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DEBORAH SZEGEDI
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EASTON CT



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
HELD IN PERSON
TOWN HALL CONFERENCE ROOM" A"
September 13, 2022 7:30 p.m.**

PRESENT IN PERSON: Dori Wollen, Chair, Cathy Alfandre, Elliot Leonard, Steve Montgomery, Maria Corti, Dave Logie, Karin Niesyn.

ABSENT: Sarah Cwikla

MEMBERS OF THE PUBLIC PRESENT IN PERSON: Cleber Ramos, Trevor Smith, Attorney Lukas Thomas, Jennifer Casatelli Helman, Filipe Monteiro, June Logie, another member of the public.

Chair Dori Wollen called the meeting to order at 7:31 p.m.

Robert Maquat had requested an appointment to discuss his As of Right activities but cancelled the appointment.

1.) INLAND WETLAND APPLICATION:

#22-617 1080 Black Rock Road: Cleber Ramos, Install drainage along driveway, replace 18" pipe, received 7/12/2022 + 65 = 9/15/2022. Cleber Ramos appeared on his own behalf. Chair Wollen noted that several Commissioners had reviewed the easement language covering the driveway, the area where work is being asked to be permitted. The issue is complicated by the fact that Mr. Ramos, the applicant/grantee and Mr. Smith, the grantor of the easement are in litigation over several issues. Since the easement language is not sufficiently clear and the legal proceedings between the two parties are on-going, the Commission opted to deny the application or entertain Mr. Ramos to withdraw the same. As a result, Mr. Ramos agreed to and did **WITHDRAW APPLICATION # 22-617.**

#22-621 350 Rock House Road: Jennifer Casatelli Helman, Install 20' x 40' vinyl lined in ground pool, received 8/23/2022 + 65 days = 10/27/2022. Ms. Helman appeared on behalf of this application. The Commissioners acknowledged having seen the site. She stated that her pool guy had recommended the placement of the equipment in the upland review area. No other part of the project is in the upland review area. **MOTION:** Karin Niesyn moved to approve # 22-621 with standard stipulations, plus silt fencing be installed around the pool equipment pad. Cathy Alfandre seconded. **VOTE: # 22-621** was approved by unanimous voice vote.

#22-622: 29 Bibbins Road: Filipe Monteiro, repair stone walls, remove trees, bring in fill, received 9/13/2022 + 65 = 11/17/2022. Mr. Monteiro appeared on behalf of this application which was filed as an after the fact response to **V#22-618**. He stated that he wants to repair stone walls in the corner of the property behind the barn, clean up debris which had been dumped in that area and bring in fill which he wants to store to be able to use to elevate the galleries when he eventually gets permission to build a septic system. Cathy Alfandre asked for a new site plan to show current projects. Chair Wollen asked to have stone walls, trees to be removed and fill staked.

SITE WALK: 29 Bibbins Road

2. UNFINISHED BUSINESS:

A. **V#05-143**, Notice of Violation and Cease and Desist Order at 740 Stepney Road-- Neunteufel and VonKuthy, issued 7/5/05 and 7/20/05 respectively. Mark DeLieto, WEO submitted a memo (attached) detailing his recent visit to this property which Chair Wollen read into the record. The WEO reported that the area of the property covered by this violation showed no sign of permanent damage, and looks like the rest of the property. **MOTION:** Steve Montgomery moved to lift violation **V#05-143 and Cease and Desist Order** based on the recommendation of the WEO. Elliot Leonard seconded. **VOTE: Both V#05-143 and Cease and Desist order** were approved by unanimous voice vote.

B. **V#21-584** Notice of Violation at 1074 Black Rock Road- Trevor A. Smith, issued 3/9/2021, Cease and Desist order. Attorney Lukas J. Thomas of Owens, Schine and Nicola appeared at this meeting on behalf of Mr. Smith. Chair Wollen read the violation letter into the record for Mr. Thomas' benefit. She advised him that the Commission and the WEO have both asked Mr. Smith for an updated site plan showing wetlands, as site plans for adjacent properties indicate that there are wetlands in the area where Mr. Smith has been doing work. Attorney Thomas agreed to follow up with a site plan.

