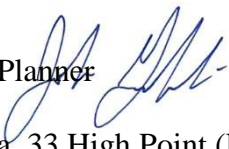




## MEMORANDUM

**TO:** East Hampton Planning & Zoning Commission

**FROM:** John Guskowski, AICP, CZEO – Interim Town Planner 

**RE:** Proposed Activity in Conservation Easement Area, 33 High Point (PZC #23-016)

**DATE:** November 29, 2023

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I have reviewed the application of David and Melissa Baribault of 33 High Point Drive for activity in a Conservation Easement Area. This is a relatively unusual request for a few reasons.

First, this is not a traditional application that would come before the Planning & Zoning Commission for their consideration. It is not a subdivision application nor a special permit activity. This is, in most circumstances, a fairly straightforward residential use on residential property – the establishment of a driveway extension, placement of a shed, and a wooden stairway down to the banks of the Connecticut River. The unusual element here is that this activity is taking place in a Conservation Easement Area. The official 1994 subdivision approval for the High Point Drive properties and the associated property deeds (attached to the application) call out the southwesterly portion of the property as Conservation Easement. The terms of the easement itself prohibits the owner (Grantor) from the following activities without *“written express consent is obtained from the Grantee [Town], acting through its Planning Commission...”*

- (a) The **construction or placing of buildings**, road, signs, billboards, or other advertising, **or other structures on or above the ground**;
- (b) The dumping or placing of soil or other material as landfill, or dumping or placing of trash, ashes, waste, rubbish, garbage, junk, or unsightly or offensive material;
- (c) The excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such a manner as to affect the surface;
- (d) The **removal or destruction of trees**, shrubs, or natural vegetation, the killing of wildlife, the spraying of pesticides other than to control mosquitoes and other pests...or any other activities or uses detrimental to drainage, flood control, water conservation, **erosion control, soil conservation**, wildlife or the maintenance of the land and wetland area in its **natural, scenic and open condition**.

I have added emphasis in those areas that would be covered by this request – the property owners seek to have the Planning Commission grant them the permission undertake activities in those categories currently not allowed by the easement agreement.

The other unusual element to this application is that all of those activities described above – clearing of trees, placement of a gravel driveway down the slope toward the River, the construction of a shed, and placement of stairs down to the River – have already taken place. The

applicants, despite being fully aware of the terms of their conservation easement (this is the original owner of this property, having acquired it in 1994), proceeded to undertake all of this activity without permission. This application therefore is seeking retro-active permission, or “forgiveness” for the activity that has already taken place.

It should also be noted that this activity would also be subject to review by the Inland Wetlands & Watercourses Agency (IWWA) and the Middle Haddam Historic District Commission. Because of the nature of the Town’s easement on this property, however, we believe that the Planning Commission has authority for “first review” on this, and should they allow the activity to stand, the applicants would have to then seek review and approval by the other two entities. Should the Planning Commission deny permission for this activity, the improvements would have to be removed, and the other reviews are unnecessary.

Despite this being within the Planning Commission’s purview – as expressed in the easement language – there are no clear standards for decision. The clear purpose of the conservation easement, put in place at the time of subdivision in 1994, was to protect the natural resources of the land and the adjacent River. The specific language refers to the “public interest to retain, maintain and conserve as private open space in its natural and scenic state.” The fact of the unpermitted activity is a clear affront to the purpose and authority of this agreement. The clearing of trees and (admittedly smaller-scale, residential) nature of the construction activity clearly is not maintaining and conserving this land in its natural state.

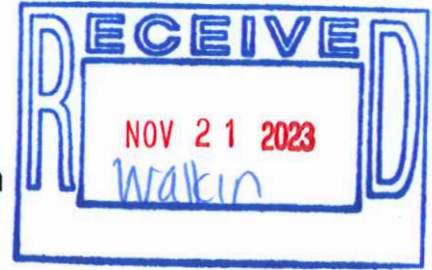
The easement document, however, does allow the Planning Commission, acting on behalf of the Town as a whole (as easement Grantee), the ability to permit such activity. The Commission must decide how best to determine the overall best interest of the Town. Clearly, a significant amount of damage has already been done – trees removed, land graded and graveled – in a way that is not simple to undo or quickly restore. It may be fair to argue that the owner of a property fronting on the Connecticut River should have the right to access and enjoy the River, and perhaps the topography of the property itself made such access difficult without some clearing. Obviously, that argument should have been made before such action was taken. The scenic view of the River is also a right afforded to those on the River itself, who have some rights to be protected from unauthorized clearing and construction. The Commission must balance these issues.

I would leave the consideration of a path forward to the Commission itself, but would suggest that there are solutions that fall in between full permission/forgiveness of the activity as implemented and a full removal and restoration of the property. The Commission could consider the issuance of a fine (or fee) for this activity, with proceeds going into the Town’s Open Space Fund, as well as some vegetative restoration or replanting to mitigate visual impacts upon consultation with a landscape designer, the IWWA, and the Historic District Commission. There are various ways that the Town’s overall interest may be represented and defended in this matter.

I look forward to discussing this matter with you at the December PZC meeting.



TOWN OF EAST HAMPTON  
Planning and Zoning Commission  
1-860-267-7450  
www.easthamptonct.gov



PZC -23-016  
Date \_\_\_\_\_

Fee Paid 110  
Check # 5816  
Rec'd. By S

LOCATION 33 High Point Road

MAP 02C BLK 9 LOT 12/8

PROJECT NAME \_\_\_\_\_

ZONE \_\_\_\_\_

APPLICANT David and Melissa Baribault  
ADDRESS 33 High Point Road

PHONE 860-919-4212  
EMAIL melissa.baribault1@gmail.com

CONTACT PERSON Melissa Baribault

PHONE \_\_\_\_\_  
EMAIL \_\_\_\_\_

OWNER same as above  
ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_  
EMAIL \_\_\_\_\_

SURVEYOR/ENGINEER N/A  
ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_  
EMAIL \_\_\_\_\_

ATTORNEY N/A  
ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_  
EMAIL \_\_\_\_\_

APPLICATION TYPE *(application must be completed in FULL in order to be accepted)*

- 1. SUBDIVISION /RESUBDIVISION /CONSERVATION SUBDIVISION NO. OF LOTS \_\_\_\_\_
- 3. SITE PLAN \_\_\_\_\_ MODIFICATION \_\_\_\_\_ Residential \_\_\_\_\_ Commercial \_\_\_\_\_
- 4. SPECIAL PERMIT---SECTION \_\_\_\_\_ OF THE ZONING REGS. FOR \_\_\_\_\_
- 5. ZONE CHANGE---FROM \_\_\_\_\_ TO \_\_\_\_\_
- 6. AMENDMENT TO ZONING REGULATIONS \_\_\_\_\_
- 7. LAKE POCOTOPAUG PROTECTION AREA \_\_\_\_\_
- 8. ACTIVE ADULT NO OF UNITS \_\_\_\_\_
- 7. OTHER (DESCRIBE) Place a shed and temporary stairs within a conservation easement area

APPLICATION REQUIREMENTS: This application and 10 sets of plans shall be submitted to the Land Use Office and shall be received by the Commission at the next regularly scheduled meeting. *(see meeting schedule for deadline dates)*

*A complete application shall consist of an application, fees, maps /plans( A-2 survey) ,engineers report including drainage calculations and watershed calculations( pre and post), bond estimates, hydrology report, environmental studies, waiver requests and traffic study where applicable*

Preliminary discussions are highly recommended for subdivisions 5 lots & over and for larger Special Permit Applications  
Abutters notice receipts (green cards) must be handed in to the Planning Office prior to the meeting

APPLICANTS SIGNATURE Melissa C Baribault DATE 11/21/23

OWNER'S SIGNATURE Melissa C Baribault DATE 11/21/23

The owner and applicant hereby grant the East Hampton Planning and Zoning Commission and/or it's agents permission to enter upon the property to which the application is requested for the purpose of inspection and enforcement of the Zoning Regulations and Subdivision Regulations of the Town of East Hampton.



**Office Use Only**

Date Accepted: \_\_\_\_\_

Accepted By: \_\_\_\_\_

**Minimum Requirements for Submission of Application to  
Planning and Zoning Commission**  
*This form must be submitted with your application.*

Application Requirements are based on the application type selected on application form.

Site Plan Review/Modification (See Section 9.1 for details)

- Complete Application Form
- Fee Paid
- Site Plan (PDF & 10 copies of 11 x 17s) – See Section 9.2.C.2 for specifications
- Drainage Calculations in Compliance with Section 7.5
- Report from Chatham Health District (or CT DPH as needed)
- Report from Fire Marshal
- Bond Estimates As Required, See Section 9.2.C.2

Special Permit (See Section 9.2 for details)

- Complete Application Form
- Fee Paid
- Site Plan (PDF & 10 copies of 11 x 17s) - See Section 9.2.C.2 for specifications
- Pending Approval from IWWA
- Drainage Calculations in Compliance with Section 7.5
- Pending Approval or report from Chatham Health District (or CT DPH as needed)
- Pending Approval or report from Fire Marshal
- Pending Approval or report from Public Works
- Traffic Study (As Required)
- Bond Estimates (As Required)
- Public Hearing Requirements

Zone Change (See Section 9.3 for details)

- Complete Application Form
- Fee Paid
- A-2 Survey of Property showing surrounding properties and respective zone - PDF & 10 copies of 11 x 17s
- Reports from Chatham Health District, Fire Marshal, Police Dept. and Public Works
- Public Hearing Requirements

Amendment to Zoning Regulations (See Section 9.3 for details)

- Complete Application Form
- Fee Paid
- Existing Regulation with proposed Amendments (PDF & 10 copies of 11 x 17s)
- Rationale for Amendment (PDF & 10 copies of 11 x 17s)
- Reports from Chatham Health District, Fire Marshal, Police Dept. and Public Works
- Public Hearing Requirements

***I certify that this application is complete.***

**Signature of Applicant:** Melissa C. Boush **Date:** 11/21/23

**The Commission reserves the right to add additional requirements in accordance with the Regulations.**

***Only Complete Application Packages Will Be Accepted***

David and Melissa Baribault  
33 High Point Drive  
Middle Haddam, CT 06456

November 21<sup>st</sup>, 2023

Dear East Hampton Planning and Zoning Commission:

We are in receipt of your letter dated July 6, 2023. We apologize for the work that has been completed within the conservation easement area, we were only trying to regain access to the river, which we believed was within our rights. We agree not to remove any further trees within the easement area and will allow all vegetation regrow.

We agree to only maintain a 10 wide path to the river for access as we believe we should have the ability to gain access for boating purposes (kayak, sail boat). We will not add any additional gravel, but will maintain the current surface in its current condition and not modify it, but keep the 10' path clear of vegetation. Removing the material within the laneway area will most likely be more damaging to the natural environment and given the steepness of the slope. It is noted that there has always been a path to the river as that is how we gained access to the river, and we did improve it because of its steepness and the erosion that was occurring.

The small shed that was placed at the south side of our property is used to house our kayaks. The shed is under 200 square feet. Bringing the shed down the extremely steep slope (about 1 ½ to 1) to the level area where it is currently located was extremely difficult. We will have to find a contractor willing to move it. However, given the difficulty and damage that would be done by removing the shed and the dangerous condition, we would ask to be allowed to keep the shed in its current location. But do understand if we have to remove it; we just ask that you give us time to find a contractor willing to do this work.

As for the stairs, there have always been stairs in the current location as evidence by the existence of the stone landing, we basically replaced them as they were old and dangerous. It is noted that the stairs have been constructed as a temporary single unit and can be removed at any time. We enjoy boating and would like to maintain the stairs and access to the river. We would like to keep them there during the summer/fall and will remove them in winter and early spring when we do not need access to the river. Of course, we would remove them if there was a threat of any flooding.

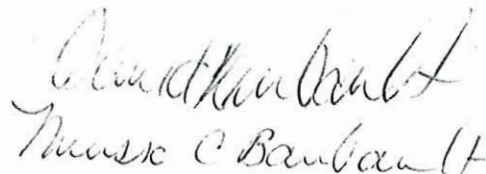
We have lived at our current address for close to 30 years and have always enjoyed access to the river without much of a problem until recently. We would like to maintain safe access to the river for our family to enjoy this beautiful natural resource. We believe the river is there for all to enjoy for boating, fishing, bird watching and just relaxing.

If you have any question, please do not hesitate to contact me (Melissa) at 860-919-4212.

Very truly yours,

*David and Melissa Baribault*

David and Melissa Baribault

Handwritten signatures of David and Melissa Baribault. The signature for David is written in a cursive style, and the signature for Melissa is also in cursive, appearing to be 'Melissa C Baribault'.

WATER BY THE DESIGN

NUMBER OF BEDS: 2  
 REGULATION RATE: 1.5 GPM  
 INLET TO BEDS: 1.5 GPM  
 USE OF V.P. OF BEDS: 1.5 GPM  
 USE OF V.P. OF BEDS: 1.5 GPM  
 SEPTIC TANK CAPACITY: 1.5 GPM

THIS SITE IS A  
 RESIDENTIAL LOT  
 WITH A CONSERVATION EASEMENT  
 TO THE RIVER  
 AND A 10' WIDE PATH  
 TO THE RIVER

**David and Melissa Baribault**  
 Application to permit a  
 shed under 200 sq ft within  
 the Conservation Easement  
 and replace stairs leading to  
 the River with temporary  
 stair that are removable  
 during the winter season

Information is approximate and not to scale

SECTION EIGHT PLUMBING

SECTION OF CORNELL  
 FULL DISTRIBUTION LINE  
 DISTRIBUTION AND INLET  
 DISTRIBUTION AND INLET  
 SEPTIC TANK INLET  
 FULL S.P.C.P. AT THE WALL  
 TOP OF FOUNDATION  
 INSET FLOOR  
 TOP OF SEPTIC TANK

SEPTIC SYSTEM TO BE INSTALLED  
 LOCAL DEPT. OF HEALTH SERVICES  
 DEPARTMENT OF HEALTH SERVICES  
 HEALTH DEPARTMENT REGULATIONS  
 APPLICABLE TO THE SITE BY THE  
 DEPARTMENT OF HEALTH SERVICES  
 FOUNDATION IS INSTALLED

FINISHED FLOOR DISTRIBUTION

Approximate location of  
 Removable stairway  
 to be removed in times  
 of flooding and during  
 the winter season

Approximate location of  
 Shed 12'x14'

Conservation Easement

Approximate location  
 of 10' wide path

UNDER-  
 BASEMENT

TOPOGRAHY BASED ON THE FOLLOWING INFORMATION  
 EXISTING CONTOURS ON SURFACE AND SUBSURFACE MAPS

NOTE: LOT MAY BE SUBJECT TO  
 A CLAIM OF EASEMENT

LOT LINES TAKEN FROM THE  
 SUBDIVISION PLAN FOR POINT STATED  
 THEREIN. THE LINES ARE TO BE  
 TAKEN FROM THE LATEST RECORD  
 DEEDS AND RECORDS OF THE  
 COUNTY OF EAST HAMPTON, CONN.

NO ZONING REGULATIONS  
 APPLY TO THIS SITE. THE  
 SUBDIVISION PLAN AND RECORD  
 DEEDS ARE THE ONLY  
 AUTHORITY FOR THE LINES  
 SHOWN ON THIS PLAN.

NOTE: THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION.

THESE PLANS ARE TO BE USED FOR THE PURPOSES OF OBTAINING PERMITS FROM THE LOCAL DEPARTMENT OF HEALTH SERVICES. THE LOCAL DEPARTMENT OF HEALTH SERVICES IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED ON THESE PLANS.

