



## CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION  
REGULAR MEETING****TOWN HALL CONFERENCE ROOM "A"****September 26, 2023, 2023 7:30 p.m.**

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

**ABSENT:** Sarah Cwikla, Kevin Kilner

Public Present in Person: Taylor Westlund, Pete Romano, Rob Turnbull (Aquarion), Jerry Milne (DEEP), Joe Welch (Aquarion)

Chair Wollen called the meeting to order at 7:31 p.m. Chair Wollen appointed Brandon Harvey (alternate) to vote for Kevin Kilner.

1. **INLAND WETLAND APPLICATIONS: #23-644, 1015 Sport Hill Road,** - Install inground pool, expand patio. Received 9/26/2023 + 65 Days = 11/30/2023 Taylor Westlund appeared on behalf of this application. He stated that the pool was within 100 feet of the Wetlands setback. Dave Logie noted that the edge of the patio is 30 feet from the Wetlands and the corner of the pool is 47 feet. Cathy Alfandre asked if any other location had been considered. Mr. Westlund stated that the location of the septic system was the only other possible location. Chair Wollen asked to have the four corners of the pool and the corners of the patio staked so a site walk can be conducted.

**#23-645, 556 Northwood Drive,** - Addition to House, Patio. Received 9/26/2023 + 65 Days = 11/30/2023, Tony Miodonka, owner. Pete Romano of Land Tech of Westport appeared on behalf of this application. He stated that the whole house and deck are within the regulated area. Chair Wollen asked to have the corners of the pool and the deck staked so a site walk can be conducted.

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. 9/12/2023, no new

information received. On September 18, 2023, Chair Wollen wrote to Mr. Smith and his attorney Lukas Thomas asking for the map described above. As of this date there has been no reply.

**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 9<sup>th</sup> 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. The WEO met with Mr. Harding but no new information was obtained.

9/12/2023-Chair Wollen prepared a time line and presented it and a memo to the First Selectman asking to proceed with legal action against Mr. Harding. 9/26/2023- No new information

**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. The Cease and Desist order was returned by the Post Office on July 26 as unclaimed. Staff was directed to resend.

**3. NEW BUSINESS.**

**4. REVIEW FOR REPORT TO PLANNING AND ZONING.**

**5. CONSERVATION PROJECTS.**

**6. OPEN SPACE ISSUES –**

Chair Wollen advised she had received an e-mail from Mike Wallace of Aspetuck Land Trust about a large tree leaning on electric wires at Paine Open space. UI was contacted first and with no apparent action from them, with Steve Corti's help UI and DPW the power line and the tree were removed.

**7. WEO COMMUNICATIONS:**

**8. CORRESPONDENCE:**

**9 MISCELLANEOUS:** Rob Turnbull, Forester for Aquarion addressed the Commission about a new Forest Management Plan for the Centennial Watershed State Forest. He was accompanied by Jerry Milne, DEEP Forester and Joe Welch, Aquarion. They are members of the Conservation land Committee (CLC), and are presenting this plan to the Conservation Commissions in surrounding towns looking for comments and questions about the plans goal to improve forest diversity. The benefits of having more diversified forests include healthier forests that are able to withstand damage caused by large storms such as Hurricane Sandy. They advised that DEEP has a Forestry program to advise municipalities on how to best manage forests on Town property. The DEEP Foresters municipal program contact is Dave Beers (David.Beers@ct.gov).

**10. APPROVAL OF MINUTES FROM PRIOR MEETING:** Chair Wollen noted that the Silvestro's name was misspelled in Item 5. Cathy Alfandre moved and Dave Logie seconded the approval of the minutes from September 12, 2023 with the spelling correction. **VOTE:** Approved by unanimous voice vote.

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

The meeting adjourned at 8:45 p.m. by Chair Dori Wollen

Submitted by Frances M. Daly

Secretary Easton Conservation Commission