



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
TOWN HALL CONFERENCE ROOM "A"
May 23, 2023 7:30 p.m.**

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

ABSENT: Sarah Cwikla, Steve Montgomery

PUBLIC PRESENT: Michael LoBuglio, Nanette DeWester, Mike Stiskal, David Harding, Dan Phillips

Chair Dori Wollen called the meeting to order at 7:30 p.m. Chair appointed alternate Brandon Harvey to vote for Steve Montgomery.

1. INLAND WETLAND APPLICATIONS:

#23-638, 30 Bayberry Lane – 3-bedroom home, driveway, septic: received 4/25/23 + 65 = 6/29/23 – Michael LoBuglio, Architect, appeared on behalf of this application. Dave Logie asked where the mantis would be moved to. Cathy Alfandre stated a concern about the proximity of the deck to the wetlands. A discussion ensued regarding the placement of the deck and if there had been any consideration of moving the house away from the wetlands. Chair Wollen asked if the applicant could come back to the next meeting with alternative plans. Mr. LoBuglio expressed concern about needing to restake the property if there are changes made. Chair Wollen said that all the commissioners had seen the site and would be able to read the new site plans to see any changes.

#23-639-690 Sport Hill Road- Nanette DeWester, install 10' x 14' shed, replacing existing smaller shed, received 5/9/2023 + 65 = 7/13/23. Nanette DeWester and Mike Stiskal appeared on behalf of this application. They stated that they hoped to have a gravel foundation, and want to move the shed closer to the house, further away from the wetlands. Cathy Alfandre asked Ms. DeWester to amend the site plan showing the movement of the shed towards the house. Ms. DeWester amended, initialed and dated the site plan of 6/26/17. **MOTION:** Cathy Alfandre moved to **approve #23-639 690 Sport Hill Road** install 10' x 14' shed as shown site plan dated 6/26/2017, amended and initialed 5/23/2023. Karin Niesyn seconded. **VOTE;** Motion passed by unanimous voice vote.

#23-641 555 North Park Ave, Maple Row Farm, As of Right Determination request, J. Scott Edwards, Install 40' x 96' pole barn to replace failing structure, received 5/23/2023 + 65 = 7/27/2023. Atty. Chris Russo and Scott Edwards were present and explained that the barn housing farming equipment collapsed and had to be replaced. The work is near an intermittent

watercourse and applicant believes that all work is being done pursuant to the As-of-Right regulations/ application. Therefore, the violation may have been issued in error. Applicant was asked to provide final copies of the map showing all activities. Area is to be staked for a site walk.

(See Violation # 23-640.)

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 – 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).

D. 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. 5/23/2023 No update from WEO.

F. V#23-640 Activities within 100 feet of wetlands- Edwards properties LLC, North Park Ave. (Maple Row Farm) issued 5/4/2023. 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.

5/23/2023. J. Scott Edwards and Attorney Chris Russo appeared on behalf of this violation.

3. NEW BUSINESS. – Chair Dori Wollen advised she had a telephone conversation with Irv Silverman regarding the strip of land he owns which borders on the EVS, Montgomery and the Stofa properties. Mr. Silverman has an As of Right determination approval for this area and now he wants to finish his project by planting rhubarb and other fruits and vegetables. His concern is the intermittent creek which bisects the property. Ms. Wollen suggested he install a silt fence on either side of the creek and the Commissioners recommended a wooden plank on top of the creek acting as a temporary bridge for the machinery to cross. Chair Wollen to call Mr. Silverman to relay the above information.

4. REVIEW FOR REPORT TO PLANNING AND ZONING

5. CONSERVATION PROJECTS

6. OPEN SPACE ISSUES –

7. WEO COMMUNICATIONS:

8. CORRESPONDENCE Letter from Harold Rosnick (dated May3,2023) requested an extension of #16-507, North side of Adirondack Trail, until June 13, 2025.**MOTION;** Cathy Alfandre moved to approve the request to extend. Anthony Battaglia seconded. **VOTE:** Approved by a unanimous voice vote.

8 MISCELLANEOUS

9. APPROVAL OF MINUTES FROM PRIOR MEETING: Chair Wollen asked to amend the Minutes of the May 9, 2023 meeting by clarifying that the beaver issue is on the Paine Property, and also under the ownership of the Aspetuck Land trust.

MOTION: Brandon Harvey moved and Dave Logie seconded to approve the minutes of the May 9, 2023 meeting as amended by Chair Wollen. **VOTE:** The minutes of the May 9, 2023 meeting as amended were approved by a unanimous voice vote.

10. ADJOURNMENT: Brandon Harvey made a motion to adjourn, seconded by Anthony Battaglia **VOTE:** Approved by unanimous voice vote.

The meeting adjourned at 9:10 p.m. by Chair Dori Wollen

Submitted by Frances M. Daly

Secretary Easton Conservation Commission