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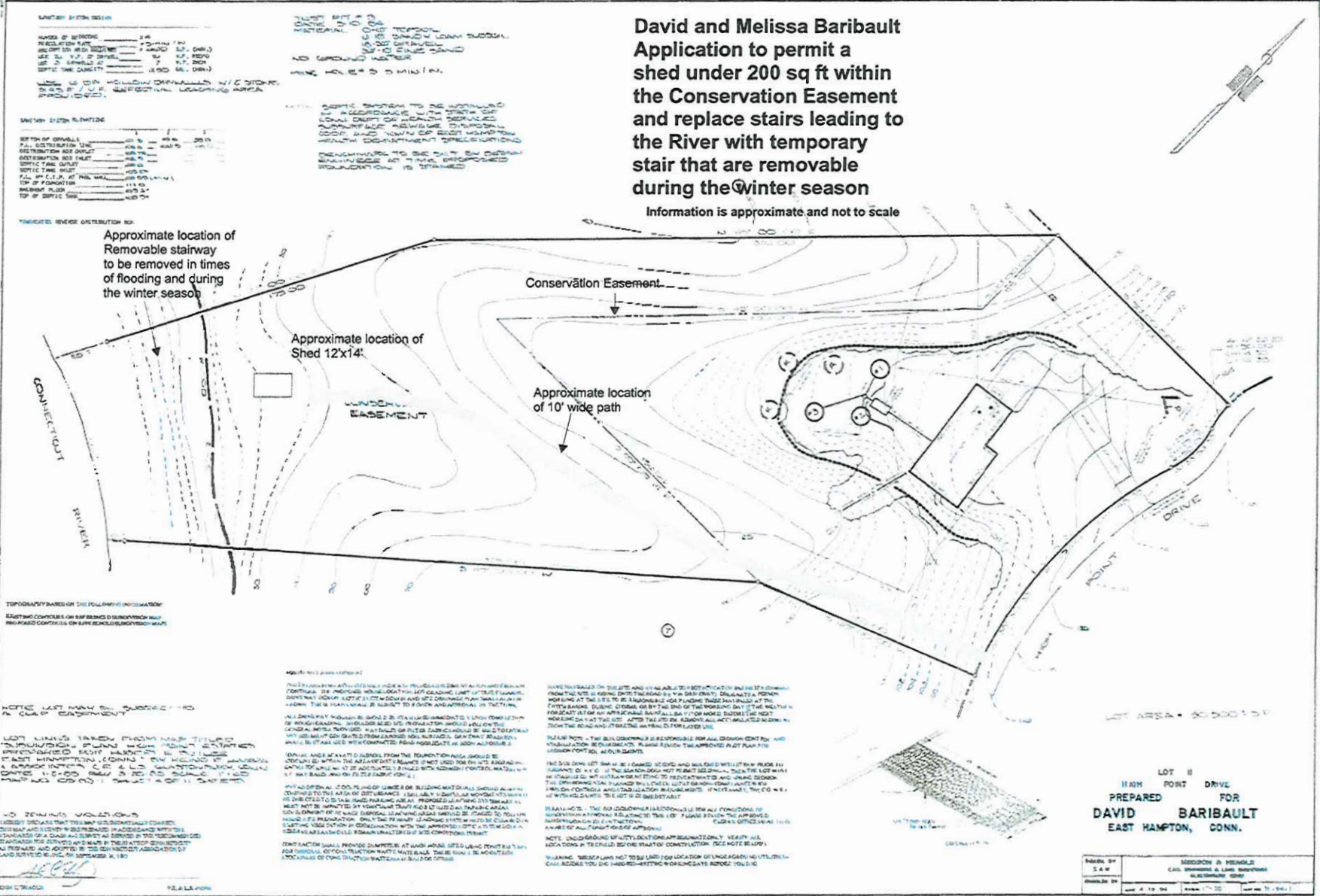
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LOT #  
 HIGH POINT DRIVE  
 PREPARED FOR  
**DAVID BARIBAUT**  
 EAST HAMPTON, CONN.

Scale: 1" = 10'  
 Date: 1/1/20  
 Author: J. B. B.

















**From:** [Melissa Baribault](#)  
**To:** [pbz-counter](#)  
**Cc:** [Kathy Warzecha](#)  
**Subject:** Re: 12.6.23 PZC Meeting  
**Date:** Friday, December 1, 2023 1:49:47 PM

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**CAUTION:**

This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. Remember to hover over any links and if you suspect the email is not legitimate or a phishing email, please contact Tom McMahon at x3363.

I greatly regret this last minute request. However due to a last minute scheduling change of a medical appointment that I have been anxious to have for many weeks, I will not be able to attend on 12/6. My appointment is in Stamford and I will not be able to get back in time for the meeting. I respectfully request our application be postponed for review to the January 3rd 2024 meeting. Thank you for your understanding. Melissa Baribault.

On Wed, Nov 29, 2023 at 2:54 PM pbz-counter <[pbz-counter@easthamptonct.gov](mailto:pbz-counter@easthamptonct.gov)> wrote:

Hi All,

Agenda and documents are up on the web for next week's meeting.

<https://www.easthamptonct.gov/planning-zoning-commission/events/55726>

Thank you and have a great day.

*Cheryl Guiliano*

Office Technician/Building & Land Use

1 Community Drive

East Hampton, CT 06424

Tel: 860-267-9601

Hours: Mon, Wed, Thurs 8:00 am – 4:00 pm

Tues 8:00 am -6:30 pm

Friday 8:00 am – 12:30 pm

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

This electronic message is a public record as defined by the Connecticut Freedom of Information Act Section 1-200(5). A copy of this message and any reply will be retained by the Town of East Hampton and will be accessible to the public unless exempted by law.

Peter G. Kelly  
29 High Point Drive  
P. O. Box 28  
Middle Haddam, CT 06456

January 1, 2023

The Appropriate Committee/Department  
Of the Town of East Hampton

Ladies and Gentlemen:

We are close neighbors of the Baribault Family on High Point Drive. Specifically, our property adjoins the downriver border of their property. We were and are aware that the Baribault's have provided a rough surface from the top of their property to the lowest point. We believe that was done to enhance their ability to reach the lower portions of their property and, incidentally, provide a cleared and safe passageway for sledding during snow-times for friends and neighbors. Historically, Mr. Baribault had worked to make the roadway into "Low Point" safe for the same users.

As well, we were aware that Mr. Baribault had erected a temporary shelter at the lowest point of his property. Its presence and use has had no deleterious impact on the usage or value of our property any more than the outbuildings built by other neighbors on High Point Drive.

We do not believe that either matter has lessened the appeal of our neighborhood.

Respectfully submitted,

PETER G. KELLY

RCVD @ meeting 8:28P 1/3/24

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

September 27, 2023 – 6:30 P.M.  
East Hampton Town Hall Meeting Room

**MINUTES**

**Present:** Vice-Chairman Dean Kavalkovich, Peter Wall, Derek Johnson, and Scott

Hill **Absent:** Chairman Joshua Wilson

**1. Call to Order:** The meeting was called to order at 6:32 p.m. by Vice-Chairman Dean Kavalkovich.

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

**3. Approval of Minutes:**

**A) August 30, 2023 Meeting:** Mr. Hill made a motion to approve the August 30, 2023 minutes as written. The motion was seconded by Mr. Johnson.

**Vote: 4-0**

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

Communications: None.

Enforcement: Mr. Johnson asked for an update on 33 High Point Rd. Mrs. Guiliano replied Mr. DeCarli met with property owner and the property owner would like to keep the items in the conservation easement. She further explained the property owner is to contact the Town Manager and have yet to do so.

Public Comment: None.

**5. Agent Approval:** None.

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

**7. Continued Applications:** None.

**8. New Applications:**



**A. Application IW-23-018: Jeffrey Schleidt, Mott Hill Rd., Timber harvest within Upland Review Area. Map 24/ Block 44/ Lot 14D.** Chris Casadei, Forester explained proposed plans to install a temporary crossing to harvest timber. Vice-Chairman Kavalkovich explained the Commission needs to determine if the proposed activity is as of right. Mr. Hill confirmed activity is as of right. Mr. Hill asked what kind of equipment will be used, and provide details for proposed water crossing. Mr. Casadei replied they will use a skidder and conventional logging. Mr. Hill asked what is being used for the two wetlands crossings. Mr. Casadei replied they will use temporary timber bridges over the channel and corduroy the approaches. Mr. Wall asked how close the activity is from the wetland. Mr. Casadei stated they will not cut more than 50% of the basal area as to not have an impact on the wetlands. Mr. Hill asked if they are providing a buffer. Mr. Casadei replied not a lot of timber will be cut in the wetland area. Mr. Casadei discussed current site conditions in regards to significant rainfall totals. Mr. Hill asked for the project start date and Mr. Casadei replied he expects this winter. Mr. Hill made a motion to determine the project is an as-of-right activity. Mr. Johnson seconded the motion. **Vote: 4-0**

**B. Application IW-23-019: John Brown, 209 East High St., Construct a single-family home within Upland Review Area. Map 32/ Block 71/ Lot 1/5.** John Brown, property owner, explained proposed plans to construct a single-family home. Mr. Brown explained plans to adjust the current site plan to construct the home further from the street 30-40' and closer to the wetlands. Mr. Brown added the reason to push back house is to create a safe driveway. Mr. Hill asked if the if the applicant received planning and zoning approval and Mr. Brown replied not yet. Mrs. Guiliano explained the plan presented needs to be updated as the property owner wants to move the location. Mr. Hill asked if the original plan was approved and Mrs. Guiliano replied the subdivision was approved years ago. Vice-Chairman Kavalkovich asked if the property has 100' or 200' buffer. Mrs. Guiliano replied the property requires 100' buffer as it is right outside Lake Pocotopaug Watershed. Mrs. Guiliano explained the current site plan indicates the proposed deck is within 100' upland review area and the applicant will provide an updated site plan with new location. Mr. Brown further explained the location he prefers the house to be located in order to add a turnaround driveway. Mr. Johnson asked how far the current proposed house is to the wetlands buffer and Mr. Brown replied 100'. Vice-Chairman Kavalkovich discussed the current site plan is not the applicant's proposal. Mr. Brown replied he will provide updated site plan including revised location, silt fencing, infiltration system, roof leaders and will have at the next meeting. Mr. Hill spoke in favor of water mitigation measures the applicant mentioned. Mr. Wall noted the applicant needs to consider deck location when updating site plan. Mr. Brown asked for clarification for wetland protections. Vice-Chairman Kavalkovich explained reasons for protecting wetlands and preventing impacts. Vice-Chairman Kavalkovich discussed items the Commission would like answered: roof leaders, infiltration system, impervious surfaces, stormwater runoff control, planting plan and

erosion and sedimentation controls. Mr. Hill asked the applicant to provide buffer plan to mitigate potential impact to wetlands. Vice-Chairman Kavalkovich further explained the need for the Commission to review a reasonable alternative method for moving the proposed house closer to the wetlands. Mr. Hill made a motion to continue the application to the October 25, 2023 regular meeting. Mr. Wall seconded the motion. **Vote: 4-0**

**C. Application IW-23-020: Linda DiCaprio, 83A North Main St., Grade and landscape slope within Upland Review Area. Map 04A/ Block 45/ Lot 13B.** Linda DiCaprio, property owner, explained the property currently has a retaining wall in disrepair and proposes adding fill to support the wall. Ms. DiCaprio briefly discussed erosion and sedimentation controls. Mr. Hill discussed having the authorized agent review application. Vice-Chairman Kavalkovich stated the area looks flat based off the contours. Mr. Hill asked for confirmation if plan is to remove wall and grade and Ms. DiCaprio replied she may keep the wall and add fill to create a slope. Mr. Hill asked if they will seed the slope. Ms. DiCaprio replied yes and she plans to add plantings. Ms. DiCaprio noted the goal of the proposed project is to mitigate erosion from neighboring property. Commission Members discussed agent approval. Mr. Wall asked how much fill is proposed and Ms. DiCaprio replied 18 cubic yards. Mr. Johnson asked if Chairman Wilson should review the application. Commission Members agreed the project should be reviewed by authorized agent. Vice-Chairman Kavalkovich asked Ms. DiCaprio to provide a planting plan. Mr. Hill made a motion to send this application to the Duly Authorized Agent for approval. Mr. Johnson seconded the motion. **Vote: 4-0**

**D. Application IW-23-021: Peter Guastamachio, 5 Clearwater Condo, 20' x 11'.6" deck expansion in Upland Review Area. Map 10A/ Block 80/ Lot 5/3.** Peter Guastamachio, property owner, discussed proposed plans to expand deck. Mr. Hill asked for current deck dimensions. Mr. Guastamachio explained current deck dimensions and noted above ground railroad ties. Mr. Hill discussed having authorized agent review application. Mr. Hill asked for erosion and sedimentation control. Vice-Chairman Kavalkovich noted existing retaining wall. Mr. Wall asked if he will spread or remove excess material. Mr. Guastamachio replied they will remove excess material. Mr. Hill made a motion to send this application to the Duly Authorized Agent for approval. Mr. Johnson seconded the motion. **Vote: 4-0** Mr. Johnson asked if railroad pieces are in appropriate condition to control water run-off. Mr. Guastamachio replied one side is leaning a little. Mr. Hill made a motion that erosion and sedimentation controls may be required if Authorized Agent agrees it is appropriate. Mr. Johnson seconded the motion. **Vote: 4-0**

**9. Public Hearings:** None.

**10. New Business:** None.

**11. Old Business:** Mr. Wall asked for an update regarding 33 High Point for the next meeting. Mrs. Guiliano replied she will discuss with the Town Manager and update the Commission at the next regularly scheduled meeting.

**12. Public Comments:**

**13. Adjournment:** Mr. Wall made a motion to adjourn at 7:13 p.m., the motion was Seconded by Vice-Chairman Kavalkovich. The motion was unanimous in favor.

