

Town of East Hampton  
**Inland Wetlands and Watercourses Agency**  
**Regular Meeting**

November 15, 2023 – 6:30 P.M.

East Hampton Town Hall Meeting Room

**MINUTES**

**Present:** Chairman Joshua Wilson, Vice-Chairman Dean Kavalkovich, Peter Wall, and Derek Johnson. Interim Town Planner, John Guskowski. Office Technician, Cheryl Guiliano

**Absent:** Scott Hill

**1. Call to Order:** The meeting was called to order at 6:31 p.m. by Chairman Joshua Wilson.

**2. Seating of Alternates:** None.

**3. Approval of Minutes:**

A) **September 27<sup>th</sup>, 2023 Meeting:** Mr. Johnson made a motion to approve the September 27<sup>th</sup>, 2023 minutes as written. The motion was seconded by Mr. Wall. ***Vote: 3-0-1***

**4. Communications, Enforcement and Public Comment:**

Communications: Communication pertaining to the water wheel project was passed along to the agency members.

Enforcement: None

Public Comment: Karen Wanat of 35 Long Crossing Road- Ms. Wanat wanted to introduce herself to the members. She was elected to the Town Council and is the liaison for the agency.

**5. Agent Approval:** None

**6. Reading of the Legal Notice:** None

**7. Continued Applications:**

**A. Application IW-23-019 for John Brown at 209 East High Street to construct a single family home within the upland review area. Map 32/ Block 71/ Lot 1/5.** John Brown attended the meeting via zoom to present the updated information to the members. The applicant added a site map for where the house would be constructed on the property. The roof will have rain gutters leading the run-off from the house and a rain garden to further curb and control infiltration. The house will be positioned 70 feet instead of 100 feet from the wetlands. Chairman Wilson asked whether the grade lines will be changed or if it will remain the same? And whether the grade lines would be tied into the foundation of the house. Mr. Brown stated that yes the grade lines will be changed to be tied into the foundation. The rain garden will be located in the

round about in the driveway. A couple of rain barrels will be added to the back right of the property for more run-off infiltration control. The roof leaders are not shown on the plans being presented to the members. The rain gutters would lead to the back and the front of the house to where the rain gardens are located on the property. That should be included on the plans for the members to see. There should be a rain garden by the driveway to catch any runoff from the driveway as well. The house would be a one-story house. Chairman Wilson suggested that the applicants add rain gutters on the side of the house that leads to rain gardens behind the house. This would ensure that more runoff is caught and filtered. Mr. Brown asked the members if another rain garden on the left side of the property behind the house would work for runoff control. The members suggested to possibly use an infiltration gallery from the gutter leaders. Another suggestion was adding a stone swale to curb runoff by the driveway. Mr. Wall made a motion to continue application IW-23-019 to the next scheduled monthly meeting. Vice Chairman Kavalkovich seconded the motion. *Voted 4-0*

## **8. New Applications:**

- A. Application IW-23-022: Ryan Hulburt, 63 Spellman Point Rd, Pave driveway in Upland Review Area. Map 09A/ Block 70A/ Lot 35.** The property is in the watershed area for the lake. The existing driveway is gravel, but the owner wants to pave the driveway. The members discussed whether the application should go to the agent for review. Mr. Johnson made a motion to continue application to the next monthly meeting in December. Mr. Wall seconded the motion. *Voted 4-0*
- B. Application IW-23-023: Judith Bradway, 18 Laurel Trail, Landscaping in Upland Review Area. Map 10A/ Block 79A/ Lot 1.** Steve Erickson, Contractor and Judith Bradway, Property owner, attended the meeting to present to the members. The applicant wants to put in a walkway and patio that will be pavers. The original plans was supposed to be gravel or crushed stones. There will be pea stones in between the stepping stones and pavers. This would help to absorb any runoff and water from the house and property. There is very little runoff from the applicant's property to be of concern for infiltrating waterways with runoff. The retaining wall could also aid in curbing potential runoff on the property. The representative for the applicant has pictures that support the stability of the property as evidence for the members. There are existing silt fences on the property. The members need to have the silt fences listed on the site plans. The processed gravel is being taken away and pervious gravel will be applied instead. The applicant added pervious material would be used to not further add to impervious coverage. The square footage would be the same as the original plan. Vice-Chairman Kavalkovich made a motion to refer the applicant to the designated agent. Mr. Johnson seconded the motion. *Voted 4-0*
- C. Application IW-23-024: Salt Pond Apartments LLC & Edgewater Hill Association, Inc., Edgewater Circle, Re-subdivision approval for the creation of 2 lots. Map 10A/Block 85/Lot 5C.** Andrew McCoy, an Attorney from Heller Heller & McCoy at 736 Norwich Turnpike Uncasville, CT, attended the meeting to present to the agency members. This is a re-subdivision application for the members to review. The lot is part of the Edgewater Hill development of multi-residential building units. The site plan includes the eastern and western side of the property. There will be eight units each in three buildings on the west side of the road. And there will be two buildings with eight units each on the east side of the road. The lots would house forty units within five

