

STAFF REPORT

SHOW CAUSE HEARING: AGENDA ITEM III

AUGUST 17, 2023 MEETING

To: **Conservation Commission/Inland Wetlands and Watercourses Agency**

Date: August 8, 2023

Re: **Show Cause Hearing Closure: 150 Chatham Hill Road**

Review Documents:

Show Cause and Violation Order, Dated May 18, 2023

Conservation Easement Agreement, Dated May 14, 1998

Show Cause Hearing Draft Motion

On May 18, 2023 the property owner (Mr. Jusko) of 150 Chatham Hill Rd was issued a show cause hearing notice and violation order.

The show cause hearing was opened on May 25, 2023 continued to the June 15, 2023 and July 13, 2023 meetings. The property owner (Mr. Jusko) and site developer (Mr. Gondek) were invited to attend and participate at each of the hearings.

The conservation easement agreement dated May 14, 1998 allows for the Commission to hold a show cause hearing (Section IV.2) for “the purpose of determining if the cease and desist order shall continue”.

The Commission has held three show cause hearings to hear information regarding the violations, in order to make the determination if the May 18, 2023 order shall remain in effect or vote to revoke it.

If the Commission determines sufficient information has been provided to determine if the order shall remain in effect the following draft hearing closure language is offered:

Draft motion to close the show cause hearing:

MOVED, that the Conservation Commission upholds the May 18, 2023 violation order, sent certified mail to Mr. Jusko, owner of 150 Chatham Hill Rd. The show cause hearing was opened at the May 25, 2023 meeting and is now closed.

STAFF REPORT

ENFORCEMENT: AGENDA ITEM IV

AUGUST 17, 2023 MEETING

To: **Conservation Commission/Inland Wetlands and Watercourses Agency**

Date: August 8, 2023

Re: **Discussion of Conservation Easement Restoration: 150 Chatham Hill Road**

Review Documents:

**Proposed Mitigation Actions from Owner, Stamped August 4, 2023
Violation Map, Dated May 19, 2023**

The owner's environmental specialist had submitted a map (dated May 19, 2023) locating and identifying violations within the conservation easement, which was shown at the May 25, 2023 meeting. The map was labeled as #14 in the Timeline of the Conservation Easement Summary provided for the May 25, 2023 meeting and a digital copy was emailed to Commission members on June 5, 2023.

The violations identified in the May 19, 2023 map and suggested actions as noted in the "Proposed mitigation actions for conservation easement violations at 150 Chatham Hill Rd", submitted by the owner and stamped as received by the Office of Community Development on August 4, 2023, (in red):

1. Encroachment of the stone drive.

The driveway is shown as access to a future barn. The accessway is gravel and testimony from the owner's professional was that this road would be easy to relocate, without much site disturbance.

Relocated out of conservation easement.

2. Stone wall.

The Commission discussed the previous stone wall and the 2021 statement from the owner's professionals that the existing wall was to be rebuilt. The current wall is not a rubble wall, and there were questions whether stone had been imported to create the wall.

Stone wall not mentioned in mitigation plan.

3. Apple trees.

The conservation easement identifies that no planting is permitted within the easement, however in the 1998 approval to create this conservation easement it was stated that seedlings would be planted in this area. The easement does not specify what type of tree and shrub seedlings were required.

Trees to remain

4. Irrigation valve.

Section II of the conservation easement agreement states that the construction of utilities are permitted provided the need and siting is approved by the Commission.

Irrigation to remain

5. Electrical conduit.

Section II of the conservation easement agreement states that the construction of utilities are permitted provided the need and siting is approved by the Commission.

Electrical conduit to remain on wall

6. Drainage outlet and stone pad.

There was discussion that the drain outlet and stone pad had existing when the easement was created, and observation was that the drain pipe and stone pad appears to have been refreshed recently.

To remain

7. Maintain lawn in the conservation easement (does not specify which conservation easement area)

When the Commission has consensus each of the items above, a restoration order will be drafted for the Commission's review and approval at a subsequent meeting. The conservation easement agreement does not require a restoration order be issued within a specific time frame.