

Citizens for Easton

P.O. Box 151, Easton, Connecticut 06612



March 26, 2026

Ms. Dori Wollen, Chair,
and Commission Members
Inland Wetlands and Watercourses Agency
Town of Easton
225 Center Road, P.O. Box 61
Easton, CT 06612

Mr. Ray Ganim, Chair,
and Commission Members
Planning and Zoning Commission
Town of Easton
225 Center Road, P.O. Box 61
Easton, CT 06612

Re: Rebuttal to Letter of Support by Shipman & Goodwin LLP on Behalf of Silver Sport Associates LP and Saddle Ridge Developers, LLC; Applications #SP-25-13, #SD-25-02, and IWWA#25-733; 897 Sport Hill Road, 48 Cedar Hill Road, and Related Parcels

Dear Chairs Wollen and Ganim and Commission Members:

Citizens for Easton (CFE) submits this letter in response to the March 9, 2026 letter of support filed by Shipman & Goodwin LLP on behalf of Silver Sport Associates LP and Saddle Ridge Developers, LLC (collectively “Saddle Ridge”). We write to correct a material mischaracterization in that letter regarding the nature of CFE’s (Coalition to Save Easton) prior agreement, and to place before both the Inlands Wetlands and Watercourses Agency (the “Conversation Commission”) and the Planning and Zoning Commission (the “P&Z Commission”) (collectively, the “Commissions”) the substantive environmental deficiencies that remain unresolved in the pending application.

I. The Applicant’s Characterization of CFE’s Prior Agreement Is Incorrect

The Shipman & Goodwin letter states that CFE “indicated to the court” a willingness to accept the proposed 26-home Conservation Development plan if approved by the zoning and wetland commissions. This framing implies that CFE endorsed the application on its merits. That characterization is incorrect, and we respectfully correct the record as follows.

In April 2025, CFE (Coalition to Save Easton) agreed only to a procedural stay of the pending Superior Court appeals. That stay was granted for a single, limited



purpose: to allow EG Home the opportunity to present a revised application that would comply with Easton’s zoning regulations (the “Regulations”) and adequately protect the town’s wetlands and wildlife resources. CFE made no substantive concession regarding the merits of any development plan. At the time of the stay, we had not seen a complete plan or conducted any diligence. Our agreement to withdraw the appeals was explicitly conditioned on the Commissions exercising their independent discretion to approve a plan that met those standards — standards the current application, in CFE’s view, still does not meet.

EG Home returned with an application that, in our assessment and in the assessment of the independent experts we retained, contains the same fundamental deficiencies as prior submissions. CFE’s willingness to allow the applicant time to get its application in order should not be misconstrued as acceptance of a substandard plan.

II. Substantive Environmental Deficiencies Remain Unresolved

CFE retained REMA Ecological Services and Trinkaus Engineering, LLC to conduct an independent review of the environmental record supporting this application. That review identified thirteen separate deficiencies — individually and collectively sufficient to preclude a conclusive determination that the proposed regulated activities will avoid direct and indirect impacts to the town’s wetlands and watercourses. We summarize those findings below.

1. **Feasible and Prudent Alternatives Not Evaluated.** Two physically attainable alternative access routes — one from Westport Road, one from Silver Hill Road — were never analyzed. The Silver Hill Road corridor runs through an already-disturbed wetland area and would affect approximately 700–800 sq. ft. of wetland, compared to 3,165 sq. ft. at the proposed crossing. Under Section 10.2 of the Inland Wetlands Regulations, a permit cannot be granted unless the applicant demonstrates no feasible alternative exists. That burden has not been met.
2. **Vernal Pool and Amphibian Habitat Left Unevaluated.** All field investigations were conducted in September and October, outside the spring breeding window. Wood frog — an obligate vernal pool breeder — was documented on site, and neighboring property owners report loud spring choruses. No spring surveys, hydroperiod monitoring, or mapping of the Vernal Pool Envelope (0–100 ft.) or Critical Terrestrial Habitat (up to 750 ft.) has been conducted. The record cannot confirm or rule out the presence of protected vernal pool habitat.
3. **Wetland Delineation Is 18 Years Old and Unverified.** The wetland boundary map used in this application dates to a 2008 investigation. Only partial re-flagging was performed in 2025, with no comprehensive documentation provided. Stormwater basins are sited feet from mapped



wetland edges, and the loop road comes within 5–8 feet of wetlands in some locations. Even modest boundary shifts under current conditions would materially alter direct encroachment and buffer calculations.