C. **Warning** re; activities within 100 feet of wetlands- David Harding 570 Morehouse Road, Easton CT, issued May 17, 2021.

D. **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. The Chair advised that she submitted a memo to the First Selectman asking to initiate legal proceedings due to non-compliance pursuant to Chapter 325 of the Town Code.

E.) **V#22-615** Activities within 100 feet of wetlands – Gaetano and Laura Marini, 149 Twin Lanes Road, Easton CT, issued June 20, 2022. Mr. Marini appeared at the July 12th, 2022 meeting in response to this violation notice. Mr. Marini has not yet submitted an after the fact application.

F.) **V#22-618** Spreading contaminated fill within 100 feet of wetlands-Easton Village Center LLC/COV. On 8/23/2022 Chair Wollen and Steve Montgomery gave updates on the contaminated fill at Easton Village Store. Based on available maps it was determined that the violation(s) are valid since the fill was deposited within the 100-foot regulated area. On 9/8/2022 Dr. Huribal was informed in writing that the area in question was indeed within the 100-foot regulated area. Accordingly, he was instructed to file an After the Fact application for the five

events and stabilize the area in question either by seeding or planting of bushes acceptable to the Wetlands Enforcement Officer.

G.) V#22-620 Activity within regulated area – Filipe Monteiro, 29 Bibbins Road. Mr. Monteiro appeared in response to this violation. He presented plans for this property which he recently acquired. He is waiting for the final survey and design but wants to split the project. his application is in process. See application #22-622.

3.) NEW BUSINESS: Kevin Wade submitted an e-mail asking an extension of his permit #18-537, due to expire 9/25/2022. **MOTION:** Cathy Alfandre moved to extend # 18-537 for 173 North Street until 9/24/2024. Steve Montgomery seconded. **VOTE:** The motion to extend was approved by unanimous voice vote.

4.) REVIEW FOR REPORT TO PLANNING AND ZONING:

5.) CONSERVATION PROJECTS:

6.) OPEN - SPACE ISSUES:

7.) WEO COMMUNICATIONS:

8.) CORRESPONDENCE:

9.) MISCELLANEOUS: Discussion on the “Inland Wetlands and Watercourses Regulations Fee Schedule for the Town of Easton” There was a discussion of how much to raise individual fees based on an inflation rate of 38% since 2007, There was also a discussion of whether there should be a fee for demolition of a structure within the upland review area. Staff was directed to send members the new fees as well as the current fee schedule.

10.) APPROVAL OF MINUTES FROM PRIOR MEETING:

MOTION: Cathy Alfandre moved to approve the minutes of the meeting of August 23, 2022. Steve Montgomery seconded. **VOTE:** The minutes of the August 23, 2022 meeting were approved by a unanimous voice vote.

11.) ADJOURNMENT: A motion to adjourn the meeting was made by Steve Montgomery and seconded by Dave Logie. **VOTE:** Approved by a unanimous voice vote.

The meeting adjourned at 8:35 p.m.

Submitted by Frances M. Daly
Secretary, Easton Conservation Commission

Memo

To: Conservation Commission

From: Mark DeLieto-WEO

cc: File

Date: 09/13/2022

Re: 740 Stepney Rd. Violation # V 05-143

I have made several site visits to 740 Stepney Rd. and have walked several different areas of this large property, however, the majority of my time has been spent walking the locations that have been the areas of concern, one of which includes the area that had been disturbed years ago, resulting in wetland violation V 05-143. That location is identified on the survey as a "berm", and I was able to walk that "berm" location and view the entire area around it. From all that I could observe at the present time, that area is indistinguishable from the areas surrounding it. There are trees and thick vegetation growing throughout that area and while the ground may have been disturbed years ago resulting in the wetland violation, it appeared that no substantial change or permanent damage to the land had taken place. It is only because I had documentation available to me regarding the old violation and its location that I would have any idea that the ground had been disturbed and some type of work had occurred in that area. It is evident that the passage of time and the lack of any ongoing or recent disturbance has left that location looking as if it had never been disturbed. No permanent damage or change was evident to me.

The work that precipitated the wetland violation was done by the current property owner's father, who is now deceased and the current owner, Peter Neuntefel, was not responsible for that violation. As a result, I believe some thought should be placed on lifting this longstanding violation. Thank you.