



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
TOWN HALL CONFERENCE ROOM "A"
April 11, 2023 7:30 p.m.**

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

ABSENT: Steve Montgomery, Brandon Harvey, Sarah Cwikla

PUBLIC PRESENT: Mark Ochman

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

1. INLAND WETLAND APPLICATIONS:

#23-634, 5 Ferndale Drive, John Schlesinger & Jessica Jablon, Received 3/28/2023 + 65 days = 6/01/2023, replace failing septic system. Mark Ochman was present on behalf of the homeowner. The existing system on the side of the property will be crushed and will be replaced with a new one on the back of the property, on a slope abutting regulated area. A berm will be created at the bottom of the field to hold the select fill. A double silt fence will be required as noted on the map last revised 3/23/23. Cathy Alfandre moved, seconded by Anthony Battaglia to approve the permit request. Motion carried.

#23-635, 570 Morehouse Road, David Harding – As of Right Determination – received 3/28/2023 + 65 days = 6/1/23 - application incomplete; applicant was not present and his email re the application was read into the records. Dori Wollen will relay questions to the applicant and request his attendance for the next meeting. Dori Wollen's email of 4/7/23 to Mr. Harding was read in the record, again asking for his attendance at the current meeting. No response.

#23-636, 440 Sport Hill Road, Marsel Huribal, after the fact application – clean up and grade back of the property, remove and replace contaminated fill with new dirt and gravel; test and stabilize the area. Received 2/28/23 + 65 = 5/4/23

Applicant was not present; the Commission had walked the site. Applicant has paid the violation fee; the Commission still has questions regarding the site. Chair Dori Wollen will send an email to the owner to relay the Commission members ongoing concerns. – Once again, Dr. Huribal is unavailable, however, he responded by stating that based on further testing as required by DEEP and the results of those testing, he is hoping to be able to plant grass and remove the gravel pile by mid-May.

2. UNFINISHED BUSINESS:

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

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 – see above

D. V#23-630 – Cease and Desist Order - Activities within 100 feet of wetlands – Filipe Monteiro, 29 Bibbins Road - Mr. Monteiro failed to appear at tonight's meeting. Commissioners, WEO and DPW Director all visited the site and confirmed that too much fill was brought in and spread up to the existing silt fence. At places the fill was 5' high. . Upon revisiting the Commission's approval from 9/27/22, we confirmed that Mr. Monteiro followed our approval, i.e. filling to the silt fence. Further, we confirmed that our approval was in error, as we never let applicants to fill all the way to the wetland line. Accordingly, Mr. Monteiro will be instructed to pull back the fill to the original silt fence line as shown on map dated 9/27/22. Further, the silt fence needs to be repaired at several places.

2/28/23: Mr. Monteiro was present at tonight's meeting explaining his activities that resulted in the current cease and desist order. He was instructed to remove all the fill from the regulated area back to the original silt fence line as shown on map 10/14/19, amended and initialed by the applicant on 9/27/22. Repair the existing silt fence and install additional silt fence at the original line. WEO must be notified when work is to start. – 3/28/23: Dori Wollen read an email from Mark DeLieto regarding 29 Bibbins Road. The property has been regraded and the fill was pushed back to where instructed. Silt fencing has been repaired in various locations.

E. V#22-617 Spreading contaminated fill within 100 feet of regulated area – Easton Village Center LLC/COV – 438 Sport Hill Road, CT issued 6/27/22 – see above

3. NEW BUSINESS - none

4. REVIEW FOR REPORT TO PLANNING AND ZONING –none

5. CONSERVATION PROJECTS **6. OPEN SPACE ISSUES** - none

6. WEO COMMUNICATIONS: - Ash Creek Farm, LLC – Tom Ganim, 32 Adams Road

On 3/28/23 Mark DeLieto (WEO) issued a violation for working in a regulated area without a permit. He discussed the issue w/Mr. Ganim and determined that the violation was not in order.

The property is a farm with as-of-right status and pursuant to para 22a-40(a)(1) of the Inland Wetlands and Watercourses Act road construction directly related to farming operations is a permitted activity. Mr. Ganim was fixing one side of a small bridge over a creek. He was asked to install a silt fence which he complied with. Cathy Alfandre moved to withdraw the violation with Karin Niesyn seconding and the motion carried.

7. CORRESPONDENCE

8 MISCELLANEOUS

9. APPROVAL OF MINUTES FROM PRIOR MEETING:

MOTION: Dave Logie moved and Cathy Alfandre seconded to approve the minutes of the meeting of March 28, 2023. **VOTE:** The minutes of the March 28, 2023 meeting were approved by a unanimous voice vote.

10. ADJOURNMENT: Cathy Alfandre made a motion to adjourn, seconded by Dave Logie - **VOTE:** Approved by unanimous voice vote.

The meeting adjourned at 8:00 p.m. by Chair Dori Wollen
Submitted by Dori Wollen