buildings. The applicant is not seeking wetland permits or approvals of regulated activities since the activities are in conjunction with the development have already been reviewed and approved by the commission. There are permits already in place and have been approved and granted by the agency. The three buildings on the west side of the road have already been constructed. The lender is requiring that the lot be divided into two lots so that the final lending can complete the underlying development of the site. John Guskowski, interim Town Planner has no objections to the plans and application for a re-subdivision into two lots. The retention pond and drainage system is all up-to-date and included in the site plans for the buildings. Steve Motto, the owner of Edgewater Hill Association, stated that he obtained CO's for the first three buildings. Mr. Motto stated that he and previous Town Planner, Mr. DeCarli performed a site walk of the property where Mr. DeCarli signed off for everything. Mr. Motto stated that he received zoning approval for the buildings. The retention ponds, detention basins, construction detention bases, and silt fences were all approved of during the site walk. The erosion and sediment controls were in place and approved by the zoning official during that time. Chairman Wilson made a motion to pass a favorable motion to the Planning and Zoning Commission for the proposed activity does not alter the existing inland wetland watercourses permit issued to the site and simply is a re-subdivision of the property with no physical changes to the property itself. Mr. Johnson seconded the motion. ***Voted 4-0***

- D. **Application IW-23-025: Jacob Sapia, 15 Brook Trail, Construct a single-family home in Upland Review Area. Map 10A/ Block 78/ Lot 28.** Pat Benjamin is a professional engineer with an office on Main Street in Durham. Mr. Benjamin attended the meeting on behalf of the applicant to present to the agency members. It was a left over lot from a subdivision from 1925. The property hasn't been developed. The applicant submitted an application for a permit to build a small 693 square foot, single family house with one bedroom within the upland review area. The application was brought before the agency back in 2008 and was approved. The building foot print was bigger, around 1,200 square feet, and it was a different owner back in that time. In that time, it had a direct impact on the wetlands since they were filling a portion of the wetlands. Mr. Benjamin reviewed the site plan with the agency members. The house is two-stories with a one-story garage and a second floor cantilever balcony. The house was pushed forward on the property that there is one foot away from the front building setback line. The well is in the front with a sanitary line. Silt fences and hay bales have been setup around the disturbed areas along the property. There is no room on the property for a rain garden, so the engineers sized the property according to what UConn recommends to capture one inch of rainfall. There are also underground infiltration galleries surrounded by an inch and a quarter stone with a four inch overflow if or when needed. Vice Chairman Kavalkovich made a motion to continue the application to the next monthly meeting in December. Mr. Wall seconded the motion. ***Voted 4-0***

**9. Public Hearings:** None

**10. New Business:**

- A. **Approval of 2024 Meeting Calendar:** Chairman Wilson made a motion to approve of the proposed 2024 meeting calendar dates as submitted. Vice-Chairman Kavalkovich seconded the motion. ***Voted 4-0***

- B. 56 Tartia:** Mr. Wall contacted Cheryl Guiliano about 56 Tartia as he believes the new owner was performing some work. The town inspected site and talked to the homeowner about doing work in the wetlands or upland review area without approval. The area on the property was covered in brush and leaves. The homeowner stated to town staff that he would come before the agency to obtain approval. All activity has stopped. Mr. Wall explained the property owner hid whatever work already performed by the brush on the property.

**11. Old Business:**

- A. Discussion Regarding Activity at 33 High Point Drive:** John Guskowski, interim Town Planner, reviewed the photos and documentation for the activity and spoke with the owner's sister who is a land use official in another town in the state. Mr. Guskowski stated that the activity took place in a conservation easement area of the property. The property is also within the upland review area of the Connecticut River and is within the purview of the Historic District Commission as well. There are numerous levels of approvals and 'cleaning up' that needs to happen to reverse what the activity has caused. Now it's just sorting out the order of jurisdiction between the various commissions and agency this would have to go through to correct the mistake. Mr. Guskowski stated that after he reviewed the documents, it was his opinion that it goes before Planning and Zoning first as a part of the development within the conservation easement area in which no construction is allowed. There is a clause in the easement that gives the Planning and Zoning Commission the authority to grant permission for some activity in the conservation area. If Planning and Zoning approves of the activity; then the activity would need to be permitted, if there are any structures involved. There was some clearing and grading of the land, so the activity would then need to come before the Inland Wetlands commission. After that, it would go to the Historic District Commission and then back to Planning and Zoning for final approval of the construction activity. The property owners are aware and are going through the proper process to rectify the mistake. A proposal should be submitted before the Planning and Zoning Commission for their next monthly meeting.

**12. Public Comment:** None

**13. Adjournment:** Mr. Johnson made a motion to adjourn the meeting at 7:42 p.m., the motion was seconded by Chairman Wilson. The motion was unanimous in favor.

Respectfully Submitted,

Katrina Aligata

Recording Clerk