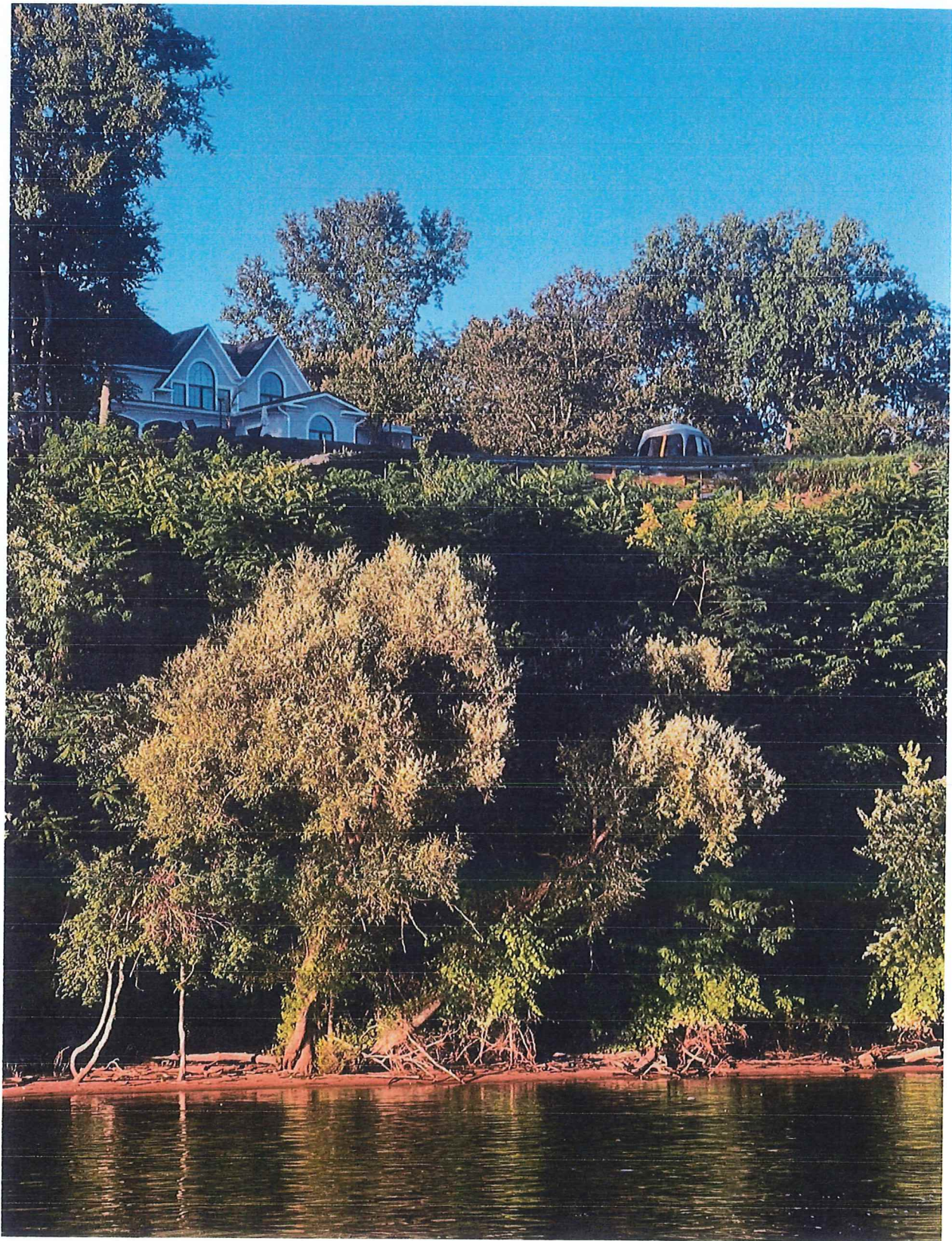
Respectfully submitted,



Cheryl Guiliano, Recording Clerk



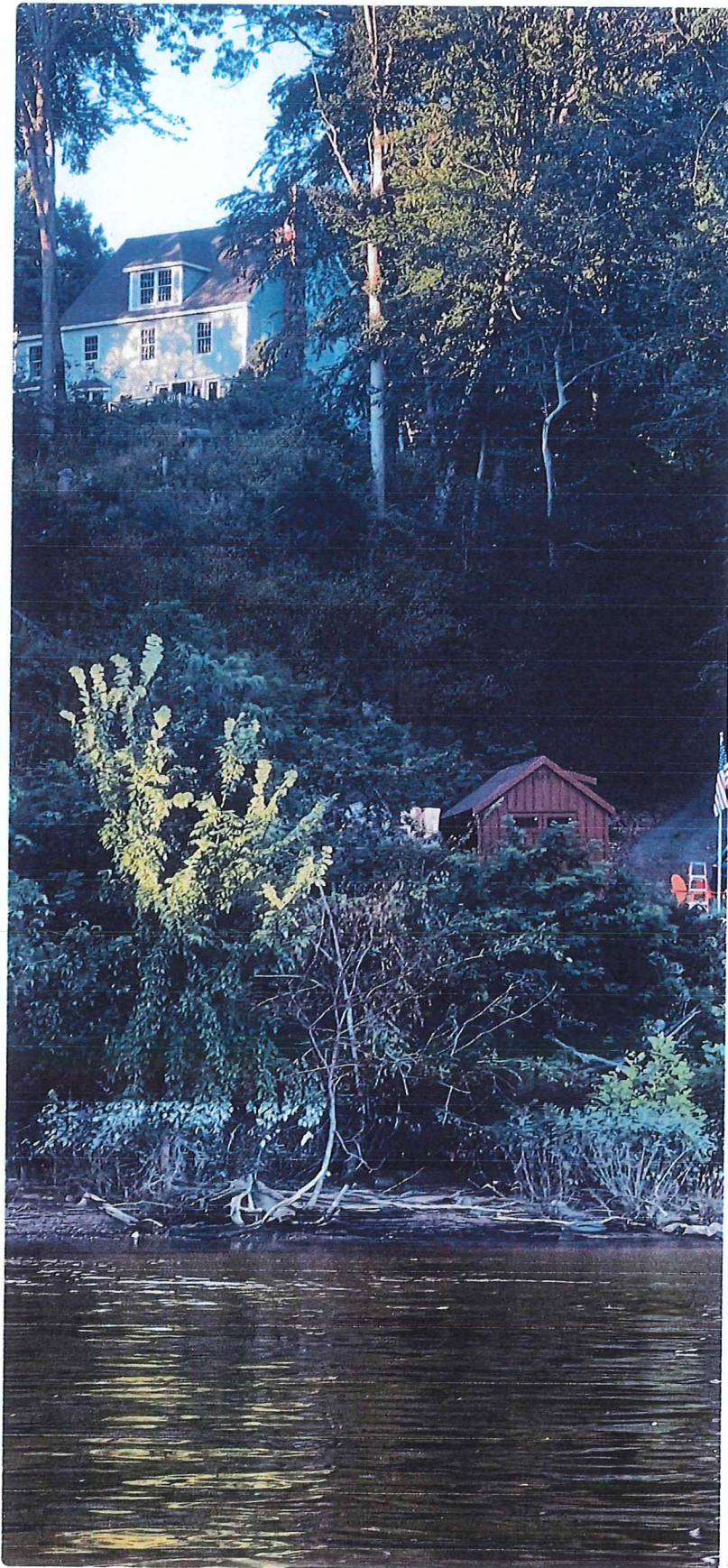
8/1/2023



8/1/2023

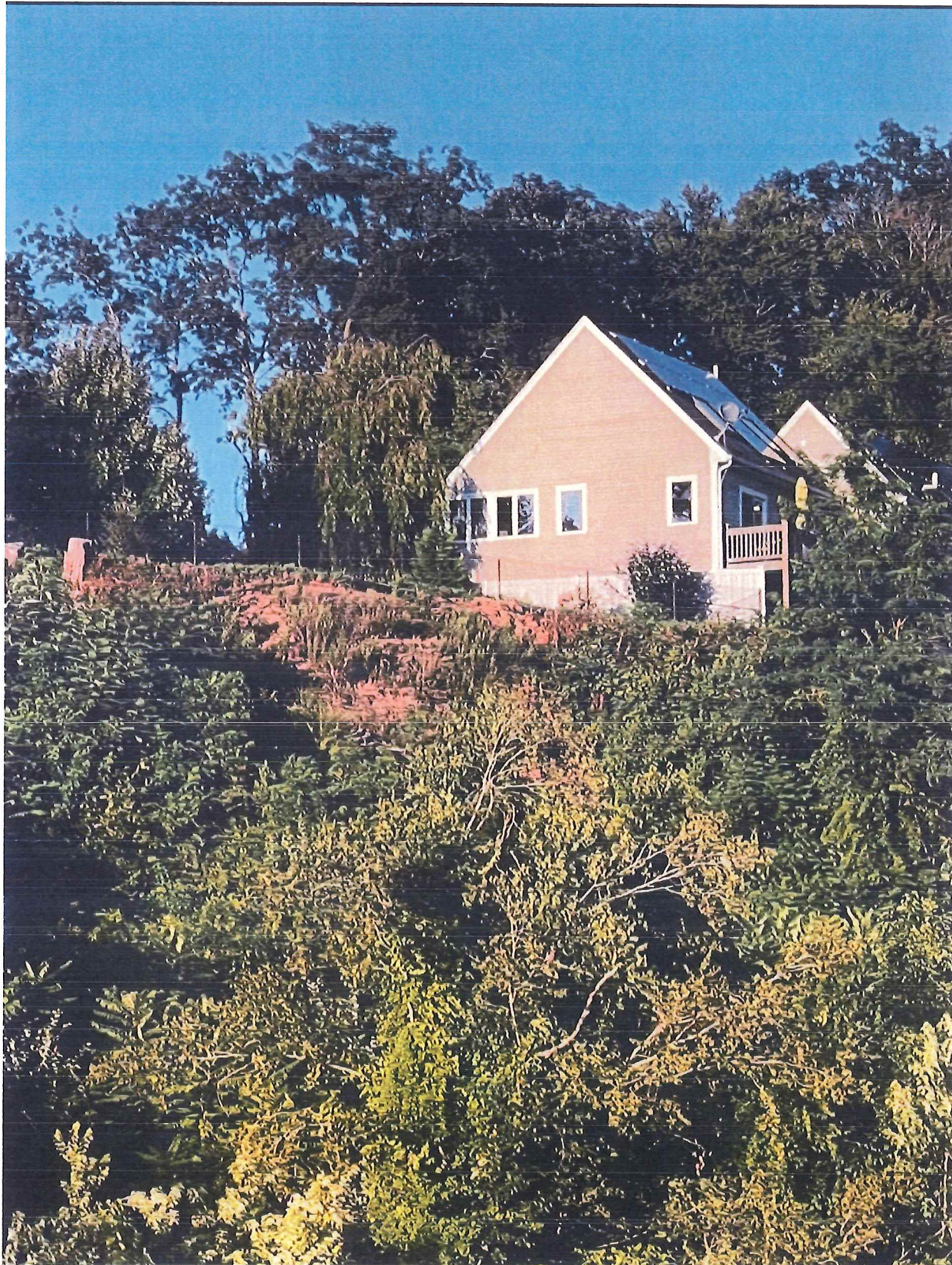


8/1/2023



8/1/2023

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8/1/2023

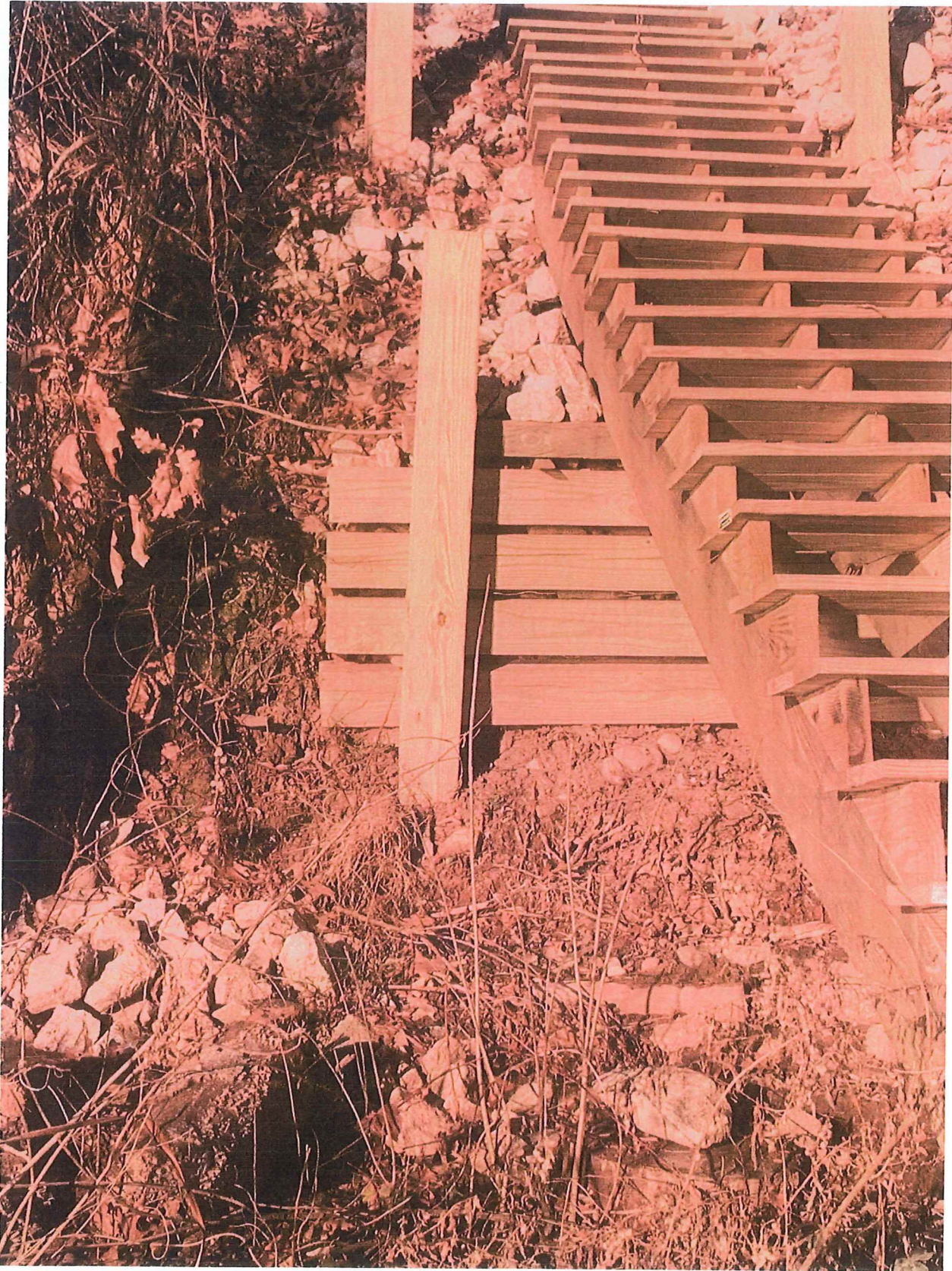




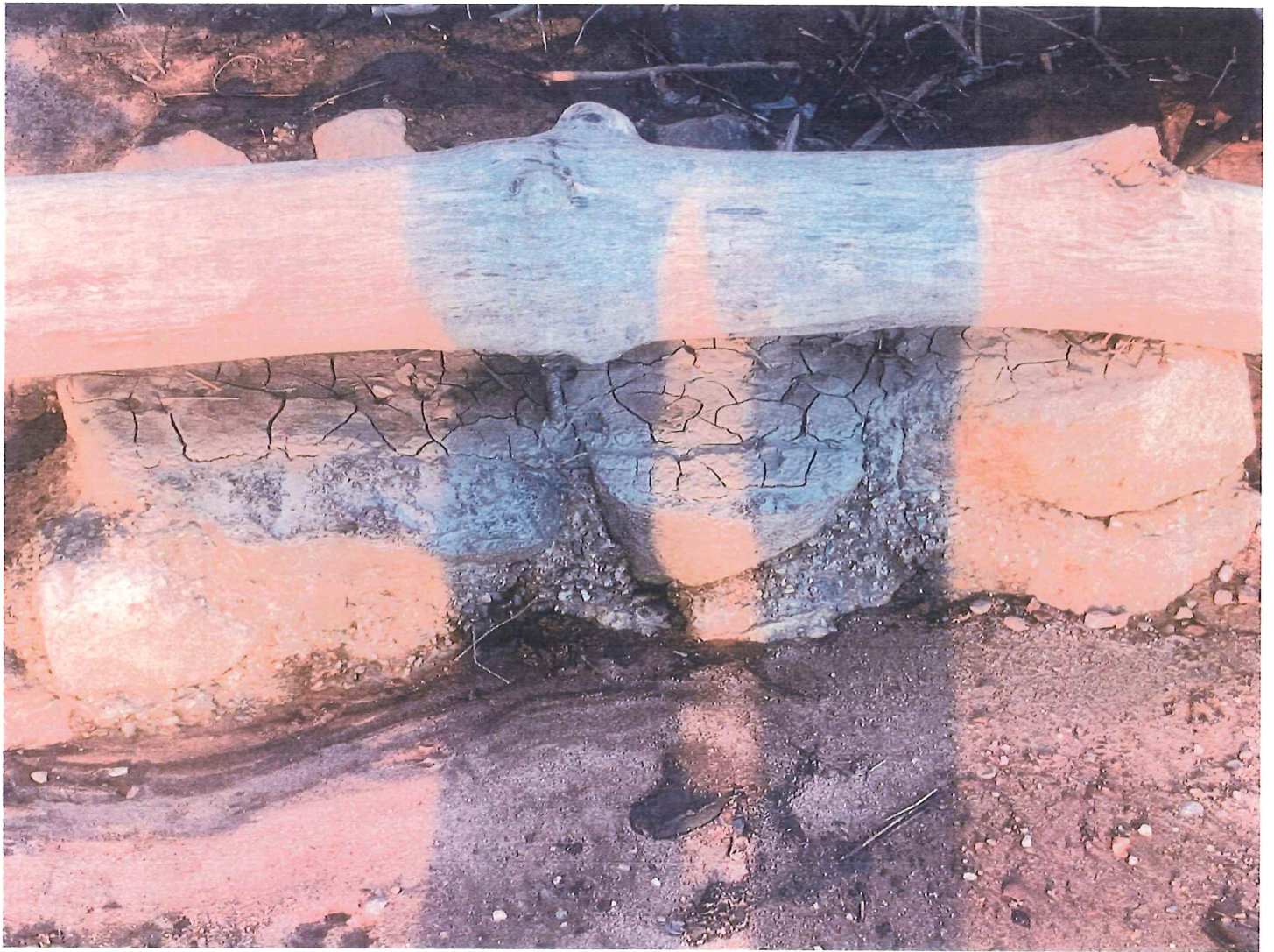
Foundation found believed to be an old Ice house



Ice House foundation



Stairs with retaining wall and back filled with large rip rocks



Existing stair foundation



Stares to the river





Wall adjacent Kelly Property along the path



with rip rocks

Path lined





Shed



Fire Pit

February 5, 2024

To the Planning and Zoning Commission:

We have owned our property for about 30 years and would like to note that the work we did was not done purposely to violate the conservation easement. We apologize for not contacting the Commission regarding the work. It will never happen again.

