



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

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

PRESENT IN PERSON: Dori Wollen, Chair, Cathy Alfandre, Steve Montgomery, Karin Niesyn, Dave Logie, Maria Corti, Anthony Battaglia

ABSENT: Brandon Harvey, Sarah Cwikla,

PUBLIC PRESENT: John Hufcut, Cleber Ramos, Felipe Monteiro and a neighbor of Mr. Hufcut

Chair Dori Wollen called the meeting to order at 7:34 p.m.

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

No one was present for this application. The site visit elicited questions and without the applicants' presence the case was tabled.

#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, owner, was present and answered questions raised as a result of the site visit by several of the commissioners. Although there were alternate sites recommended, site #2, as shown on Map dd 8/17/21 was the preferred one by the owner. This site being in the Conservation Easement area was not acceptable to the Commission since the Conservation Easement document specifically prohibits erecting any structure within its boundaries. Accordingly, the permit application was denied. **MOTION:** Dave Logie moved to deny application #23-630 at 56 Deepwood Road to construct a barn shown as Location #2 on map 8/17/21 due to the fact that the proposed structure was in the Conservation Easement area. Anthony Battaglia seconded the motion and the denial was unanimously approved.

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

Application was amended (initialed and dated by the applicant) to include parking area in the western side and add a drain pipe in the SW corner of the property as shown on Map dd 8/15/22 as revised on 11/18/22 (revision date was not noted during deliberations)

Following extensive discussions, the permit application was approved to include a silt fence around the rain garden and the pipe under the driveway. Remove debris and material from the driveway and placing boulders on the right side of the driveway midway down, all as shown on the 8/15/22 map noted above. Also, Mr. Trevor Smith, adjacent homeowner to be notified as the

grantor of the driveway easement. **MOTION:** Cathy Alfandre moved to approve application #22-617 as amended with standard stipulations. In addition, silt fencing needs to be placed around the rain garden and the pipe under the driveway. Dave Logie seconded the motion and it was unanimously approved.

#23-631, Morehouse Open Space, Morehouse Road – Conservation Commission – to create a walking trail – Received 2/28/23 + 65 = 5/4/23

Dave Logie is spearheading this project to create a small walking trail around the back of the Morehouse Property by the cell tower towards the Animal Shelter, all part of the Town's Open Space. Site walk scheduled for Sunday, March 5, 2023

#23-632. 440 Sport Hill Road, Marsel Huribal, after the fact application – clean up and grade back of the property, remove and replace contaminated fill with new dirt and gravel; test and stabilize the area. Received 2/28/23 + 65 = 5/4/23

Applicant was not present but sent an email explaining all the prior activities at this site. The email was read into the records. The site will be walked. Since we are dealing with after the fact situations, the fee carries a 200% uplift.

SITE WALK: Morehouse Open Space, 440 Sport Hill Road

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 indicated that they planned to attend this meeting but no one showed.

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. An after the fact application was presented at tonight's meeting (2/28/23) – see notes above

E.) V#23-630 – 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. Further, the silt fence needs to be repaired at several places.

2/28/23: Mr. Monteiro was present at tonight's meeting explaining his activities that resulted in the current cease and desist order. He was instructed to remove all the fill from the regulated area back to the original silt fence line as shown on map 10/14/19, amended and initialed by the applicant on 9/27/22. Repair the existing silt fence and install additional silt fence at the original line. WEO must be notified when work is to start.

3. NEW BUSINESS – none

4. REVIEW FOR REPORT TO PLANNING AND ZONING –none

5. CONSERVATION PROJECTS - Morehouse Open Space

6. OPEN SPACE ISSUES - none

7. WEO COMMUNICATIONS:

8. CORRESPONDENCE – Email from Dr. Huribal

Water protection of aquifers – email from Henry Cutler, water protection specialist of the CT Rural Water and Wastewater Ass.

Email from Justin Giorlando re Morehouse Civic Park

9.) MISCELLANEOUS:

10). APPROVAL OF MINUTES FROM PRIOR MEETING:

MOTION: Dave Logie moved, and Cathy Alfandre seconded to approve the minutes of the meeting of February 14, 2023. **VOTE:** The minutes of the February 14, 2023 meeting were approved by a unanimous voice vote.

11). ADJOURNMENT: A motion to adjourn the meeting was made by Dave Logie and seconded by Anthony Battaglia. **VOTE:** Approved by unanimous voice vote.

The meeting adjourned at 9:28 p.m.

Submitted by Dori Wollen, Chair