



CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**MINUTES FOR THE TOWN OF EASTON CONSERVATION COMMISSION
REGULAR MEETING
TOWN HALL CONFERENCE ROOM "A"
June 13, 2023, 2023 7:30 p.m.**

PRESENT IN PERSON: Cathy Alfandre, Vice Chair, Maria Corti, Brandon Harvey (alternate), Dave Logie, Steve Montgomery,

ABSENT: Dori Wollen, Anthony Battaglia, Sarah Cwikla

PUBLIC PRESENT: Scott Edwards, Attorney Chris Russo, Christopher Lackowski

Vice Chair Cathy Alfandre called the meeting to order at 7:30 p.m. Vice Chair Cathy Alfandre appointed alternate Brandon Harvey to vote for Dori Wollen.

1. INLAND WETLAND APPLICATIONS:

#23-638, 30 Bayberry Lane – 3-bedroom home, driveway, septic: received 4/25/23 + 65 = 6/29/23 – No one appeared on behalf of this application.

#23-641 555 North Park Ave, Maple Row Farm, As of Right Determination request, J. Scott Edwards, Install 40' x 96' pole barn to replace failing structure, received 5/23/2023 + 65 = 7/27/2023. Atty. Chris Russo and Scott Edwards were present for this as of right request to replace a failing barn as shown on the site plan which was amended 5/25/2023. Mr. Russo noted that Steve Danzer had plotted the intermittent water course, verified that no fill had been deposited in the regulated area, and installed silt fencing. Construction of a barn that will be used in the process of farming is covered under section 4.1 of the Inland Wetlands regulations of the Town of Easton.

MOTION: Dave Logie moved to grant the As of Right Determination request to build a 40' x 96' pole barn to be used to store equipment used in the farming operation of a Christmas tree farm. Brandon Harvey seconded. **VOTE:** #23-641 was GRANTED by unanimous voice vote. (See Violation # 23-640.)

#23-642 1 Sport Hill Road, Covenant Church of Easton- Received 6/13/2023 + 65 = 8/17/2023. Expand playground area. Christopher Lackowski appeared on behalf of this application. Mr. Lackowski presented the plan of expansion for the nursery school playground area, stating that 3 parking spaces would be removed from the parking lot and added to the playground, which will have playground mulch.

Vice Chair Alfandre asked to have the site marked by spray paint or some other method to allow a site walk. Steve Montgomery asked if the Town of Fairfield needed to be notified since the property is within 500 feet of the Town border. Staff will send notification to Fairfield.

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.

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.

D. V#23-637 – Activities within 100 feet of wetlands – David & Kristen Leavitt, 248 Center Road – issued 4/17/23 – **MOTION:** Steve Montgomery moved to have the WEO continue to monitor work in the regulated area to ensure that it is in accordance with the Inland Wetlands regulations and supervise the installation of the silt fence. At this time there will be no requirement to file an after the fact application as long as the work continues as described by the homeowners. The WEO is to report back to the Commission. Dave Logie seconded. **VOTE:** The motion passed by unanimous voice vote. 5/23/2023 No update from WEO.

06/13/2023. The WEO submitted a memo that he had visited the property and observed a silt fence has been properly installed. **MOTION:** Karin Niesyn moved to LIFT V#23-637 based on the observation of the WEO. Brandon Harvey seconded. **VOTE: V#23-637** was **LIFTED** by unanimous voice vote.

F. V#23-640 Activities within 100 feet of wetlands- Edwards properties LLC, North Park Ave. (Maple Row Farm) issued 5/4/2023. Scott Edwards and Attorney Chris Russo appeared on behalf of this violation. (See As of Right Request # 23-641. The site plan revised on 5/25/2023 showed a notation from Steve Danzer as to the location of wetlands and an intermittent watercourse, which did not contain any fill. **MOTION:** Steve Montgomery moved to LIFT V#23-640 since the As of Right request #23-641 was granted at this meeting. Karin Niesyn seconded. **VOTE: V#23-640** was **LIFTED** by unanimous voice vote.

3. NEW BUSINESS.

4. REVIEW FOR REPORT TO PLANNING AND ZONING

5. CONSERVATION PROJECTS

6. OPEN SPACE ISSUES – Dave Logie reported that the new trail at Morehouse Open Space was completed. He is still placing markers, and has asked Ed Nagy to remove a pile of debris which includes tile, and PVC pipe. There was a discussion of creating a second trail perhaps from the dog pound.

7. WEO COMMUNICATIONS:

8. CORRESPONDENCE

8 MISCELLANEOUS

9. APPROVAL OF MINUTES FROM PRIOR MEETING:

MOTION: Dave Logie moved and Brandon Harvey seconded to approve the minutes of the May 23, 2023 meeting. **VOTE:** The minutes of the May 23, 2023 meeting were approved by a unanimous voice vote.

10. ADJOURNMENT: Brandon Harvey made a motion to adjourn, seconded by Steve Montgomery **VOTE:** Approved by unanimous voice vote.

The meeting adjourned at 8:20 p.m. by Vice Chair Cathy Alfandre
Submitted by Frances M. Daly
Secretary Easton Conservation Commission