Based on the conservation easement, the conservation area should be maintained in its natural and scenic and open condition, unless written consent is granted by the Planning and Zoning Commission. You all should have copies of the easement for your information. We request that the Commission consider and approve the work that was done within the easement as you have complete authority to do so if you desire. We understand that we have done this work and now we are asking for the Commission's approval after the fact, but hope you can consider our request without prejudice. We have apologized and agree to never do work within the easement area without approval by the Commission.

At your last meeting you requested that we address four items, as noted below:

**Tree removal:** The work that we did was to improve our property to regain our view which we had when we first purchased the property. Our intention also was to remove dangerous trees encumbered and compromised by vines so that we may enjoy safe access to our river front. The approximate area where vegetation was removed is less than one eighth of an acre. We simply did not think this would be a problem; Of course, now we know better and in hindsight, we fully understand prior permission by the Commission was required before we cut the trees. We also point out that we were thoughtful of preventing erosion as we did not remove the stumps.

We agree not to cut any additional trees without prior approval from the Commission. We agree to implement a reclamation planting plan which was prepared with guidance from a state wildlife biologist Ann Kilpatrick and forester Will Hochholzer. The plan will be thoughtful in promoting a habitat for wildlife. We will plant four oak trees (1 ½" to 2" diameter), native to this area replacing the oak trees that were removed. In addition, we will include some native noninvasive riparian shrubs, such as native blueberry in the plan. Lastly, we will monitor the area for invasive species and remove them annually each summer.

**Gravel deposit for path:** There has always been some type of path in the current location; however; we did add stone dust to stabilize the 10' wide path. There has been a great deal of erosion that occurred along the path continually. Adding the stone significantly minimized the erosion of the path and problems with siltation. The slope is long and extremely steep (we did not actually measure the slope – but it is probably 2 or 3 to 1). Adding the gravel allows my family to safely walk the slope. We agree not to add any additional gravel to the path without prior approval of this Commission.

**Stairs:** The previous stairs were in a state of disrepair – eroding under the stairway and ready for the next storm to take pieces of the stairway down the river. We removed the stairs and

constructed a new set of stairs – that can be removed during a storm event. In addition, we added rip rap to prevent the continued erosion of the stairway area and riverbank. This was like the riverbank reparations done by the Water Commission on High Point property for which the commission has an easement and which residents refer to as “Low Point.” We will seek approval from the Building Inspector for the stairway if this request is approved.

**Shed:** There is an old foundation at the bottom of the slope in the area where the shed was installed and perhaps the commission could consider our installation of a 10x16 shed a replacement structure (pictures of the stairs foundation are within the photos included in the January meeting materials and included with this letter. We have also found ice hook and other similar remains. We can only assume that there was an ice house with access to the river via a stairway. We have done some research on the history of the area to see if we can find any information about the relics we found, but to no avail, except that various water dependent uses were found all along the riverfront. Given the history of the area, it is more than likely some use and structure associated with the river was located within the area.

In June, we installed a small shed that is less than 200 square feet, and therefore, not requiring a building permit. Given the steep slope and the fact that we are now older, it is difficult for us to cart our boating equipment, chairs, etc. up and down the slope. We were also motivated to protect our property as we have had outboard motors stolen and an attempted theft of a boat foiled by a homeowner at the Middle Haddam launch. We ordered the small shed and from Kloter Farms whose delivery vehicle had great difficulty maneuvering down the slope to place the shed, with no permanent foundation. The shed was placed at the top of the riverbank where there is a level area. We did not regrade the area. There was a previous landing in that location. If we were required to move the shed, we do not believe a truck would be able to successfully navigate up the slope with the weight of the shed without significant damage to the path.

**Firepit** – we built a fire pit at the site for our residential enjoyment; we have no problem removing this if you so desire; however, we would like to have a safe area for campfires and believe that we should have the right to enjoy our riverfront.

We understand that we violated the conservation easement and again apologize and hope you can review what we did without prejudice. Replanting trees and adding additional shrubs will address any visual impacts. We believe that we have the right to use our property to enjoy the river with a campfire, to go fishing and boating.

We understand that we must also submit applications to the IWWC, building inspector, and the Historic Commission and will do so if our request is approved. We did contact Charles Roberts, Chairman of the Historic District Commission who requested we submit the application after action by the PZC, if approved.

Based on information we found on the history of Middle Haddam, it was noted that there is a need to conduct an archaeological study especially along the river. As reparation for the work we did, if you or the Historic Commission are interested, we would be willing to prepare a “Survey

and Planning Grant” to the State Historic Preservation Office to fund such archaeological study of the Middle Haddam and its Riverfront, understanding that much of the riverfront is privately owned and may be difficult to undertake. If this grant is not feasible, there are other grants available through SHPO such as “Stewardship Relief grant” a new grant offered by SHPO to help pay for basic utilities and maintenance bills for historic resources, or an Endangered Building grant. We would be willing to prepare a grant application for whatever SHPO grant the town desires or tree planting grants through the CT DEEP such as the Urban and Community Forestry Planning Grant Program. Although we are willing to pay a fine, if we are successful in obtaining one of these grants – this would benefit the town far more than a fine. (SHPO grant could be anywhere from \$20K to \$200K) and it would help the town to accomplish some very important goals.

We also understand the concern you have for setting a precedent for doing work without a permit and believe this would be a fair contribution to the community. In addition, we are prepared to pay some amount of money as a punitive settlement.

With all sincerity, we hope our proposed reparations can allay your concern about precedent setting for our Town neighbors and that we are permitted by you to move forward to the next phases of approvals with the Inland Wetland Committee and Middle Haddam Historic Commission.

We trust this letter addresses all your concerns.

David and Melissa Baribault  
33 High Point Dr  
Middle Haddam, CT 06456

**Received 2.5.2024**

**East Hampton  
Land Use Dept.**





Office of the **PLANNING & ZONING OFFICIAL**  
**JEREMY DeCARLI, AICP, CZEO**  
jdecarli@easthamptonct.gov

August 30, 2023

David and Melissa Baribault  
33 High Point Drive  
Middle Haddam, CT 06456

Re: 33 High Point Drive Conservation Easement

Dear David and Melissa,

Thank you for your letter dated August 7, 2023. I appreciate your proposed efforts to vacate the conservation easement and allow nature to restore the area to its original condition. Please consider the following:

**Vegetation:** As vegetation regrows, please watch for invasive species. I strongly suggest consulting with a landscaper to determine appropriate revegetation methods in order to prevent the introduction of invasive species.

**Path:** Maintenance of a 10' wide walking path to the river is acceptable.

**Shed:** Unfortunately, I cannot allow the shed to remain within the conservation easement. The easement document does not allow structures within the area and the intent is for the area to remain natural. Please apply for a zoning approval for a compliant location and have the shed moved to an area outside of the easement.

**Stairs:** Please provide evidence that the stairs were in place historically or evidence of a prior approval. There are no permits in our files for stairs in this location and the conservation easement was created when the subdivision was developed, leading me to believe they were not in place prior to the lot being developed. If no evidence exists to suggest prior approvals, at minimum an application must be submitted to the IWWA for the work within the upland.

Again, thank you for your cooperation and willingness to resolve this matter.

Sincerely,

Jeremy DeCarli  
Planning & Zoning Official

August 7, 2023

David and Melissa Baribault  
33 High Point Drive  
Middle Haddam, CT 06456

Dear Jeremy,

We are in receipt of your letter dated July 6, 2023. We apologize for the work that has been completed within the conservation easement area, we were only trying to regain access to the river, which we believed was within our rights. We agree not to remove any further trees within the easement area and will allow all vegetation regrow.

We agree to only maintain a 10 wide path to the river for access as we believe we should have the ability to gain access for boating purposes (kayak, sail boat). We will not add any additional gravel, but will maintain the current surface in its current condition and not modify it, but keep the 10' path clear of vegetation. Removing the material within the laneway area will most likely be more damaging to the natural environment and given the steepness of the slope. It is noted that there has always been a path to the river as that is how we gained access to the river, and we did improve it because of its steepness and the erosion that was occurring.

The small shed that was placed at the south side of our property is used to house our kayaks. The shed is under 200 square feet. Bringing the shed down the extremely steep slope (about 1 ½ to 1) to the level area where it is currently located was extremely difficult. We will have to find a contractor willing to move it. However, given the difficulty and damage that would be done by removing the shed and the dangerous condition, we would ask to be allowed to keep the shed in its current location. But do understand if we have to remove it; we just ask that you give us time to find a contractor willing to do this work.

As for the stairs, there have always been stairs in the current location as evidence by the existence of the stone landing, we basically replaced them as they were old and dangerous. It is noted that the stairs have been constructed as a temporary single unit and can be removed at any time. We enjoy boating and would like to maintain the stairs and access to the river. We would like to keep them there during the summer/fall and will remove them in winter and early spring when we do not need access to the river. Of course, we would remove them if there was a threat of any flooding.

We have lived at our current address for close to 30 years and have always enjoyed access to the river without much of a problem until recently. We would like to maintain safe access to the river for our family to enjoy this beautiful natural resource. We believe the river is there for all to enjoy for boating, fishing, bird watching and just relaxing.

If you have any question, please do not hesitate to contact me (Melissa) at 860-919-4212.

Very truly yours,

*David and Melissa Baribault*

David and Melissa Baribault





Office of the **PLANNING & ZONING OFFICIAL**  
**JEREMY DECARLI, AICP, CZEO**  
jdecarli@easthamptonct.gov

July 6, 2023

David and Melissa Baribault  
33 High Point Drive  
PO Box 261  
Middle Haddam, CT 06456-0261

Re: Unauthorized Activities – 33 High Point Drive

Dear Mr. and Mrs. Baribault,

It has come to my attention that several activities have been undertaken within the Conservation Easement area held by the Town of East Hampton that lies along a portion of your property. The primary unauthorized activities include the installation of a shed, construction of a staircase, removal of trees, installation of a driveway, and excavation/grading of a portion of the property.

As referenced in the deed from Elliot Stone to you dated April 15, 1994, the property is encumbered by a private Conservation Easement in favor of the Town of East Hampton, put in place by the developer of High Point Estates. I have included a copy of both the deed (Exhibit A) and the Easement (Exhibit C) with this letter for your review.

As noted in the Easement document, the only activities that are authorized within the Easement area are the removal of dead trees and brush after the trees have been marked approved by the Planning & Zoning Commission. Construction of buildings or other structures, excavation, and removal of healthy trees and vegetation is prohibited.

In addition to violating the Conservation Easement, these activities are in violation of the Inland Wetland and Watercourses Regulations and Zoning Regulations of the Town of East Hampton. All activities involving removal or deposition of materials within 150 feet of the Connecticut River must be permitted by the Inland Wetlands and Watercourses Agency. All structures must also be reviewed for compliance with the Zoning Regulations prior to their construction. Finally, the structures are visible from the Connecticut River, which is deemed to be a public way, and are subject to a review by the Middle Haddam Historic District.

I ask that you bring your property into compliance with the Easement and Regulations by removing the building, staircase, and driveway, and allowing vegetation to re-grow to restore the property to its natural condition.

Please contact me at your earliest convenience with a timeline and plan for remediation.

Sincerely,

Jeremy DeCarli  
Planning & Zoning Official

cc: David Cox, Town Manager  
cc: Charles Roberts, MHHD Chair

C 35 - WARRANTY DEED - SURVIVORSHIP  
FROM IND. OR CORP.

DG VST-1

© 1976 ALL-STATE LEGAL SUPPLY CO.  
One Commerce Drive, Cranford, N. J. 07016

**To all People to Whom these Presents shall Come. Greeting:**

**Know Ye, That** ELLIOT STONE, of the Town of Woodbridge, County of New Haven and State of Connecticut

*herein designated as the Grantors,*  
for the consideration of SEVENTY-SEVEN THOUSAND DOLLARS (\$77,000.00)  
received to the full satisfaction of the Grantors, from  
DAVID BARIBAULT and MELISSA C. BARIBAULT  
whose mailing address is 23 Pearl Street, Glastonbury, CT 06033

*herein designated as the Grantees,*  
do hereby give, grant, bargain, sell and convey to the Grantees and to the survivor of them and to such survivor's heirs and assigns forever

Real property known as Lot #8, 33 High Point Drive, East Hampton, Connecticut and more particularly bounded and described in Schedule A attached hereto and made a part hereof.

TOWN  
\$84.70 Conveyance Tax received  
Jean H. Siena, Asst.  
Town Clerk of East Hampton

STATE  
\$385.00 Conveyance Tax received  
Jean H. Siena, Asst  
Town Clerk of East Hampton

**To Have and to Hold** the premises hereby conveyed with the appurtenances thereof, unto the Grantees and unto the survivor of them and unto such survivor's heirs and assigns forever, to their proper use and behoof, **and** the Grantors do for themselves, their heirs, successors and assigns, covenant with the Grantees and with the survivor of them and with such survivor's heirs and assigns, that the Grantors are well seized of the premises as a good indefeasible estate in **FEE SIMPLE**; have good right to grant and convey the same in manner and form as herein written and the same are free from all incumbrances whatsoever, except as herein stated.

**And Furthermore,** the Grantors do by these presents bind themselves and their heirs, successors and assigns forever to **WARRANT AND DEFEND** the premises hereby conveyed to the Grantees and to the survivor of them and to such survivor's heirs and assigns against all claims and demands whatsoever, except as herein stated.

In all references herein to any parties, persons, entities or corporations, the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require.

**In Witness Whereof,** the Grantors have hereunto set their hands and seals, or if a corporation, it has caused these presents to be signed by its corporate officers and its corporate seal to be affixed hereto, this ~~18th~~ 15<sup>th</sup> day of April 19 94 .

Signed, Sealed and Delivered in the presence of  
or Attested by

Robert L. Pellegrino

Elliot Stone

Angelina L. Fappiano

State of Connecticut  
County of New Haven

} ss. New Haven

The foregoing instrument was acknowledged before me this 15th day of April 1994 , by Elliot Stone

Robert L. Pellegrino

Commissioner of the Superior Court

**Warranty Deed**

(SURVIVORSHIP)

TO

Dated

19

Received for Record

19

at

M.

Recorded in Vol.

Page

of

Land Records by

Town Clerk



# EXHIBIT B

MEESON & HEAGLE  
CIVIL ENGINEERS & LAND SURVEYORS  
GLASTONBURY, CONNECTICUT  
DATE: 4-19-94 SCALE: 1" = 20' MAP NO. 71-94-1

PREPARED FOR  
DAVID BARIBAUT  
EAST HAMPTON, CONN.

