



## CONSERVATION COMMISSION

225 Center Road - Easton, Connecticut 06612

**AMENDED MINUTES FOR THE TOWN OF EASTON CONSERVATION  
COMMISSION****REGULAR MEETING****TOWN HALL CONFERENCE ROOM "A"****June 27, 2023 7:30 p.m.**

**PRESENT IN PERSON:** Chair, Dori Wollen, Cathy Alfandre, Anthony Battaglia, Maria Corti, Brandon Harvey (alternate), Dave Logie, Steve Montgomery, Karin Niesyn, Mark DeLieto WEO.

**ABSENT:** Sarah Cwikla

**PUBLIC PRESENT:** Jake Conover, Michael LoBuglio, Janet Isa, Christopher Lackowski, Matthew Vogt

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

**1. Appointment: Irving Silverman, As of Right Discussion:**

Jake Conover of Silverman Farms appeared on behalf of Irving Silverman. Chair Wollen showed a map of the property that goes from the Silverman petting zoo to Old Oak Road, a 60" strip of land. Silverman Farms had been granted an As of Right determination for this parcel in 2017, when the intent was to grow crops of vegetables and or fruits. The parcel was clear-cut and is now a meadow. The Silverman's would like to change the usage from planting crops to being used for grazing of horses. Mr. Conover stated that these proposed uses would be less disruptive to the vernal stream and the regulated area on the property than preparing it for traditional farm activity. The Silvermans plan to lease the parcel to a nearby equestrian center. Access to the property from Old Oak Road will be prohibited. Also, it was noted that grazing is a permitted As of Right activity pursuant to Section 4 of the Towns Inland Wetland Regulations.

**2. INLAND WETLAND APPLICATIONS:**

**#23-638, 30 Bayberry Lane** – 3-bedroom home, driveway, septic: received 4/25/23 + 65 = 6/29/23. Michael LoBuglio, architect, and Janet Isa, owner appeared on behalf of this application. There was a discussion of the revised site plan of June 9<sup>th</sup>. The biggest concern of the Commission was how close the proposed house is to the pond.

**MOTION:** Cathy Alfandre moved to approve **#28-638** to build a 3-bedroom home, driveway and septic system as shown on the site plan dated 6/9/2023 with the septic system as shown on the map dated 4/10/2023, with standard stipulations. Dave Logie seconded. **VOTE:** #23-638 was **APPROVED** by unanimous voice vote.

**#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. Dave Logie asked if the grade of the playground would be changed. Mr. Lackowski answered that the grade would remain the same, and a new fence would be erected. **MOTION:** Anthony Battaglia moved to approve **#23-642** to expand the pre-school playground with standard stipulations. Dave Logie seconded. **VOTE: #23-642** was APPROVED by unanimous voice vote.

**#23-643, 85 Norton Road** – Dredge pond, Nicholas Debellis, owner, Matthew Vogt, contractor, Received 6/27/2023 + 65 days = 8/31/2023. Matthew Vogt appeared on behalf of this application. He explained the intent is to dredge the portion of Norton pond adjoining this property and will place the spoils into a dewatering tube which will be placed on a slope in the woods. Chair Wollen asked to have the area staked for a site walk.

### **3. 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 9<sup>th</sup> 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.

**D. V#23-640** Activities within 100 feet of wetlands- Edwards properties LLC, North Park Ave. (Maple Row Farm) issued 5/4/2023. **MOTION:** On 6/13/2023 Steve Montgomery moved to LIFT V#23-640 since the As of Right request #23-641 was granted at the last meeting. Karin Niesyn seconded. **VOTE: V#23-640** was **LIFTED** by unanimous voice vote. As this violation should not have been issued, Cathy Alfandre **MOVED** tonight, **6/27/2023** to waive the Town Clerk filing fee. Anthony Battaglia seconded. **VOTE:** the filing fee on V#23-640 was **WAIVED** by unanimous voice vote.

### **3. NEW BUSINESS.**

### **4. REVIEW FOR REPORT TO PLANNING AND ZONING**

### **5. CONSERVATION PROJECTS**

**6. OPEN SPACE ISSUES** – Dave Logie submitted invoices for trail markers for Morehouse open space for \$115.

### **7. WEO COMMUNICATIONS:**

**8. CORRESPONDENCE:** Notification from Town of Fairfield of an application within 100 feet of Town Border-duly noted.

**9 MISCELLANEOUS:** Chair Wollen advised that P&Z will hold a Public Hearing on July 18,2023 regarding amendments to their regulations. Comments will be collated at the next meeting.

### **10. APPROVAL OF MINUTES FROM PRIOR MEETING:**

**MOTION:** Dave Logie moved and Steve Montgomery seconded to approve the minutes of the June 13, 2023 meeting. **VOTE:** The minutes of the June 13, 2023 meeting were approved by a unanimous voice vote.

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

The meeting adjourned at 9:18 p.m. by Chair Dori Wollen  
Submitted by Frances M. Daly  
Secretary Easton Conservation Commission