



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
TOWN HALL CONFERENCE ROOM "A"
November 14, 2023, 2023 7:30 p.m.**

PRESENT IN PERSON: Chair, Dori Wollen, Cathy Alfandre, Anthony Battaglia, Maria Corti, Kevin Kilner, Dave Logie, Karin Niesyn.

ABSENT: Sarah Cwikla, Brandon Harvey (alternate)

PUBLIC PRESENT: Brian Carey, Cleber Ramos, Grant Orelup, Marissa Grasso

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

1. **INLAND WETLAND APPLICATIONS: #23-644, 1015 Sport Hill Road,** - Install inground pool, expand patio. Received 9/26/2023 + 65 Days = 11/30/2023. No one appeared on behalf of this application. Mr. Westlund had contacted staff to advise that his new site plan has not been completed yet. At the last meeting Mr. Westlund had been advised that 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. Mr. Westlund was advised that he will have to bring a check in the amount of \$800 to the meeting of 11/28/2023, 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.

#23-646 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 to the back of his property with drainage to remove excess rain water. The proposed driveway crosses over a large wetland that elicited an extensive discussion. With no alternate plan proposed and the major impact on the wetlands the permit request was denied without prejudice. Commission members recommended to have an engineered plan for the project. **MOTION:** Cathy Alfandre moved to deny #23-646 without prejudice as the proposed driveway has too great an impact on the wetlands. Anthony Battaglia seconded. **VOTE:** #23-646 was denied without prejudice by unanimous voice vote.

#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. Cathy Alfandre asked if the intention was to install the bench and improve the view. Chair Wollen stated while shrubbery can be cut back it should not be done by machine. **MOTION:** Anthony Battaglia moved to approve

#23-647 installation of a memorial bench at 369 Black Rock Road. Kevin Kilner seconded.
VOTE: #23-647 was approved by unanimous voice vote.

#23-648, 52 Adirondack Trail, - Construct 4-bedroom house with an in-law apartment, Shawna Kettyle and Zach Lewis, owners. Received 10/24/2023+ 65 days =12/28/2023. Marissa Grasso, of A.J. Grasso Builders, appeared on behalf of this application. She presented the revised site plans which show that the house is closer to the street and further away from the wetlands. Chair Wollen asked to have the house, driveway and retention basin be staked.

#23-649, 212 Beers Road, - Install pool, patio and walkway, Robert Natt, owner. Received 11/14/2023 + 65 days = 1/19/2024. Brian Carey, Soil Scientist of Land Tech, appeared on behalf of this application. He stated that the pool is going to be installed a distance from the house on the southern boundary of the property. Mr. Carey said that a buffer planting plan has been designed. Chair Wollen asked to have the corners of the pool and patio staked as well as the walkway.

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 to write to Mr. Harding to ask who his attorney is. 11/14/2023, Chair Wollen sent an e-mail to the Town Attorney to ask for an update.

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. The Chair directed the WEO to investigate.

3. NEW BUSINESS.

4. REVIEW FOR REPORT TO PLANNING AND ZONING.

5. CONSERVATION PROJECTS. Chair Wollen and Cathy Alfandre have both been approached by Eagle Scout Candidates. Possible needs were discussed and the Eagle Scout candidates will be advised of the Commission's needs.

6. OPEN SPACE ISSUES Chair Wollen shared a newspaper article regarding the Town of Fairfield cataloging vernal pools. She will contact the Fairfield Conservation Commission to find out more information as there may be a large number of vernal pools in town. Chair Wollen asked Jeff Candee to give a quote for maintaining the new Morehouse Open Space trail.

7. WEO COMMUNICATIONS:

8. CORRESPONDENCE:

9. MISCELLANEOUS: Chair Wollen reported that the Slady Pond water level is very high. She spoke to Ed Nagy, DPW, as well as Aquarion to see whose responsibility the pond is. The high level of water was caused by beaver dams. Chair Wollen is concerned because if the pond overflows its banks it will cause serious flooding on Bibbins Road.

Cathy Alfandre and Karin Niesyn attended the Caciwic conference and reported to the Commission.

Staff submitted information from Newtown and Weston regarding their fee schedules pertaining to ADUs. There was a discussion regarding the need to charge for ADU's.

The 2024 Meeting schedule was submitted and approved with minor changes.

MOTION: Cathy Alfandre moved to approve the 2024 meeting schedule as amended. Karin Niesyn seconded. **VOTE:** The 2024 meeting schedule was approved by unanimous voice vote.

10. APPROVAL OF MINUTES FROM PRIOR MEETING: Cathy Alfandre moved and Dave Logie seconded the approval of the minutes from October 24, 2023. **VOTE:** Approved by unanimous voice vote.

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

The meeting adjourned at 9:11 p.m. by Chair Dori Wollen

Submitted by Frances M. Daly

Secretary Easton Conservation Commission