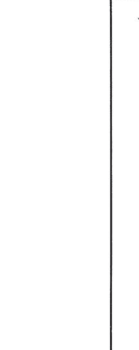
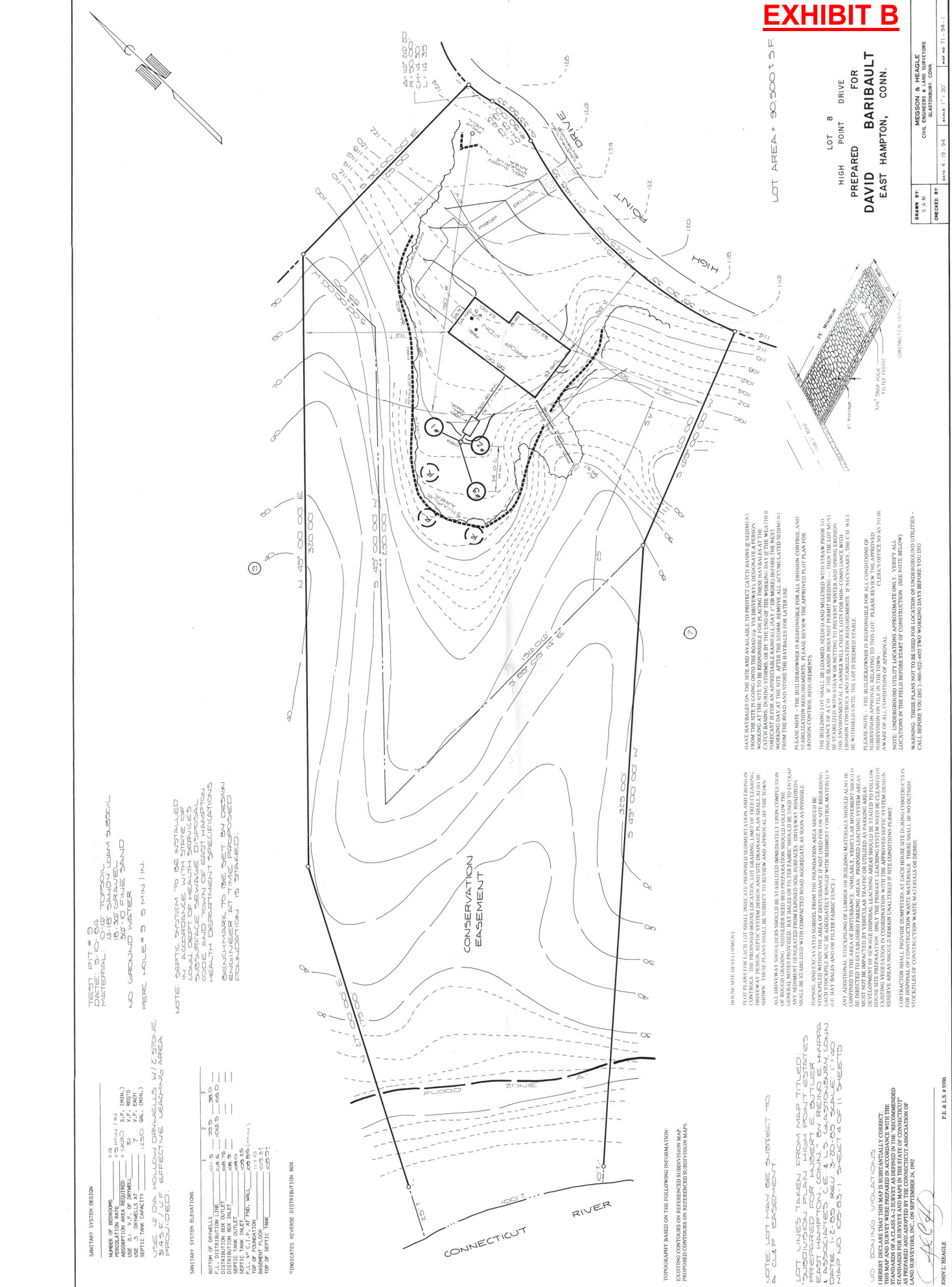
PROJECT: LOT 8 DRIVE  
HIGH POINT FOR  
DAVID BARIBAUT  
EAST HAMPTON, CONN.

SEPTIC SYSTEM TO BE INSTALLED  
CONSTRUCTION OF 15' x 20' x 30' TANKS  
SUBSTRATE SEWAGE DISPOSAL  
HEALTH DEPARTMENT SPECIFICATIONS  
REMARKS TO BE SET BY DESIGN  
ENGINEER AT TIME PROPOSED  
FOUNDATION IS STAKED

NOTE: SEPTIC SYSTEM TO BE INSTALLED  
CONSTRUCTION OF 15' x 20' x 30' TANKS  
SUBSTRATE SEWAGE DISPOSAL  
HEALTH DEPARTMENT SPECIFICATIONS  
REMARKS TO BE SET BY DESIGN  
ENGINEER AT TIME PROPOSED  
FOUNDATION IS STAKED

NO ZONING VIOLATIONS  
HEREBY CERTIFY THAT THIS MAP IS SUBSTANTIALLY CORRECT  
STANDARDS OF A CLASS 2 SURVEY AS DEFINED IN THE RECOMMENDED  
PRACTICES AND REGULATIONS OF THE STATE OF CONNECTICUT  
LAND SURVEYORS, INC. ON SEPTEMBER 24, 1992

JOHN T. HEAGLE  
P.E. & L.S. #3986



SEPTIC SYSTEM TO BE INSTALLED  
CONSTRUCTION OF 15' x 20' x 30' TANKS  
SUBSTRATE SEWAGE DISPOSAL  
HEALTH DEPARTMENT SPECIFICATIONS  
REMARKS TO BE SET BY DESIGN  
ENGINEER AT TIME PROPOSED  
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NOTE: SEPTIC SYSTEM TO BE INSTALLED  
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ENGINEER AT TIME PROPOSED  
FOUNDATION IS STAKED

NO ZONING VIOLATIONS  
HEREBY CERTIFY THAT THIS MAP IS SUBSTANTIALLY CORRECT  
STANDARDS OF A CLASS 2 SURVEY AS DEFINED IN THE RECOMMENDED  
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LAND SURVEYORS, INC. ON SEPTEMBER 24, 1992

JOHN T. HEAGLE  
P.E. & L.S. #3986

SEPTIC SYSTEM DESIGN  
NUMBER OF BROWNS  
REGULATION RATE  
ABSORPTION AREA REQUIRED  
USE 5' DRIVEN AT INTERVAL  
SEPTIC TANK CAPACITY  
USE OF DIA. HOLLOW DRIVEN W/ 1/2 STROKE  
PROVIDED EFFECTIVE LEAKING AREA

SEPTIC SYSTEM ELEVATIONS

BOTTOM OF DOWELS	015	015	015
F.L. DISTRIBUTION LINE	015	015	015
DISTRIBUTION BOX INLET	015	015	015
SEPTIC TANK INLET	015	015	015
F.L. IN C.T.P. AT TANK WALL	015	015	015
BACKSET FLOOR	015	015	015
TOP OF SEPTIC TANK	015	015	015

\*INDICATES REVERSE DISTRIBUTION BOX

TOPOGRAPHY BASED ON THE FOLLOWING INFORMATION:  
EXISTING CONTOURS ON REFERENCED SUBDIVISION MAP  
PROPOSED CONTOURS ON REFERENCED SUBDIVISION MAPS

NOTE: LOT MAY BE SUBJECT TO  
A CURP EASEMENT

LOT LINES TAKEN FROM MAP TITLED:  
PREPARED FOR JUDITH BOUTER  
EAST HAMPTON, CONN. BY RENE HANRA  
DATE: 12-20-93 REV. 3-20-94 SHEET 1 OF 1  
MAP NO. 93-03-1 SHEET 4 OF 11 SHEETS

NO ZONING VIOLATIONS  
HEREBY CERTIFY THAT THIS MAP IS SUBSTANTIALLY CORRECT  
STANDARDS OF A CLASS 2 SURVEY AS DEFINED IN THE RECOMMENDED  
PRACTICES AND REGULATIONS OF THE STATE OF CONNECTICUT  
LAND SURVEYORS, INC. ON SEPTEMBER 24, 1992

JOHN T. HEAGLE  
P.E. & L.S. #3986

PERMANENT PRIVATE CONSERVATION EASEMENT

This Private Conservation Easement and Restriction made this day of \_\_\_\_\_, 1985, by and between HUBERT E. BUTLER, of the Town of East Hampton, County of Middlesex and State of Connecticut, hereinafter called "Grantor", and the TOWN OF EAST HAMPTON, a municipal corporation having its territorial limits within the County of Middlesex and State of Connecticut, hereinafter called "Grantee";

## W I T N E S S E T H :

WHEREAS, the Grantor is the owner of real property, hereinafter described, situated on the westerly side and to the rear of Connecticut Route 151 in the Town of East Hampton, County of Middlesex and State of Connecticut, certain portions of which Grantee, acting through its Planning Commission, has determined would be in the public interest to retain, maintain and conserve as private open space in its natural and scenic state; and

WHEREAS, the Grantee, acting through its Planning Commission, has determined that the maintenance and conservation of the said property of the Grantor can best be accomplished by the securing by Grantee of a private conservation easement over, across and upon the said property of the Grantor; and

WHEREAS, the Grantor is willing, in consideration of possible reduction by Grantee of real property taxes on said property and in consideration of other agreements made between the parties, to grant to said Grantee the easement and covenants as hereinafter expressed concerning said property, thereby providing for its maintenance and conservation as open space;

NOW, THEREFORE, said Grantor does hereby give, grant, bargain, sell and confirm unto said Grantee, its successors and assigns forever, the right, privilege and authority as a private conservation easement and restriction to perpetually preserve, protect, limit, conserve and maintain

the land, wetland and woodland area of the premises hereinafter described in their present natural, scenic and open condition.

Said premises are described as follows:

Certain pieces or parcels of land being those portions of Lots 4, 5, 6, 7 and 8 designated "Private Conservation Easement" situated on the southerly and southwesterly side of High Point Drive (Private Road) in the Town of East Hampton, County of Middlesex and State of Connecticut, being shown on a certain map or plan entitled:

"Subdivision Plan HIGH POINT ESTATES Prepared For HUBERT E. BUTLER East Hampton, Conn. Reino E. Hyyppa & Associates Civil Engineers & Land Surveyors Glastonbury, Conn. Scale 1" = 40' Date 1-2-85 Map No. 105-83-1 Sheet 2 of 11 Sheets, Sheet 3 of 11 Sheets, Sheet 4 of 11 Sheets Rev. 3-20-85 Per P & Z Approval"

which maps or plans are on file or to be filed in the Town Clerk's Office in said Town of East Hampton to which reference may be had for a more particular description thereof.

THE GRANTOR FURTHER COVENANTS AND AGREES:

To prohibit and refrain from the following operations, unless written express consent is obtained from Grantee, acting through its Planning Commission, or successor:

- (a) the construction or placing of buildings, roads, signs, billboards or other advertising, or other structures on or above the ground;
- (b) the dumping or placing of soil or other substance or material as landfill, or dumping or placing of trash, ashes, waste, rubbish, garbage, junk or unsightly or offensive materials;
- (c) the excavation, dredging or removal of loam, peat, gravel, soil, rock or other mineral substance in such manner as to affect the surface;
- (d) the removal or destruction of trees, shrubs or natural vegetation, the killing of wildlife, the spraying of pesticides other than to control mosquitoes and other insect pests (by use of pesticides accepted by the Department of Environmental Protection), or any other activities or uses detrimental to drainage, flood control, water conservation, erosion control, soil conservation, wildlife or the maintenance of the land and wetland areas in its natural, scenic and open condition.

Notwithstanding any of the foregoing provisions, nothing herein shall preclude the construction, reconstruction, maintenance and repair within said premises of aboveground or underground public utilities, provided all proper precautions are taken with respect to erosion and siltation control as approved by the Grantee herein prior to commencement of such activity.

THE GRANTEE AGREES, by the acceptance hereof:

1. To release automatically such private conservation easement and restriction as though this instrument had never been executed by the Grantor should, at any time, said premises be condemned by some dominant governmental authority.

2. To permit removal by the Grantor of dead trees and brush from said premises provided, however, that in advance of such removal, the Grantee, acting through its Planning Commission, or successor, shall approve such removal by marking trees or a similar method.

3. To permit the Grantor herein to construct, install and maintain sanitary sewer and/or water lines across the above-described easement should such sanitary sewer and/or water lines be constructed in proximity to the area so as to make such a hook-up feasible, subject to normal environmental review of such activity.

The Grantor herein reserves to himself, his heirs, successors and assigns the right to make use of the above-described premises for any and all purposes which are in keeping with the stated intent of this Private Conservation Easement and which shall in no way endanger the maintenance and the conservation of the above-described premises as open space in its natural state.

The foregoing Private Conservation Easement and Restriction shall be permanent and shall be binding upon the Grantor, his heirs, successors and assigns and inure to the benefit of the Grantee, its successors and assigns and to the Grantor, his heirs, successors and assigns.

TO HAVE AND TO HOLD the above-granted rights, privilege or authority unto the said Grantee, its successors and assigns forever, to its and their own proper use and behoof.



IN WITNESS WHEREOF, the Grantor has hereunto set his hand and seal  
the day and year first above mentioned.

Signed, Sealed and Delivered  
in the presence of:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Hubert E. Butler  
Hubert E. Butler

TOWN OF EAST HAMPTON

By Richard H. Markham  
Its \_\_\_\_\_, Duly Authorized

STATE OF CONNECTICUT: \_\_\_\_\_, 1985  
: ss.  
COUNTY OF \_\_\_\_\_:

On this \_\_\_\_\_ day of \_\_\_\_\_, 1985, before me, the undersigned  
officer, personally appeared Hubert E. Butler, signer and sealer of the  
foregoing instrument, who acknowledged the same to be his free act and deed.

\_\_\_\_\_  
Commissioner of the Superior Court  
Notary Public

STATE OF CONNECTICUT: \_\_\_\_\_, 1985  
: ss. East Hampton  
COUNTY OF MIDDLESEX:

On this \_\_\_\_\_ day of \_\_\_\_\_, 1985, before me, the undersigned  
officer, personally appeared \_\_\_\_\_ of the Town  
of East Hampton, as aforesaid, signer and sealer of the foregoing instru-  
ment, who acknowledged the same to be his free act and deed as such  
and the free act and deed of said municipal corporation.

\_\_\_\_\_  
Commissioner of the Superior Court  
Notary Public

RECEIVED FOR RECORD AT E. HAMPTON, CT.  
ON 7/26/85 AT 11:45 A.M.  
Attest: PAULINE L. MARKHAM, Town Clerk

EXHIBIT D

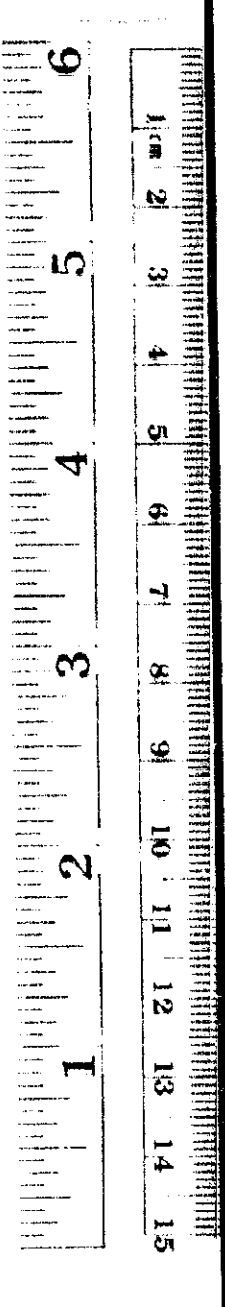
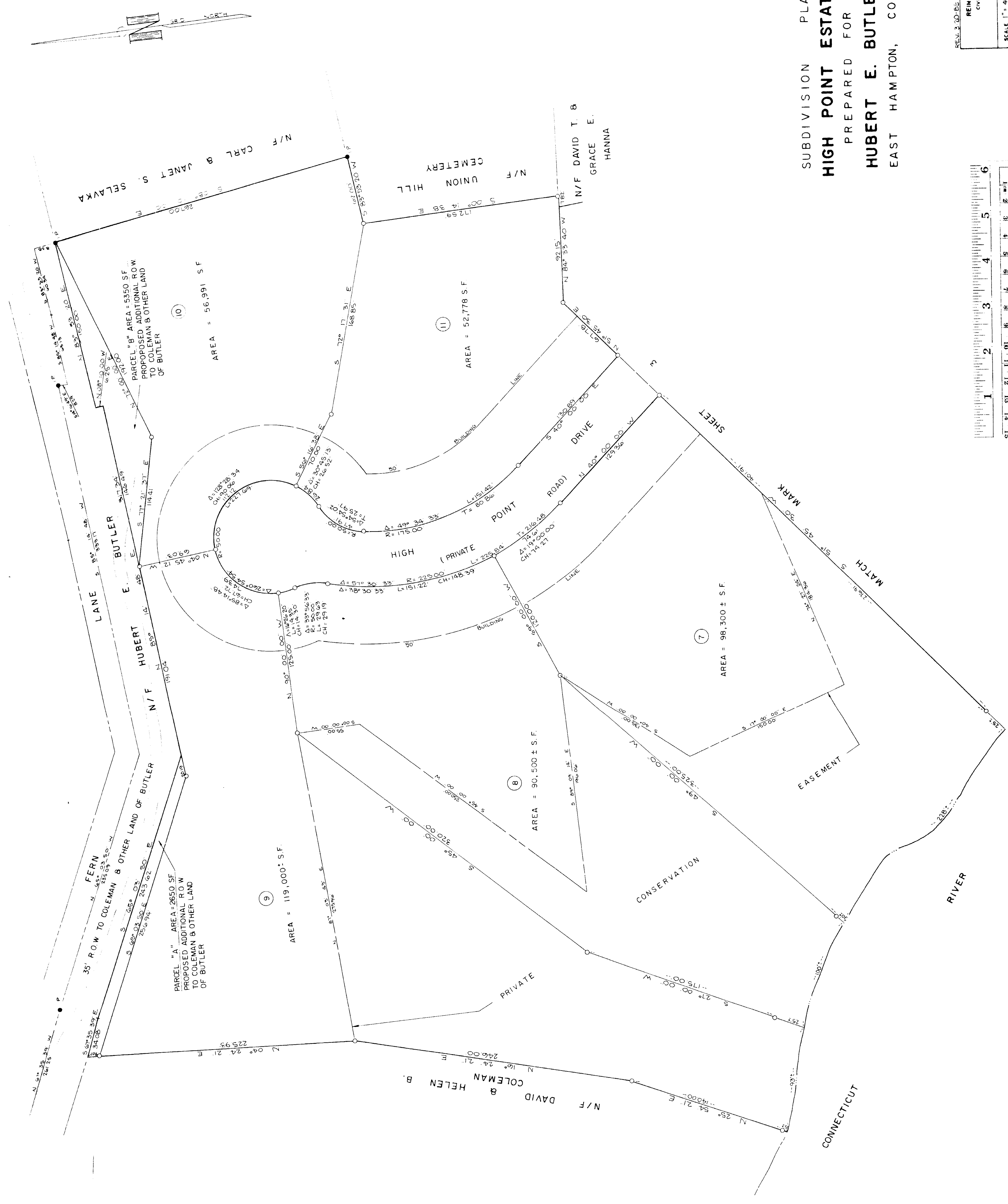
SUBDIVISION PLAN  
HIGH POINT ESTATES  
PREPARED FOR  
HUBERT E. BUTLER  
EAST HAMPTON, CONN.

