



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING**

TOWN HALL CONFERENCE ROOM "A"

July 11, 2023, 2023 7:30 p.m.

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

ABSENT: Sarah Cwikla, Steve Montgomery, Anthony Battaglia

PUBLIC PRESENT: Matthew Vogt, Jaime

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

1. INLAND WETLAND APPLICATIONS:

#23-643, 85 Norton Road- Dredge pond- Nicholas DeBellis, owner, Matthew Vogt, contractor, Received 6/27/2023 + 65 days = 8/31/2023.

Mr. Vogt appeared on behalf of this application. Dave Logie questioned if it was ever necessary to use extra water to dislodge sediment when dredging. Cathy Alfandre asked if they planned to get rid of the plants in the pond. Mr. Vogt said they would be pulled by hand, and deposited in the woods with the other detritus. Dori Wollen asked what would happen to the dewatering tube and the spoils at the end of the project. Mr. Vogt said it would be spread in the woods. Dave Logie asked to have hay bales placed on the downstream side of the driveway to prevent sediment flowing onto the road.

MOTION: Dave Logie moved to approve **#23-463** to dredge the pond at 85 Norton Road as shown on the map dated May 9, 2019 with standard stipulations and placing hay bales on the downstream side of the driveway. Brandon Harvey seconded. **VOTE:** #23-463 was approved by unanimous voice vote.

2. UNFINISHED BUSINESS:

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

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).

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.

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.

3. NEW BUSINESS.

4. REVIEW FOR REPORT TO PLANNING AND ZONING. The Commission reviewed the changes proposed by P&Z. Chair Wollen took note and will notify P&Z of the Commissions comments.

5. CONSERVATION PROJECTS

6. OPEN SPACE ISSUES –

7. WEO COMMUNICATIONS: see V#23-644

8. CORRESPONDENCE: The Pond and Lake Connection sent an e-mail regarding treatment of the Wollen pond at 8 Cedar Hill Lane. Duly noted.

9 MISCELLANEOUS:

10. APPROVAL OF MINUTES FROM PRIOR MEETING: Chair Wollen noted that the minutes re: the Silvermans As of Right update listed several restrictions which are not in the Commissions purview. The minutes and the letter to Mr. Silverman will be corrected and resent. The Minutes of the 6/27/23 meeting have been restated to include a missing item regarding #23-643. A vote on the 6/27/23 minutes has been deferred until corrected.

11. ADJOURNMENT: Cathy Alfandre made a motion to adjourn, seconded by Dave Logie

VOTE: Approved by unanimous voice vote.

The meeting adjourned at 8:27 p.m. by Chair Dori Wollen

Submitted by Frances M. Daly

Secretary Easton Conservation Commission