



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
TOWN HALL CONFERENCE ROOM "A"
May 9, 2023 7:30 p.m.**

PRESENT IN PERSON: Cathy Alfandre Vice Chair, Anthony Battaglia, Maria Corti, Brandon Harvey (alternate), Dave Logie, Steve Montgomery, Karin Niesyn

ABSENT: Sarah Cwikla, Dori Wollen

STAFF PRESENT; WEO Mark DeLieto

PUBLIC PRESENT: Kristen McGovern, Gary Smith, Nanette DeWester, Mike Stiskal

Vice Chair Cathy Alfandre called the meeting to order at 7:31 p.m. Cathy Alfandre appointed alternate Brandon Harvey to vote for Dori Wollen

1. INLAND WETLAND APPLICATIONS:

#23-635, 570 Morehouse Road, David Harding – As of Right Determination – received 3/28/2023 + 65 days = 6/1/23 - application incomplete; applicant was not present and his email re the application was read into the records. Dori Wollen will relay questions to the applicant and request his attendance for the next meeting. Dori Wollen's email of 4/7/23 to Mr. Harding was read in the record, again asking for his attendance at the current meeting. No response.

4/25/23: Cathy Alfandre moved and Dave Logie seconded to initiate legal action due to failure of no response to multiple notices regarding outstanding violation and warning. Motion carried.

5/9/2023 Vice Chair Cathy Alfandre read e-mail correspondence between Mr. Harding and Chair Wollen regarding his incomplete application and the Commissions repeated requests that he attend the current meeting. There was no one to represent this application at this meeting. There was a discussion as to the placement of an incomplete, unsigned application on the agenda when it cannot be considered or acted upon. An e-mail will be sent to the applicant regarding next steps.

MOTION: Steve Montgomery moved to remove 23-635 from the agenda as it is an incomplete and unsigned as of right determination request. Anthony Battaglia seconded. **VOTE:** As of Right Determination Request # 23-635 was removed from the Conservation Commission agenda as it is an incomplete and unsigned application by a unanimous voice vote.

#23-636. 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. 5/9/2023. Vice Chair Alfandre asked the Commission to vote on the application extension requested by the applicant (agenda item #8 below). Cathy Alfandre reported that Chair Wollen had visited the site with Dr. Huribal and others on 5/2/23 and subsequent work was done at the site to remove the gravel pile and crushed gravel, lay new grass seed and restore the site similar to conditions depicted on a colored 11/2007 site plan. Several Commission members visited the site before this meeting to see current conditions.

The Commission discussed current conditions compared to the site plan map. There was a discussion of the trailer parking.

MOTION: Anthony Battaglia moved to approve the After the Fact application with additional stipulations to maintain the plantings in order to maintain the integrity of the wetlands and to require any manure, dirty straw etc. from trailers parked in the back of the property be disposed of properly (out of the regulated area) in accordance with the site plan dated November 2007. Brandon Harvey seconded. **VOTE:** 6 in favor, one abstention, (Steve Montgomery).

#23-638, 30 Bayberry Lane – 3-bedroom home, driveway, septic: received 4/25/23 + 65 = 6/29/23 –No one appeared on behalf of this application. An e-mail was sent to Mark DeLieto that the property will be staked by May 15th.

#23-639-690 Sport Hill Road- Nanette DeWester, install 10' x 14' shed, replacing existing smaller shed. Nanette DeWester and Mike Stiskal appeared on behalf of this application. They stated the foundation will be gravel and will have a small ramp to allow ease of equipment access. The four corners have already been staked.

2. UNFINISHED BUSINESS:

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

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 – see above

D. **V#22-617** Spreading contaminated fill within 100 feet of regulated area – Easton Village Center LLC/COV – 438 Sport Hill Road, CT issued 6/27/22

V#23-640 MOTION: Brandon Harvey moved to LIFT V#23-640 as the After the Fact application #23-636 was approved at this meeting for this address. Anthony Battaglia seconded. **VOTE:** 6 in favor, one recused.

E. V#23-637 – Activities within 100 feet of wetlands – David & Kristen Leavitt, 248 Center Road – issued 4/17/23 –Kristen McGovern and Gary Smith appeared on behalf of this violation. Ms. McGovern explained that there is a stream that crosses their property which is overgrown with an invasive species called knotweed. She said they are trying to clear it out by hand as it is choking out the stream and other plantings. She also said they are running a home-based business and so are trying to keep the property looking nice. In addition, they have deliveries of logs from an arborist as they have a wood burning stove. She brought a map done by a soil scientist which depicts the wetlands areas; she also hand marked the areas of activity on the map. Vice Chair Alfandre asked the WEO about his findings. Mark DeLieto said the property is in a high traffic area and that many people driving by think the property owners are filling in the wetlands. He has visited the property for zoning issues and determined that they are not filling in wetlands, but, as described above, trying to clear out invasive species by hand, and spreading mulch to keep the invasive plants down. He also said that the property owners have obtained a soil scientist report to help guide their activities in the regulated areas. The commission requested that a silt fence be installed to protect the watercourse from mulching activities nearby. There was a discussion about how to monitor their activities. **MOTION:** Steve Montgomery moved to have the WEO continue to monitor work in the regulated area to ensure that it is in accordance with the Inland Wetlands regulations and supervise the installation of the silt fence. At this time there will be no requirement to file an after the fact application as long as the work continues as described by the homeowners. The WEO is to report back to the Commission. Dave Logie seconded. **VOTE:** The motion passed by unanimous voice vote.

F. V#23-640 Activities within 100 feet of wetlands- Edwards properties LLC, North Park Ave. (Maple Row Farm) issued 5/4/2023. No one appeared. Mark DeLieto reported that he had visited the property because of a zoning issue regarding a new barn. When he arrived, he saw that work had been done in the regulated area and appeared to be filling a watercourse. He had a phone call from Mr. Edwards who advised Mark he would be at the next meeting.

3. NEW BUSINESS. -

4. REVIEW FOR REPORT TO PLANNING AND ZONING

5. CONSERVATION PROJECTS

6. OPEN SPACE ISSUES – Dave Logie reported that although he had demolished the beaver dam, he saw that it was being rebuilt. He is going to research “beaver deceivers”

7. WEO COMMUNICATIONS: ZBA application for Department of Wetland Impact 40 Hermann Lane was signed by the WEO 3/13/2023

8. CORRESPONDENCE E-Mail from Dr. Huribal requesting an extension of application #23-636 for 35 days until June 8,2023. **MOTION;** Karin Niesyn moved to approve the request to extend. Anthony Battaglia seconded. **VOTE:** Approved by a vote of 5 in favor and one recused (Steve Montgomery)

8 MISCELLANEOUS

9. APPROVAL OF MINUTES FROM PRIOR MEETING:

MOTION: Karin Niesyn moved and Anthony Battaglia seconded to approve the minutes of the April 25, 2023 meeting. **VOTE:** The minutes of the April 25, 2023 meeting were approved by a unanimous voice vote.

10. ADJOURNMENT: Dave Logie made a motion to adjourn, seconded by Steve Montgomery - **VOTE:** Approved by unanimous voice vote.

The meeting adjourned at 8:44 p.m. by Vice Chair Cathy Alfandre

Submitted by Frances M. Daly
Secretary Easton Conservation Commission