Rec'd 5/2/85  
11:45 A.M.  
James Markham  
Town Clerk

REMO E. MYPPA & ASSOCIATES  
CIVIL ENGINEERS & LAND SURVEYORS  
GLASTONBURY, CONN.

SCALE 1" = 40' DATE 1-2-85 MAP NO 105-83-1

SHEET 4 OF 11 SHEETS



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Town of East Hampton  
**Inland Wetlands and Watercourses Agency**  
**Regular Meeting**  
July 26, 2023 – 6:30 P.M.  
East Hampton Town Hall Meeting Room

**DRAFT MINUTES**

**Present:** Chairman Joshua Wilson, Vice-Chairman Dean Kavalkovich, David Boule, Peter Wall and Derek Johnson.

**Absent:** Scott Hill

**1. Call to Order:** The meeting was called to order at 6:32 p.m. by Chairman Wilson.

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

**3. Approval of Minutes:**

**A) June 28, 2023 Meeting:** Vice-Chairman Kavalkovich made a motion to approve the June 28, 2023 minutes as written. The motion was seconded by Mr. Wall.

***Vote: 5-0***

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

Communications: Mr. DeCarli noted Derek Johnson appointment letter for the Commission.

Enforcement: Mr. DeCarli explained he has taken enforcement action at High Point Drive for a wetland violation and disturbance in a conservation easement. Mr. DeCarli briefly explained he is working with the property owner for a remediation plan.

Public Comment: None.

**5. Agent Approval:** None.

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

**7. Continued Applications:**

**A. Application IW-23-014: Princess Pocotopaug Association, Wangonk Trail, Remove boat ramp to construct seawall and side walk along Lake Pocotopaug. Map 09A/ Block 70C/ Lot 44.** David Schuler, 8 Seminole Trail, provided the measurements for existing boat ramp and proposed sea wall location. Mr. DeCarli noted proposed plans were reviewed by the Conservation Lake Commission and asked the applicant for their feedback.

Mr. Schuler replied the Conservation Lake Commission asked him to minimize water runoff from the driveway entering the lake. Mr. Schuler further explained they proposed adding stone and add plantings as a buffer. Chairman Wilson asked if the driveway is paved and Mr. Schuler replied yes. Commission Members briefly discussed flow of water to current boat ramp area. Vice-Chairman Kavalkovich asked for clarification how long the proposed sea wall is and Mr. Schuler replied about 12ft and noted existing sea walls on both side of the existing boat ramp. Commission Members briefly discussed the need for a vegetated buffer. Vice-Chairman Kavalkovich asked if concrete and stone will be removed from the boat ramp. Mr. Schuler replied yes and an area will be used for access by removeable aluminum stairs. Vice-Chairman Kavalkovich made a motion to approve Application IW-23-014: Princess Pocotopaug Association, Wangonk Trail, Remove boat ramp to construct seawall and side walk along Lake Pocotopaug. Map 09A/ Block 70C/ Lot 44 using the standard short form permit. With an additional condition that the recommendations from the Conservation Lake Commission regarding the installation of a buffer area and an increase in the height of the wall to block water from flowing directly into the lake must be incorporated into the plans to the satisfaction of Town Staff. For the following reasons: the current ramp is a safety issue and the project provides recreational value without further incursion into the lake. The motion was seconded by Mr. Johnson. **Vote: 5-0**

## **8. New Applications:**

**A. Application IW-23-016: Matthew Pegolo, 292 West High St., Construct a single-family home within Upland Review Area. Map 06/ Block 6/ Lot 3B.** Mike Sullivan. Professional Engineer, East-West Engineering of West Hartford and Matt Pegolo, Architect presented plans. Mr. Pegolo explained the property previously received approval to subdivide but current owner would like to combine both lots. Mr. Sullivan discussed proposed plans for a single-family home and noted remaining portion of the property to be used as a solar field. Mr. Sullivan stated they used previous wetland delineation, soil testing and infiltration investigation for design. Mr. Sullivan noted upland review area disturbance and stated they submitted application to Chatham Health. Mr. Sullivan read submitted narrative to the Commission that further discussed proposed plans. Chairman Wilson asked for confirmation if they are relying on previous wetland delineation that was completed prior to 2010 and that wetland delineation been verified. Mr. Sullivan replied they did not update the earlier fieldwork, they walked the site and the site did not appear to have any man made or natural modifications. Mr. Wall asked if there is sewer hookup and Mr. DeCarli replied no. Mr. Wall asked if the site had another access off of Coughlin Road and Mr. Sullivan replied no. Vice-Chairman Kavalkovich made a motion to continue the application IW-23-016: Matthew Pegolo, 292 West High St., Construct a single-family home within Upland Review Area. Map 06/ Block 6/ Lot 3B to the next regularly scheduled meeting of August 30, 2023. The motion was seconded by Mr. Wall. **Vote: 5-0**

**B. Application IW-23-017: Flanders Road Estates, LLC, Flanders Road, Fifteen (15) Lot Subdivision with 46,400 square feet of disturbance in the Upland Review Area, (Home Acres Estates), Map 26/ Block 87/ Lot 6.**

Rob Baltramaitis, Professional Engineer, explained proposed plans for a 15-lot subdivision. Mr. Baltramaitis noted there is no direct impacts to wetlands, there is a wetland report by James Sipperly that reports no adverse impacts to wetlands and 1.06 acres of upland review area disturbance. Mr. Baltramaitis described the site's location. Mr. Baltramaitis explained the parcel is 53 acres and provided dimensions. Mr. Baltramaitis explained the soil report completed by James Sipperly noted three areas of wetlands and provided flagged wetland locations. Mr. Baltramaitis explained three lots would have access from Pecauset Trail and the remaining 12 lots would have access to Flanders road by a 22ft wide private road. Mr. Baltramaitis discussed the site drainage to a proposed vegetated swale to direct water runoff towards a proposed retention basin. Mr. Baltramaitis explained the detention basin is designed in accordance with DEEP stormwater control manual, erosion and sedimentation control guidelines and Town standards. Mr. Baltramaitis noted a separate lot of 7.3 acres is open space and stated there is conservation easements on other parcels. Mr. Johnson asked for clarification on discrepancies of flagged wetland areas. Mr. Baltramaitis replied the soil scientist will clarify at next meeting. Vice-Chairman Kavalkovich asked for open space and conservation easement locations. Mr. Baltramaitis provided locations. Mr. Wall asked if drainage would be contained on the site and not enter Flanders Road. Mr. Baltramaitis replied yes with an exception of the beginning of the proposed road. Commission Members briefly discussed the existing access road to the site. Mr. Baltramaitis explained lot 8 is oversized and will not be subdivided. Mr. Boule asked if there is a minimum length for a cul-de-sac. Mr. Baltramaitis replied the proposed road is 1400ft and the standard is 1500ft. Chairman Wilson asked if it was possible to create a connection to Pecauset Trail. Mr. Baltramaitis replied it would be a challenge because of grading. Chairman Wilson asked for Mr. DeCarli's comments for subdivision. Mr. DeCarli replied he did supply comments in their packets and noted most comments relate to PZC. Mr. Boule asked if Town Engineer will review the project. Mr. DeCarli replied he may not as the Town Engineer reviews larger project but Public Works Department will. Commission Members briefly discussed proposed detention basin. Mr. Wall asked if there will be a maintenance plan for the private road. Mr. Baltramaitis replied yes, the open space, detention basin and roadway will be owned by a homeowner's association. Mr. Boule asked for site line details for the road out of Flanders. Mr. Baltramaitis replied they are preparing intersection site lines profiles. Chairman Wilson asked if there is a cut and fill analysis. Mr. Baltramaitis replied they could prepare one for the next meeting. Chairman Wilson asked for clarification of flagged wetlands flow directions. Mr. Baltramaitis replied he will clarify and will have a drainage report at the next meeting. Mr. Boule made a motion to continue Application IW-23-017: Flanders Road Estates, LLC, Flanders Road, Fifteen (15) Lot Subdivision with 46,400 square feet of disturbance in the Upland Review Area, (Home Acres Estates), Map 26/ Block 87/

Lot 6 to the next regularly scheduled meeting of August 30, 2023. The motion was seconded by Mr. Johnson. **Vote: 5-0**

**9. Public Hearings:** None.

**10. New Business:** None.

**11. Old Business:**

**A. Annual Review of Bylaws.** Mr. Wall discussed revising meeting start time to 6:30pm and asked if Town Manager attend he does not have voting rights per Bylaws. Commission Members discussed if they could give the Town Manager voting rights if there is a lack of quorum. Mr. DeCarli replied he will check the Town's ordinance. Mr. Boule recommended revising order of business. Commission Members briefly discussed order of business. Commission Members briefly discussed disqualifying a board member and possible language change. Commission Members agreed on language change for date, place, time for meetings. Mr. DeCarli will present at next meeting updates to bylaws and verify if bylaws do not need a public hearing when updated.

**12. Public Comments:** None.

**13. Adjournment:** Mr. Boule made a motion to adjourn at 7:28p.m., the motion was Seconded by Mr. Wall. The motion was unanimous in favor.

Respectfully submitted,



Cheryl Guiliano, Recording Clerk

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

August 30, 2023 – 6:30 P.M.  
East Hampton Town Hall Meeting Room

**MINUTES**

**Present:** Chairman Joshua Wilson, Vice-Chairman Dean Kavalkovich, David Boule, Peter Wall, Derek Johnson, and Scott Hill

**Absent:** None.

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

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

**3. Approval of Minutes:**

**A) July 26, 2023 Meeting:** Mr. Wall made a motion to approve the July 26, 2023 minutes as written. The motion was seconded by Mr. Boule.

**Vote: 4-0**

*Vice-Chairman Kavalkovich and Mr. Hill arrived to meeting.*

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

Communications: None.

Enforcement: Mr. DeCarli referred the Commission to correspondence he had with property owners at 33 High Point. Mr. DeCarli explained the property has a conservation easement on the riverfront and reported the property owners opened a wide swath of land down at the riverfront, installed a shed and built a set of stairs. Mr. DeCarli reported he sent them a letter and is working with them on a remediation plan to remove the shed, allow nature to support itself, and recommended they work with a landscaper to get plantings that prevent invasive species. Mr. DeCarli stated the property owners claim the stairs to the river are historical, he has no records of that claim and they would need IWWA approval if they intend to keep the stairs. Mr. Wall asked if the State has oversight and Mr. DeCarli replied no, as the activity is above the high-water mark. Mr. Johnson asked Mr. DeCarli if he was letting them keep the gravel path. Mr. DeCarli replied yes, he would prefer not to remove it and have nature take its course, the gravel will allow water to infiltrate, and removing it would need them to have erosion control on the slope. Mr. DeCarli stated he

would like the Commission to review and provide their comments on his remediation plan. Chairman Wilson asked if he had pictures and Mr. DeCarli replied yes but not with him tonight and will share with them. Commission Members agreed they would like to review photos. Mr. DeCarli provided Google Earth images of the property and explained site changes. Commission Members briefly discussed changes. Mr. Hill expressed concern with the activity in the conservation easement. Mr. Hill asked if the Commission has the authority to let the items remain in the easement. Mr. DeCarli replied the easement is held by the Town, PZC has the authority to grant the right for the items to remain in the easement. Mr. Hill asked if Mr. DeCarli will have the PZC review an application for the path to remain. Mr. DeCarli replied he would potentially have them for the stairs but not for the gravel path. He further explained he believes the path should remain and not be disturbed. Mr. Hill reiterated concern with the activity in the conservation easement. Commission Members discussed conservation easements and their authority. Mr. Johnson asked if they only have authority over 150' upland review area. Mr. DeCarli explained the property owners have been notified, discussed his remediation plan order and explained the Commission's authority. Mr. Hill discussed who is responsible for work in the easement and enforcement. Chairman Wilson and Vice-Chairman Kavalkovich discussed the Commission's responsibility, jurisdiction, and agreed activity in the conservation needs to be addressed. Vice-Chairman Kavalkovich asked for clarification on if the area disturbed was a path or road. Chairman Wilson replied it is a path and Mr. DeCarli noted he believes the path stops at the shed. Mr. Johnson asked how far the shed is from the water line. Mr. DeCarli used Google Earth to report it is within 150' upland review area. Mr. DeCarli asked the Commission if they are comfortable with the remediation plan he issued. Mr. Johnson asked how far the road goes into the 150' URA. Mr. DeCarli replied approximately 93' from water's edge. Chairman Wilson replied the Commission has jurisdiction because of potential erosion hazard that could occur due to the site's topography. Mr. Hill discussed conservation easements and wetland impacts. Chairman Wilson discussed what the commission has authority over. Mr. Hill discussed enforcement of conservation easements. Mr. Hill asked if PZC is aware of the activity taken place and are they acting on it. Mr. DeCarli replied he has acted concerning the activity in the conservation easement on PZC behalf with the enforcement order to remediate. Mr. DeCarli briefly discussed the enforcement order. Mr. Johnson asked if the property owners agreed with his enforcement order. Mr. DeCarli replied yes but they would like to keep the path. Chairman Wilson asked condition of the nature of ground cover in the cleared area. Mr. DeCarli replied he did not walk the property, was able to see the site from the neighbor's property as the property owners have not let him gain access. Mr. DeCarli reported they did not remove the stumps and brush is still there. Chairman Wilson expressed concern with invasive species and recommended a natural vegetated system. Vice-Chairman Kavalkovich asked if any action to remediation would require a permit. Mr. DeCarli replied no only if they would like to keep the shed, stairs and path. Vice-Chairman Kavalkovich clarified that remediation action



did not need approval from the Commission and Mr. DeCarli replied he did not think they needed to unless the Commission decides otherwise. Mr. Johnson asked if the owners plan to maintain the path and Mr. DeCarli replied yes, the gravel path will be maintained as a walking path. Mr. Wall asked if the remainder of the path in the 150' upland review area needed a permit from the Commission and Mr. DeCarli replied it is up to the Commission. Mr. Hill expressed concern with the activity in the conservation easement. Mr. Johnson expressed concern with size of the path and noted the entire path would be in their jurisdiction regardless of an easement. Mr. Hill expressed concern with Mr. DeCarli not being able to access the site and would like an application from the property owners and Mr. Wall agreed. Mr. Johnson discussed the matter setting precedents for the activity in the conservation easement. Chairman Wilson summarized that the Commission is ok with the principle of the remediation action but because they did the activity they would like an application to justify the design to determine if path can stay or must be removed and further remediated. Vice-Chairman Kavalkovich asked if it would be a permit application or show cause hearing. Commission members discussed show cause hearings. Mr. DeCarli explained the enforcement action, they have been informed they must remove the shed, if they want stairs to remain they will need approvals from PZC and IWWA. Mr. DeCarli explained he thought it was best to leave the gravel rather than cause more disturbance but the Commission can decide if owners will need a permit to keep the gravel path. Commission Members discussed the gravel path and vegetated management plan for area of removed trees. Mr. Hill briefly discussed property owners need for a permit. Chairman Wilson asked if a show cause hearing is required. Mr. DeCarli replied they can issue a cease and desist which will force the show cause and reminded the Commission if he issues it then a show cause hearing is required within 10 days or he can have them apply for a permit. Mr. Hill stated he would like the clearing to be addressed. Mr. Johnson expressed concern with allowing the road to be maintained versus letting nature take its course. Commission Members agreed to have the property owners apply for a permit. Chairman Wilson advised Mr. DeCarli the Commission requires a permit application for the access road and clearing in the easement.