4. **Hydrologic Risk from Proposed Basin #210.** The bottom of Basin #210 sits at elevation 417 ft., with its underdrain at 415 ft. — approximately 9–10 feet below the adjacent hillside wetland surface at elevation 426 ft. In this glacial till landscape, shallow lateral groundwater sustains these seep wetlands. Excavating to this depth, with a drain at the lowest point, creates a preferential discharge point. No soil test pit or groundwater study was conducted at the basin footprint. The applicant’s own consultant concluded it is “more probable than not” that this basin will intercept and deplete groundwater supporting the adjacent wetland.
5. **Sedimentation Risk from Avoidable Steep-Slope Grading.** Extensive grading is proposed on steep terrain, including bedrock knoll removal on Lots 12, 13, and 15. The approximately 350-foot hillside sloping east toward the southeastern pond complex — a headwater to Patterson Brook, a cold-water trout habitat — would be substantially disturbed. Septic systems for Lots 16, 17, and 18 are placed on cleared lower slopes, eliminating nitrogen uptake and creating a direct transport pathway for sediment and nutrients to the pond.
6. **Stormwater Quality Standards Not Met.** Independent engineering review by Trinkaus Engineering found that the applicant’s stormwater system fails to meet minimum pollutant removal standards required under the 2024 CT DEEP Stormwater Quality Manual: 90% for Total Suspended Solids, 60% for Total Phosphorus, and 40% for Total Nitrogen. The site relies primarily on dry detention basins, which provide minimal pollutant treatment, and multiple basins discharge directly into the sensitive southeastern headwater pond–wetland complex.
7. **No Baseline Water Quality Data.** The applicant provided no pre-development water quality measurements for the receiving wetland and pond system. Without this baseline, it is impossible to quantify incremental change, validate model projections, assess cumulative impact, or — years from now — distinguish development-related degradation from pre-existing conditions. In a headwater system feeding downstream cold-water fisheries, this is a critical omission.
8. **Long-Term Nutrient Loading from Clustered Septic Systems.** EPA research documents that 30–50% of nitrogen from conventional septic systems migrates beyond the leach field as nitrate. Clustering 26 homes in shallow glacial till concentrates nitrogen loading over a small recharge area, all draining toward the same headwater pond complex. Ecological research shows aquatic macroinvertebrate communities degrade at nitrate



levels above 1 mg/L — far below the 10 mg/L public health threshold. No cumulative nitrogen loading analysis has been conducted.

9. **Excessive and Avoidable Grading.** Proposed grading exceeds what is necessary on multiple lots. Removal of native topsoil horizons strips natural filtration capacity and increases erosion and runoff. An alternative layout retaining the steep forested hillside east of the pond — with houses and septic systems relocated into less-steep Charlton soils — would substantially reduce nitrogen and sediment delivery to the headwater pond. The design does not incorporate low-impact development principles such as rain gardens, rooftop infiltration, or distributed bioretention.
10. **Buffer Adequacy Not Demonstrated.** Retained forested buffers have not been evaluated for actual performance capacity — no analysis of width relative to slope, soil permeability, or discharge concentration was provided. Peer-reviewed science in glaciated New England landscapes indicates that approximately 30 meters (98 ft.) is a minimum threshold for basic stream water quality protection, with buffers of 100+ meters substantially more effective for biological communities. Stormwater basin footprints and 15-foot access drives further reduce effective buffer width in several critical locations.
11. **Listed Species Documented in Proximity — No Site Surveys Conducted.** A CTDEEP ezFile Automated Site Assessment dated February 9, 2026 identifies documented populations of Eastern box turtle (State Special Concern), Northern long-eared bat (Federally Endangered), and Tri-colored bat (State Endangered) within or in close proximity to the project area. No species-specific surveys or targeted habitat assessments have been conducted. The DEEP assessment specifically flags that significant ground disturbance may require such surveys. Bedrock outcrops proposed for blasting and removal provide crevice and denning habitat for these and other wildlife, including bobcat.
12. **Conservation Subdivision Constraints Not Documented.** The application does not include a mapped inventory of slopes at 25% or greater, surveyed bedrock knoll overlays, or a transparent calculation of net buildable land area after accounting for site constraints. Lots 10, 11, 12, 13, 15, 16, 17, and 18 all involve significant grading where slopes and terrain constraints are evident. Without this foundational analysis, the claimed lot yield of 26 homes cannot be independently verified — and REMA's analysis suggests this site more likely supports a maximum of 21 homes. The application also fails to identify wetlands, watercourses, vernal pools or 100-year flood plains and secondary conservation areas such as notable trees >18" in diameter, stone walls, 500-year floodplain, and myriad other items.



