, Dave Logie, Maria Corti, Anthony Battaglia
PUBLIC PRESENT: Anthony Trudo, John Hufcut, Anna Rycenga, Cleber Ramos.

Chair Dori Wollen called the meeting to order at 7:32 p.m.
Brandon Harvey was appointed to vote for Dave Logie.

1.) INLAND WETLAND APPLICATIONS:

#23-629 – 33 Herrmann Lane, Anthony and Jennifer Trudo – install 18'x40' inground pool, patio and fence. Received: 02/14/23 + 65 = 4/20/2023

Mr. Trudo, applicant, presented the request to build a pool in the backyard, where the fence is in the regulated area. Applicant will stake the four corners and Commissioner will walk the site as soon as the staking is complete.

#23-630 – 56 Deepwood Road, John Hufcut and Sara Riley – construct a 30'x40' accessory structure (barn) in the backyard and extend driveway to service the structure. Received: 02/14/23 + 65 = 4/20/2023

Mr. Hufcut, applicant is proposing to build a barn on his property. Three sites are being considered – each location has either a wetland encroachment or a neighbor's complaint re visibility. The three locations will be staked, and the Commissioner will walk the site as soon as staking is complete.

#21-580 – 27 Old Oak Road, Peter Stofa – requesting permit extension

Ms. Anna Rycenga of LandTech Consultants, representing Mr. Stofa, asked for an extension of the permit that is to expire on 3/28/23. **MOTION:** Cathy Alfandre moved to extend permit #21-580 for a period of two years until 3/28/25. Karin Niesyn seconded. **VOTE:** #21-580 was extended until 3/28/25 by unanimous voice vote.

#22-617 – 1080 Black Rock Road, Cleber Remos – install a rain garden and repair the driveway – 2/14/23 + 65 = 4/20/23

This application was withdrawn on 9/13/22 due to a pending litigation between the two neighbors, Messrs Smith and Remos. On 1/9/23 Mr. Remos applied for a P&Z special permit to park commercial trucks on his property. On 1/23/23, during the P&Z public hearing Mr. Remos' atty, John Shaban presented an updated court document re the driveway variance which both Mr

Remos and his atty believe will permit this Commission to continue its deliberations fixing the drainage issues on the driveway. For the record, this property is a back-lot accessed via a driveway easement dated January 6, 1983.

The updated document is a temporary injunction dating back to 2/21/13 between the prior owners and Mr. Smith. Steve Montgomery asked the applicant for the final injunction document so that we have clear authority permitting the regulated work on this driveway. The work will include (a) fixing the drainage issue, (b) placing boulders on the right side of the driveway, midway down; (c) creating a parking lot within a regulated area and (d) creating a rain garden at the end of the parking lot – all on the left side of the property, facing the home. Also, placing a pipe on the right corner of the property to divert water into the wetland. Area will be staked and the permit request needs to be amended to show all four activities. Subject areas will be staked for a site walk.

SITE WALK: 33 Herrmann Lane, 56 Deepwood Rd, 1080 Black Rock Rd

2. UNFINISHED BUSINESS:

A. **V#21-584** Notice of Violation at 1074 Black Rock Road- Trevor A. Smith, issued 3/9/2021, Cease and Desist order. Attorney Lukas J. Thomas of Owens, Schine and Nicola appeared at an earlier meeting on behalf of Mr. Smith. Although Attorney Thomas agreed to follow up with a site plan there has been no further contact. Messrs. Smith and Thomas appeared at the 1/23/23 P&Z meeting. They had indicated they planned to attend this meeting but they did not show.

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.

D.) **V#22-618** Spreading contaminated fill within 100 feet of wetlands-Easton Village Center LLC/COV. On 8/23/2022 Chair Wollen and Steve Montgomery gave updates on the contaminated fill at Easton Village Store. Based on available maps it was determined that the violation(s) are valid since the fill was deposited within the 100-foot regulated area. On 9/8/2022 Dr. Huribal was informed in writing that the area in question was indeed within the 100-foot regulated area. Accordingly, he was instructed to file an After the Fact application for the five events and stabilize the area in question either by seeding or planting of bushes acceptable to the Wetlands Enforcement Officer. As of this meeting, (1/10/2023) Dr. Huribal has not responded to any correspondence regarding the violations. There was a discussion of initiating the fine

process. Chair Wollen sent Dr. Huribal a letter on 1/23/23 outlining the fine process. As of tonight, 2/14/23, no word from Dr. Huribal. The fine process will be started.

E.) V#23-627 – Cease and Desist Order - Activities within 100 feet of wetlands – Filipe Monteiro, 29 Bibbins Road - Mr. Monteiro failed to appear at tonight's meeting.

Commissioners, WEO and DPW Director all visited the site and confirmed that too much fill was brought in and spread up to the existing silt fence. At places the fill was 5' high. . Upon revisiting the Commission's approval from 9/27/22, we confirmed that Mr. Monteiro followed our approval, i.e. filling to the silt fence. Further, we confirmed that our approval was in error, as we never let applicants to fill all the way to the wetland line. Accordingly, Mr. Monteiro will be instructed to pull back the fill to the original silt fence line as shown on map dated 9/27/22. This work will have to be completed before any other work can be started. WEO to be notified in writing as to the date and timing of this activity. Further, the silt fence needs to be repaired at several places.

7.) WEO COMMUNICATIONS:

8.) REVIEW FOR REPORT TO PLANNING AND ZONING:

9.) MISCELLANEOUS: Two notifications from DEEP were received re pond cleaning – Norton pond and Morehouse Brook Pond (Button Mill Pond) - duly noted
Wetland Science Conference March 9, 2023 – Berlin, Ct
Email from Mr. Henry Cutler re water protection of aquifers
Budget proposal to be presented to Dr. Bindelglass – spending proposal the same as last year;
Election of officers – postponed to the next meeting

10). APPROVAL OF MINUTES FROM PRIOR MEETING:

MOTION: Cathy Alfandre moved to approve the minutes of the meeting of January 24, 2023
Steve Montgomery seconded. **VOTE:** The minutes of the January 24, 2023 meeting were approved by a unanimous voice vote.

11). ADJOURNMENT: A motion to adjourn the meeting was made by Steve Montgomery and seconded by Karin Niesyn. **VOTE:** Approved by unanimous voice vote.

The meeting adjourned at 9:28 p.m.
Submitted by Dori Wollen, Chair