Public Comment: None.

**5. Agent Approval:** None.

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

**7. Continued Applications:**

**A. Application IW-23-016: Matthew Pegolo, 292 West High St., Construct a single-family home within Upland Review Area. Map 06/ Block 6/ Lot 3B.** Mike Sullivan, Professional Engineer, East-West Engineering of West Hartford and Matt Pegolo, Architect

presented plans for a 48' x 48' single home with a private well and septic. Galen Semprebon, Senior Project Manager and Profession Engineer with East-West Engineering explained previously the project was approved for a two-lot subdivision and now propose a single lot for a single-family home. Mr. Semprebon provided the location for proposed house, garage, driveway, septic and noted wetlands location. Mr. Semprebon noted they are all outside of the 100' upland review but 720SF of grading is required in the upland review area. Mr. Semprebon also noted a solar array and provided location. Mr. Semprebon noted plans for erosion control measures including silt fencing. Mr. Semprebon stated they have approval for septic design. Mr. Hill asked if the application is a modification to an existing application as the Commission previously approved activity on the lots. Mr. Semprebon replied approval is more than five years ago. Mr. Hill clarified the proposed plans are taking two lots and combining into one. Mr. Hill asked if they are reducing impacts and asked for reduction from the original plan to current proposed plan. Mr. Semprebon replied there will be some reduction as the second septic system from the previous approval is eliminated in the upland review area. Vice-Chairman Kavalkovich asked for clarification on location of stream on the north side of property off of Airline Trail and a brook located on west side of the property. Mr. Semprebon provided brook location and provided location of easement in favor of the Town. Mr. Wall asked if fill is for the septic and Mr. Semprebon replied the fill is for the driveway and provided details. Mr. Wall asked if the septic reserve is located in the upland review area and Mr. Semprebon replied yes, a portion is and did not anticipate ever needing the reserve area based off of the soils and perc rate. Chairman Wilson asked for permanent stabilization plan for the slope. Mr. Semprebon replied the plan is for loaming and seeding but it also depends on the time of the year. Vice-Chairman Kavalkovich made a motion to approve the application IW-23-016: Matthew Pegolo, 292 West High St., Construct a single-family home within Upland Review Area. Map 06/ Block 6/ Lot 3B using the standard short form permit as presented. For the following reasons: minimal impact design, no direct wetland impact and little impact to the Upland Review Area. Mr. Wall seconded the motion. **Vote 6-0**

**B. Application IW-23-017: Flanders Road Estates, LLC, Flanders Road, Fifteen (15) Lot Subdivision with 46,400 square feet of disturbance in the Upland Review Area, (Home Acres Estates), Map 26/ Block 87/ Lot 6.** Rob Baltramaitis, Professional Engineer, explained proposed plans for a 15-lot subdivision. Mr. Baltramaitis explained the location and noted 311' of frontage on Flanders and 53 acres in size. Mr. Baltramaitis explained the site slopes from east to west and has a drainage divide with the first divide drains to the north and other portion drains easterly. Mr. Baltramaitis stated there are three wetland areas on the property, provided their location and brief details. Mr. Baltramaitis discussed proposed plan is for a 15-lot subdivision with three of the lots accessed with a 22ft wide shared driveway at Pecausett Trail. He stated the remainder of the lots will have access by a new road way off of Flanders Rd. called Quinn's Way. He

explained the road will be 1400' in length, 22ft wide and proposed vegetated roadside swales on both sides implementing best management practices recommended by DEEP. He discussed the property is in the R4 zone which requires 2-acre parcels, most proposed parcels are slightly in excess of 2 acres due to lot configuration, well radius and septic systems. He noted lots 10 and 11 are in excess of 4 acres each, lot 8 is 16 acres with 7 ¾ acres of conservation easement. He also noted the wetlands will be conservation easements. He explained the site has two drainage divides, proposes a detention basin on the right side of the roadway and a second detention basin in drainage divide two and provided locations. He briefly discussed drainage calculations and rainfall data. He noted erosion and sedimentation controls and the project disturbance area is slightly over 5 acres which is subject to a DEEP general permit for construction. He provided cut and fill data for the property. He explained profile for the proposed roadway and the construction is generally balanced and same for stormwater detention basins. He noted there is no direct impacts to wetlands but 1-acre of upland review area impact. He explained the project has been designed in conformance with storm water manual by DEEP, the storm basins more than attenuate the peak flows after the development and negligible impact on the wetlands down gradient properties. James Sipperly, Soil Scientist, CT Wetlands Scientist, Environmental planner for City of Middletown, Wetland Agent for the Town of Portland, and IWWA Commission Member for Bozrah. Mr. Sipperly discussed his wetland report. Mr. Sipperly discussed flagged wetland areas, upland review areas and soil types. Mr. Sipperly noted Chatham Health approval. Mr. Sipperly explained the soils provide ground water recharge, discharge, sediment stabilization, nutrient removal, wildlife diversity and habitat. Mr. Sipperly discussed the sites vegetation, trees, shrubs. Mr. Sipperly explained he worked with Mr. Baltramaitis on erosion and sedimentation control plan and briefly discussed. Mr. Baltramaitis explained the detention basin in divide one was relocated away from wetlands soil. Mr. Sipperly explained the proposed development in upland review area will not disturb any wetlands in the watercourses on or adjacent to the site. Mr. Hill asked how far the last house extended from cul-de -sac to the Airline Trail as he is concerned with frog breeding ground near that location and watercourse. Mr. Sipperly asked for clarification of which pond. Mr. Hill described the location. Mr. Sipperly replied the flagged wetlands 1-32 in that area did not have standing water when he performed his delineation, and believes there is a diversity of wildlife that uses that area. Mr. Hill asked where that was in relation to the next house. Pat Gorman, replied 428' from the Airline Trail to lot 8. Mr. Hill expressed concern with lot 8 impacting wetlands and believes there should be a larger buffer. Mr. Baltramaitis explained lot 8 is 16-acres with 7 ¾ acres reserved as conservation easement, the lot has little grading and impact. Mr. Baltramaitis discussed possibly adding rain garden to the west. Mr. Sipperly discussed the topography on lot 8. Chairman Wilson asked for clarification on pocket on the site. Mr. Sipperly replied it is not a vernal pool and there is a large boulder located there. Chairman Wilson asked for clarification of flow pathway or stream. Mr. Sipperly replied during a heavy storm there may be a stream that

flows but there is not an intermittent watercourse. Mr. Hill explained in the spring the area near Airline Trail fills with water and expressed concern. Mr. Sipperly replied he would imagine pockets of standing water in the spring but at the time he visited the site there was no evidence of a deep pool area where wildlife would breed and lay eggs. Mr. Sipperly agreed that area would function as a vernal pool in the spring and noted the other side of the trail there is a large vernal pool. Chairman Wilson stated the concern with the upland review area habitat and adjacent and asked for clarification of upland review area on map and Mr. DeCarli replied 100'. Chairman Wilson asked for the percentage of development in the upland review area. Pat Gorman replied 2500sf of upland review area, 75ft of detention basin number two. Mr. Baltramaitis noted about one-acre of impact to upland review area. Chairman Wilson asked if the catch basin will be dry. Mr. Baltramaitis replied they will be dry but even dry catch basins remain wet and briefly discussed design and infiltration. Mr. Sipperly believed Mr. Baltramaitis recommendation for linear rain garden is a good idea and roof leaders could go into it. Mr. Baltramaitis further discussed adding roof leaders and driveway run off. Chairman Wilson asked if it is for lot 8 and Mr. Baltramaitis replied yes and provided the location. Vice-Chairman Kavalkovich asked if there was ledge there that would prevent construction. Mr. Baltramaitis replied there is in that area and he will need to work with what is available for soil and topography. Vice-Chairman Kavalkovich asked Mr. Hill if rain garden addresses his concern. Mr. Hill expressed concern with the extension of lot 8 and providing proper buffer. Mr. Johnson asked how close the house on lot 10 is to wetlands. Pat Gorman replied the house is 175' to the wetland. Mr. Sipperly recommended placing a covenant on the mylar being filed and along the conservation easement adding placards. Pat Gorman proposed adding an additional 50' of buffer around the wetland in addition to the proposed raingarden. Mr. Boule replied the setback should be a 100' buffer and Chairman Wilson agreed. Mr. Baltramaitis asked Mr. Gorman if 100' buffer is possible. Mr. Gorman replied they could if they did not have to revise the detention basin. Mr. Hill discussed the benefits for the detention basin if correctly designed. Mr. Baltramaitis briefly discussed detention basin design. Chairman Wilson agreed with proposed updates. Mr. Baltramaitis noted volumes are including in the calculations. Mr. Baltramaitis agreed to the 100' buffer and it adds another 1.5 acre to the conservation easement. Commission Members briefly discussed conditions. Mr. Baltramaitis asked if the Commission wanted the proposed rain garden on lot 8 and Mr. Hill replied yes. Mr. Hill asked if the road is private and Mr. DeCarli replied yes but there are ongoing discussions regarding it. Mr. Sipperly noted they agreed to stipulations by the Commission. Pat Gorman briefly discussed rain garden. Vice-Chairman Kavalkovich and Chairman Wilson discussed short form versus long form including site monitoring. Chairman Wilson asked what site monitoring is required by the State. Mr. Baltramaitis replied the State will require a general permit for construction activity due to 5-acre disturbance and believes the activity will be registered with the State and does not believe he will need to submit monitoring reports. Mr. Sipperly noted his report includes recommending regular inspections and after storm

events, and Commission can condition monthly E&S control reports. Pat Gorman discussed the detention basins will be installed first and immediately captured by down gradient swales then into the basins. Mr. Baltramaitis additionally noted the detention basins will act as sediment basins during construction. Vice-Chairman Kavalkovich made a motion to approve application IW-23-017: Flanders Road Estates, LLC, Flanders Road, Fifteen (15) Lot Subdivision with 46,400 square feet of disturbance in the Upland Review Area, (Home Acres Estates), Map 26/ Block 87/ Lot 6 using the standard short form permit. With the following conditions: include a rain garden to mitigate water runoff on lot 8 between the proposed house and barn, the design of which is to be reviewed and approved by Town Staff; include in the plans a conservation easement including 100' buffer surrounding the flagged wetlands number 1-32 with a deviation to allow for the current design of basin SWM2; and all conservation easements are to be clearly marked with placards designed and spaced as designated by Town Staff. For the following reasons: best management practices for stormwater runoff quality are included in the design, hydrology is maintained to keep water quality going to the wetlands for any given storm about the same before construction, and adequate conservation easements are in place to protect the wetlands beyond the 100' buffer. Mr. Wall seconded the motion. **Vote: 5-0-1 (Mr. Hill)**

**8. New Applications:** None.

**9. Public Hearings:** None.

**10. New Business:** None.

**11. Old Business:**

**A. Annual Review of Bylaws.** Commission Members discussed proposed changes to Bylaws. Chairman Wilson made a motion to approve revised Bylaws effective August 30, 2023. The motion was seconded by Vice-Chairman Kavalkovich. **Vote 6-0**

**12. Public Comments:** Mr. Boule stated he is retiring from the Commission. Commission Members thanked Mr. Boule for his service. Mr. DeCarli noted he ordered a plaque for Mr. Boule who has been on the Commission for 49 years. Commission Members noted Mr. DeCarli is leaving and thanked him for his work with the Commission.

**13. Adjournment:** Mr. Boule made a motion to adjourn at 8:41p.m., the motion was Seconded by Mr. Wall. The motion was unanimous in favor.

Respectfully submitted,

*Cheryl Guiliano*

Cheryl Guiliano, Recording Clerk

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

September 27, 2023 – 6:30 P.M.  
East Hampton Town Hall Meeting Room

**DRAFT MINUTES**

**Present:** Vice-Chairman Dean Kavalkovich, Peter Wall, Derek Johnson, and Scott Hill

**Absent:** Chairman Joshua Wilson

**1. Call to Order:** The meeting was called to order at 6:32 p.m. by Vice-Chairman Dean Kavalkovich.

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

**3. Approval of Minutes:**

**A) August 30, 2023 Meeting:** Mr. Hill made a motion to approve the August 30, 2023 minutes as written. The motion was seconded by Mr. Johnson.

***Vote: 4-0***

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

Communications: None.

Enforcement: Mr. Johnson asked for an update on 33 High Point Rd. Mrs. Guiliano replied Mr. DeCarli met with property owner and the property owner would like to keep the items in the conservation easement. She further explained the property owner is to contact the Town Manager and have yet to do so.

Public Comment: None.

**5. Agent Approval:** None.

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

**7. Continued Applications:** None.

**8. New Applications:**

**A. Application IW-23-018: Jeffrey Schleidt, Mott Hill Rd., Timber harvest within Upland Review Area. Map 24/ Block 44/ Lot 14D.** Chris Casadei, Forester explained proposed plans to install a temporary crossing to harvest timber. Vice-Chairman Kavalkovich explained the Commission needs to determine if the proposed activity is as of right. Mr. Hill confirmed activity is as of right. Mr. Hill asked what kind of equipment will be used, and provide details for proposed water crossing. Mr. Casadei replied they will use a skidder and conventional logging. Mr. Hill asked what is being used for the two wetlands crossings. Mr. Casadei replied they will use temporary timber bridges over the channel and corduroy the approaches. Mr. Wall asked how close the activity is from the wetland. Mr. Casadei stated they will not cut more than 50% of the basal area as to not have an impact on the wetlands. Mr. Hill asked if they are providing a buffer. Mr. Casadei replied not a lot of timber will be cut in the wetland area. Mr. Casadei discussed current site conditions in regards to significant rainfall totals. Mr. Hill asked for the project start date and Mr. Casadei replied he expects this winter. Mr. Hill made a motion to determine the project is an as-of-right activity. Mr. Johnson seconded the motion. **Vote: 4-0**

**B. Application IW-23-019: John Brown, 209 East High St., Construct a single-family home within Upland Review Area. Map 32/ Block 71/ Lot 1/5.** John Brown, property owner, explained proposed plans to construct a single-family home. Mr. Brown explained plans to adjust the current site plan to construct the home further from the street 30-40' and closer to the wetlands. Mr. Brown added the reason to push back house is to create a safe driveway. Mr. Hill asked if the if the applicant received planning and zoning approval and Mr. Brown replied not yet. Mrs. Guiliano explained the plan presented needs to be updated as the property owner wants to move the location. Mr. Hill asked if the original plan was approved and Mrs. Guiliano replied the subdivision was approved years ago. Vice-Chairman Kavalkovich asked if the property has 100' or 200' buffer. Mrs. Guiliano replied the property requires 100' buffer as it is right outside Lake Pocotopaug Watershed. Mrs. Guiliano explained the current site plan indicates the proposed deck is within 100' upland review area and the applicant will provide an updated site plan with new location. Mr. Brown further explained the location he prefers the house to be located in order to add a turnaround driveway. Mr. Johnson asked how far the current proposed house is to the wetlands buffer and Mr. Brown replied 100'. Vice-Chairman Kavalkovich discussed the current site plan is not the applicant's proposal. Mr. Brown replied he will provide updated site plan including revised location, silt fencing, infiltration system, roof leaders and will have at the next meeting. Mr. Hill spoke in favor of water mitigation measures the applicant mentioned. Mr. Wall noted the applicant needs to consider deck location when updating site plan. Mr. Brown asked for clarification for wetland protections. Vice-Chairman Kavalkovich explained reasons for protecting wetlands and preventing impacts. Vice-Chairman Kavalkovich discussed items the Commission would like answered: roof leaders, infiltration system, impervious surfaces, stormwater runoff control, planting plan and



erosion and sedimentation controls. Mr. Hill asked the applicant to provide buffer plan to mitigate potential impact to wetlands. Vice-Chairman Kavalkovich further explained the need for the Commission to review a reasonable alternative method for moving the proposed house closer to the wetlands. Mr. Hill made a motion to continue the application to the October 25, 2023 regular meeting. Mr. Wall seconded the motion. **Vote: 4-0**

