

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