13. Public Water Supply Watershed Context Insufficiently Evaluated. The site drains to both the Aspetuck Reservoir and Easton Reservoir systems — drinking water supplies for over half a million Fairfield County residents. Current basin conditions are exceptionally clean: USGS data shows approximately 1% impervious surface in the Ballwall Brook watershed, with riparian corridors exceeding 250 feet in width along more than 80% of stream length. Proposed grading and lot configurations, particularly Lots 15–19, may be inconsistent with CTDEEP Antidegradation Policy, which protects high-quality waters from preventable degradation. This planning dimension has not been fully evaluated in the record.

III. Noncompliance with Zoning Regulation 5920

To avail itself of the Conservation Development regulation, the P&Z Commission must first determine the number of lots that could be built under a fully compliant conventional subdivision. The developer openly admitted that the 26 “conventional lots” they presented were only conceptual. They were drawn without accounting for the actual site constraints that are required by our Regulations, including:

- Wetlands
- watercourses
- 100-year floodplains
- vernal pools
- steep slopes
- anticipated blasting impacts

In other words, the foundational data needed to determine a legitimate conventional layout—and therefore the allowable density under Conservation Development—is missing. There is no proof that these lots are viable under a convention subdivision application. The purpose of the conservation development regulation is to allow a reconfiguration of a development that could otherwise be built conventionally to instead be built in a *more* environmentally friendly manner—not to allow for greater density and worse impacts than could be built in a conventional plan. Put simply, if the applicant could not actually obtain approval of an equally-dense conventional plan, they are not entitled to a conservation development,

This application is procedurally out of order and substantively deficient. The P&Z Commission cannot make the required determination of allowable lots because the applicant has not provided the data needed to perform that determination. Without that, a 26 lot Conservation Cluster Development cannot even be considered

IV. The Conservation Development Regulation Lot Approval is Permissive, Not Mandatory. As a final matter, we note that under the soil testing approach,

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the Easton Zoning Regulations allow for approval of **up to** the number of lots that “would have resulted from a conventional subdivision in accordance with the provisions in the Easton Subdivision Regulations.” But it is important to know that maximum number of lots is a ceiling, not a mandate upon the P&Z Commission See Regulations, Section 5920(1)) (“the number of lots **shall not exceed...**”) (emphasis added).

Instead, section 5920(1) of the Regulations empowers the P&Z Commission to approve **any number of lots up to the maximum permitted under Regulation 5920(1)** that **it** determines to approve based on the purposes and intents of the conservation development regulation including “preservation of open space” and conducting development in “harmony with natural resources and the natural capabilities of the land.” (See Regulations, Section 5910).

V. Conclusion

Citizens for Easton urges both Commissions to cautiously evaluate this application on its environmental merits, independent of any mischaracterization of court proceedings. The stay CFE agreed to in April 2025 was a good-faith procedural accommodation — not an endorsement of this plan. The plan now before you is, in our assessment and in that of the independent experts we engaged, materially the same flawed application that prompted this community’s objections from the outset.

The thirteen deficiencies documented by REMA Ecological Services and Trinkhaus Engineering, LLC are not minor technical gaps. They reflect fundamental failures to evaluate feasible alternatives, assess protected species habitat, establish baseline environmental conditions, and meet established stormwater quality standards — all prerequisites for lawful permit issuance under Easton’s Inland Wetlands Regulations. We respectfully ask that the Commissions decline to approve the applications as submitted and require the applicant to address each of these deficiencies before any permit is granted.

Citizens for Easton remains committed to working constructively toward a resolution that respects both landowner rights and Easton’s extraordinary natural resources. We thank the Commissions for their continued careful stewardship of this community.

Respectfully submitted,

The Board of Citizens for Easton