



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
TOWN HALL CONFERENCE ROOM "A"
October 24, 2023, 2023 7:30 p.m.**

PRESENT IN PERSON: Chair, Dori Wollen, Cathy Alfandre, Anthony Battaglia, Brandon Harvey (Alternate), Kevin Kilner, Dave Logie, Karin Niesyn.

ABSENT: Maria Corti, Sarah Cwikla

PUBLIC PRESENT: Taylor Westlund, Brian Carey, Tony Miodonka, David Moore, Cleber Ramos, Grant Orelup, A.J. Grasso

Chair Wollen called the meeting to order at 7:30 p.m.

Chair Wollen appointed Brandon Harvey to vote for Maria Corti

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, owner, appeared on behalf of this application. Chair Wollen had reviewed the subdivision plans from 1996 and noted that the terrain of the lot made siting a pool or patio difficult. Cathy Alfandre asked if this application was an After The Fact application due to the amount of work which had been completed prior to the Commission site walk. Mr. Westlund answered that he had started some work under the mistaken impression that the work was not in a regulated area. He further stated that the pool will be perpendicular to the house, not parallel as shown on the site plan. He said the patio would be marked by 3 large boulders. Chair Wollen said he would need a fence around the pool. Cathy Alfandre noted that the site plan submitted was inaccurate. She stated the site plan should show the existing retaining wall, the silt fence which has already been installed, and show the correct angle of the proposed pool. Chair Wollen stated there were too many corrections needed to allow the site plan to be accepted without professional revision. Mr. Westlund was advised that he will have to bring a check in the amount of \$800 to the meeting of 11/14/2023, as well as a new or revised site plan. He can send new site plans via e-mail to allow the Commission members to visit and compare the site to the new plans.

#23-645, 556 Northwood Drive, - Addition to House, Patio. Received 9/26/2023 + 65 Days = 11/30/2023, Tony Miodonka, owner. Brian Carey, Soil Scientist and David Moore architect of LandTech, and the owner, Tony Miodonka appeared on behalf of this application. They explained that the "infill" construction of the house addition and the replacement of the

current deck will be no closer than between 22' to 30' to the wetlands. They presented a landscaping plan which shows plantings used to mitigate any disturbance to wetlands. They have already complied with the Health Dept. to have a B100A approved. **MOTION:** Cathy Alfandre moved and Anthony Battaglia seconded to approve **#23-645 56 Northwood Drive** with standard stipulations, using the updated maps C1 showing the new dimensions of the proposed deck construction and map L1 showing the plantings. **VOTE;** #23-465 was approved by unanimous voice vote.

#23-646 1080 Black Rock Road- Install Gravel Driveway, Drainage, Received 10/24/2023 + 65 = 12/28/2023, Cleber Ramos owner. Mr. Ramos appeared on behalf of this application. He stated he wants to install a gravel driveway with drainage to remove excess rain water. This project was made possible because he and a neighbor have completed an approved land swap. Chair Wollen asked to have the middle of the driveway staked, as well as the culverts.

#23-647, 369 Black Rock Road- Install 6-foot outdoor bench, Town of Easton, received 10/24/2023 + 65 days = 12/28/2023 Grant Orelup appeared on behalf of this application. This memorial bench is planned to be installed in the Aspetuck park. He stated that installation has been approved by the board of Selectmen, Parks and Recreation and Zoning. Chair Wollen asked to have the site staked.

#23-648, 52 Adirondack Trail, - Construct 4-bedroom house with an in-law apartment, Shawna Kettle and Zach Lewis, owners. Received 10/24/2023+ 65 days =12/28/2023. A.J. Grasso, contractor appeared on behalf of this application. He stated that the map shows the only area of the site with wetlands is a small section at the front right corner which already has a riprap channel in place. Cathy Alfandre asked to confirm that the only reason to file this application is because a corner of the proposed house and a section of the driveway is within 100' of wetlands. Chair Wollen noted that the house contains an ADU, the first application to have one since P&Z instituted a new regulation on October 1st. Chair Wollen asked to have the four corners of the house and the driveway staked.

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. 10/10/23, as of this date there has been no reply. Mr. Smith's neighbor appeared at this meeting 10/24/2023 (see #23-646) and mentioned that the civil lawsuit between Messrs. Smith and Ramos has been resolved.

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-. 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. 10/10/2023- no new information. 10/24/2023, Chair Wollen stated she had spoken to Counsel for the Town who will write to Mr. Harding to ask who his attorney is.

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.10/10/23, Letter was resent, no response as of this date.

3. NEW BUSINESS.

4. REVIEW FOR REPORT TO PLANNING AND ZONING.

5. CONSERVATION PROJECTS.

6. OPEN SPACE ISSUES

7. WEO COMMUNICATIONS:

8. CORRESPONDENCE:

9 MISCELLANEOUS:

10. APPROVAL OF MINUTES FROM PRIOR MEETING: Brandon Harvey moved and Karin Niesyn seconded the approval of the minutes from October 10, 2023. **VOTE:** Approved by unanimous voice vote.

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

The meeting adjourned at 8:57 p.m. by Chair Dori Wollen
Submitted by Frances M. Daly
Secretary Easton Conservation Commission