**C. Application IW-23-020: Linda DiCaprio, 83A North Main St., Grade and landscape slope within Upland Review Area. Map 04A/ Block 45/ Lot 13B.** Linda DiCaprio, property owner, explained the property currently has a retaining wall in disrepair and proposes adding fill to support the wall. Ms. DiCaprio briefly discussed erosion and sedimentation controls. Mr. Hill discussed having the authorized agent review application. Vice-Chairman Kavalkovich stated the area looks flat based off the contours. Mr. Hill asked for confirmation if plan is to remove wall and grade and Ms. DiCaprio replied she may keep the wall and add fill to create a slope. Mr. Hill asked if they will seed the slope. Ms. DiCaprio replied yes and she plans to add plantings. Ms. DiCaprio noted the goal of the proposed project is to mitigate erosion from neighboring property. Commission Members discussed agent approval. Mr. Wall asked how much fill is proposed and Ms. DiCaprio replied 18 cubic yards. Mr. Johnson asked if Chairman Wilson should review the application. Commission Members agreed the project should be reviewed by authorized agent. Vice-Chairman Kavalkovich asked Ms. DiCaprio to provide a planting plan. Mr. Hill made a motion to send this application to the Duly Authorized Agent for approval. Mr. Johnson seconded the motion. **Vote: 4-0**

**D. Application IW-23-021: Peter Guastamachio, 5 Clearwater Condo, 20' x 11'.6" deck expansion in Upland Review Area. Map 10A/ Block 80/ Lot 5/3.** Peter Guastamachio, property owner, discussed proposed plans to expand deck. Mr. Hill asked for current deck dimensions. Mr. Guastamachio explained current deck dimensions and noted above ground railroad ties. Mr. Hill discussed having authorized agent review application. Mr. Hill asked for erosion and sedimentation control. Vice-Chairman Kavalkovich noted existing retaining wall. Mr. Wall asked if he will spread or remove excess material. Mr. Guastamachio replied they will remove excess material. Mr. Hill made a motion to send this application to the Duly Authorized Agent for approval. Mr. Johnson seconded the motion. **Vote: 4-0** Mr. Johnson asked if railroad pieces are in appropriate condition to control water run-off. Mr. Guastamachio replied one side is leaning a little. Mr. Hill made a motion that erosion and sedimentation controls may be required if Authorized Agent agrees it is appropriate. Mr. Johnson seconded the motion. **Vote: 4-0**

**9. Public Hearings:** None.

**10. New Business:** None.

**11. Old Business:** Mr. Wall asked for an update regarding 33 High Point for the next meeting. Mrs. Guiliano replied she will discuss with the Town Manager and update the Commission at the next regularly scheduled meeting.

**12. Public Comments:**

**13. Adjournment:** Mr. Wall made a motion to adjourn at 7:13 p.m., the motion was Seconded by Vice-Chairman Kavalkovich. The motion was unanimous in favor.

Respectfully submitted,



Cheryl Guiliano, Recording Clerk

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 Guszowski. 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 Guszowski, 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.

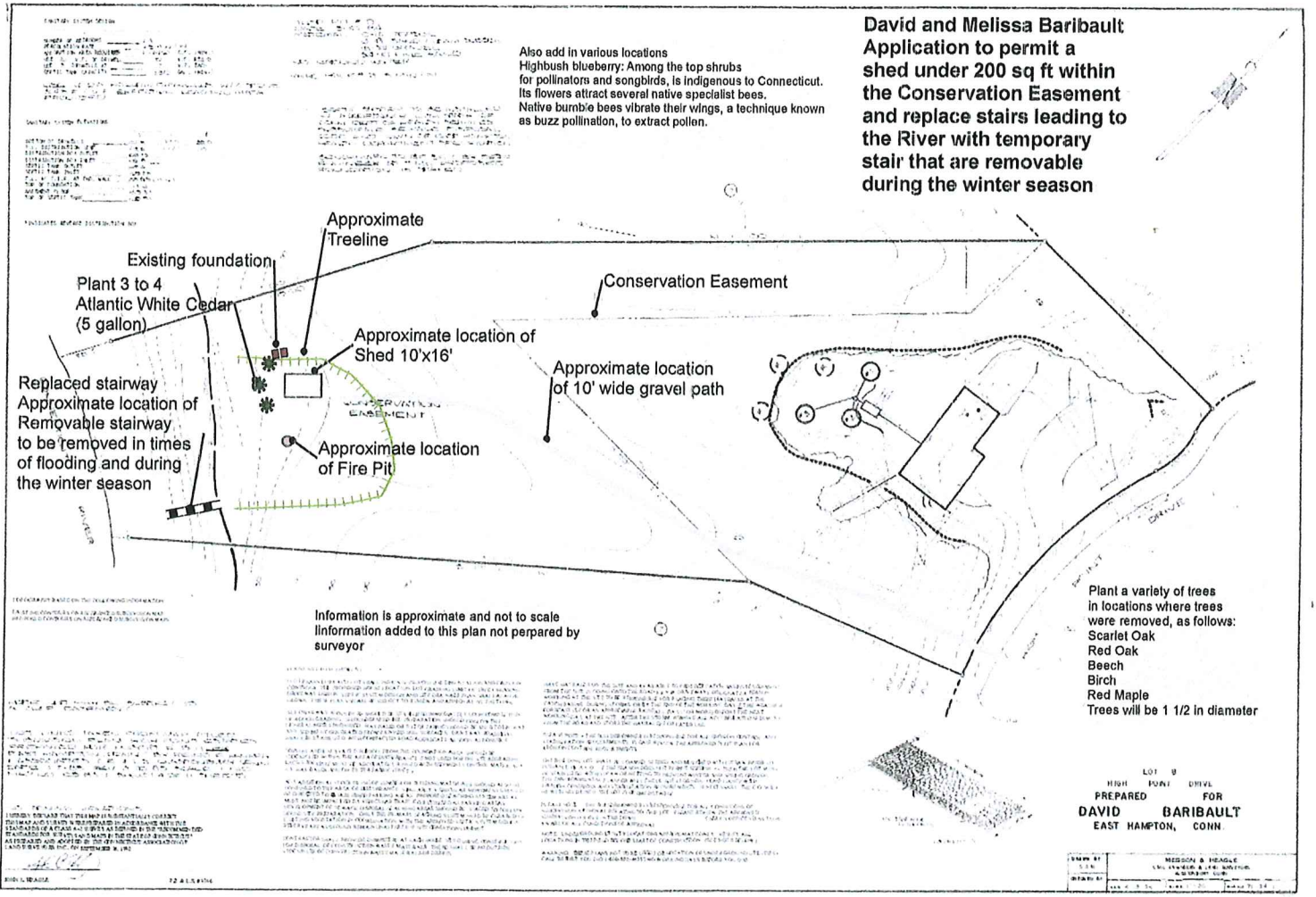
**12. Public Comment:** None

**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



RCVD @ meehy  
 3/6/24

**SUMMARY OF ACTIONS/COMMITMENTS**

<b>Planting Plan</b>	<ul style="list-style-type: none"><li>•Inland /Wetlands Watercourse Agency agreed on 2/28 to assist with proposed plan (hand out) following a site visit</li></ul>
<b>Stairs</b>	<ul style="list-style-type: none"><li>•Request to retain stairs for safe access to water</li><li>•Preserves the riverbank</li><li>•Will apply for a permit to add railing</li></ul>
<b>Path</b>	<ul style="list-style-type: none"><li>•Safest access to river from the house</li><li>•Gravel contains bank erosion</li><li>•Will refrain from adding more gravel without permission</li></ul>
<b>Shed</b>	<ul style="list-style-type: none"><li>•Helps to protect our boats and equipment</li><li>•Planting plan will shield shed view from River</li></ul>
<b>Firepit</b>	<ul style="list-style-type: none"><li>•Will remove stone and replace with patio style firepit</li></ul>

**Preserving safe access and use of our Riverfront while protecting our property**





FRANK'S  
We Do What  
Most Men Won't  
Fear Round





















*Clean water. Healthy habitat. Thriving communities.*

# Connecticut River Conservancy

John Guskowski  
Interim Planner  
East Hampton Office of Planning and Zoning  
1 Community Drive  
East Hampton, CT 06424

March 27, 2024

Dear John Guskowski,

On behalf of the Connecticut River Conservancy, we are writing to express our significant concerns regarding the grossly inappropriate and expressly unauthorized activities undertaken within a deeded conservation easement area on property owned by David and Melissa Baribault.

The Connecticut River Conservancy (CRC) restores and advocates for clean water, healthy habitats, and resilient communities to support a diverse and thriving watershed. Established in 1952, CRC is the only environmental non-profit operating in the entire Connecticut River watershed. As the owner of property and holder of conservation easements throughout the watershed ourselves, we understand the importance of conservation easements in protecting and preserving the ecological integrity and natural beauty of our region.

The cutting of large trees and the construction of a shed and a long staircase on a very steep bank, as well as the addition of material and grading are all in direct violation of the letter and the spirit of the conservation easement held by the Town of East Hampton. The property owners were aware of the conservation easement when they purchased the property, and their purchase price necessarily reflected the restrictions on the use of their property. They lived for decades without violating the deeded restrictions, and they understood that they had to seek permission for even the simple act of removing already dead trees. Despite their understanding of the conservation easement, they chose unilaterally and without authorization to damage the land and vegetation, all to their pecuniary benefit. Their unauthorized activities compromise the viewshed for countless

others, weaken and destabilize the bank, and create opportunities for erosion and adverse water quality impacts. One good rainstorm and we anticipate additional soil, debris, and nitrogen being discharged to the Connecticut River, and to Long Island Sound where nitrogen concentrations are already significantly harming the coastal area. So these unauthorized actions adversely affect more than just this one property.

We urge the East Hampton Planning and Zoning Commission to uphold the integrity of the conservation easement by requiring the property owners to return the land to its original condition. While it will take the land some time to recover, beginning this coming planting season will allow the land to return to its original state, provided the planting of native species is required. Allowing the property owners to continue to use the area will likely exacerbate the existing damage through increased foot traffic, increased erosion, and ongoing maintenance of the area including likely additional cutting, grading, and disturbance. In addition, the increase in rainfall and river levels due to climate change will tend to worsen the existing damage.

For the Town to grant retroactive permission for these egregious violations would allow significant and ongoing damage to the land and waterway and would subject the Town to significant liability and risk of litigation. Allowing a free pass or perhaps requiring some half measures for these knowing violations sets a dangerous precedent and undermines the purpose and application of conservation easements throughout the lower river region. Such actions erode public trust in the effectiveness of government and compromise the scenic and ecological value of this important and prominent area along the Connecticut River.

We thank you for considering our concerns. We trust that the East Hampton Planning and Zoning Commission will act in the best interests of both the local community and the broader conservation goals of the Connecticut River watershed by requiring the property owners to return the land to its natural state, as required by the deeded conservation easement.

Please do not hesitate to be in contact if we can provide any additional information or technical assistance as you require restoration. The Connecticut River Conservancy has several staff with deep expertise in riverbank restoration, and we would be happy to assist you in your efforts.

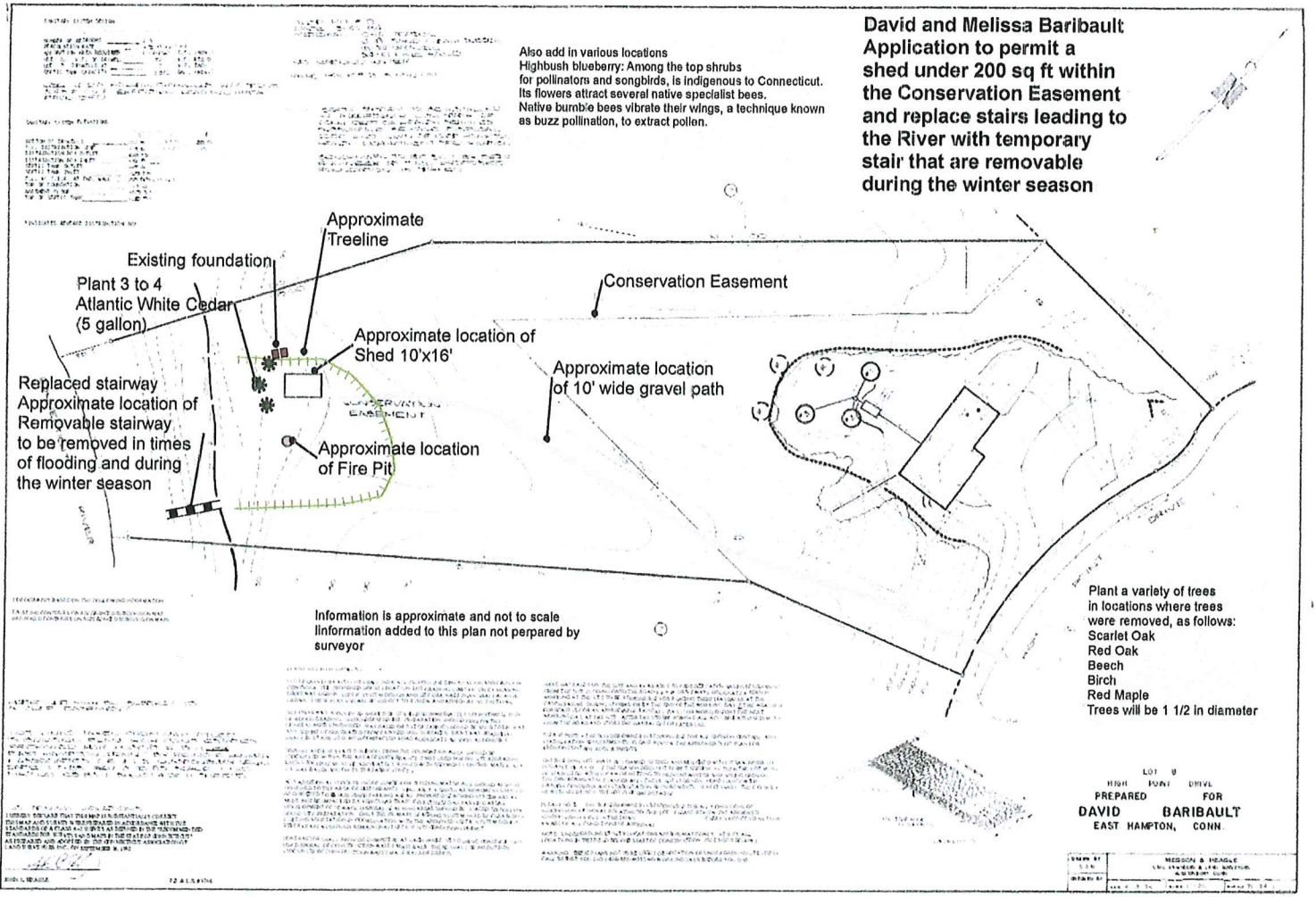
Sincerely yours,

*Rhea Drozdenko*

Rhea Drozdenko  
River Steward, Connecticut

*Rebecca Todd*

Rebecca E. Todd  
Executive Director



*RCVP@meety  
 3/6/24*

**SUMMARY OF ACTIONS/COMMITMENTS**

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**Preserving safe access and use of our Riverfront while protecting our property**

Topographic base map showing streets, natural features and shaded relief

**Google Street Map**  
Topographic base map showing streets, natural features and shaded relief

**Google Satellite Map**  
Topographic base map showing streets, natural features and shaded relief

**Google Hybrid Map**  
Topographic base map showing streets, natural features and shaded relief

**Canvas Map**  
Light gray background map to highlight foreground features

**Aerial Map**  
Aerial images of the town from 2014

**2016 Aerial Map**  
2016 Aerial images of the town

**2019 Aerial Map**  
2019 Aerial images of the town

About

Layers

Identify



Additional Data