

Town of East Hampton
Inland Wetlands and Watercourses Agency
Special Meeting

November 29, 2021 – 6:30 P.M.
East Hampton Town Hall Meeting Room

DRAFT MINUTES

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

Absent:

1. Call to Order: The meeting was called to order at 6:30 p.m. by Vice-Chairman Wilson.

2. Seating of Alternates: None.

3. Executive Session: Executive Session was called to order at 6:32 p.m. and ended at 7:01 p.m.

4. Approval of Minutes:

A) October 27, 2021 Regular Meeting: Mr. Wall made a motion to approve the October 27, 2021 minutes as written. The motion was Seconded by Mr. Kavalkovich.

Vote: 5-0

5. Communications, Enforcement and Public Comment:

Communications: None.

Enforcement: None.

Public Comment: None.

6.. Agent Approval: None.

7. Reading of the Legal Notice: None.

8. Continued Applications:

A. IW-21-022: Global 66, LLC. 265 West High Street – Site Plan Modification including new drive aisle and parking area, installation of culvert to carry existing drainage, installation of a retaining wall, and new drainage facilities within the Upland Review Area. Map 06/ Block 12/ Lot 9. Rob Baltramatis, Engineer, For the owner of 244 Middletown Ave. presented. Mr. Baltramatis stated he would address issues from the last

meeting. Wetlands on the south side of the building were disputed from the original site plan to one recently submitted. Mr. Baltramatis explained Soil Scientist, James Sipperly, went back to evaluate the site and located wetlands on the south side of the building and flagged 1B-20B. The flagged wetlands were consistent with the original site plan of construction of the building. The flags were added to map on record. Mr. Baltramatis presented proposed plans to add landscaping islands to the front and east side of the building. The last landscaping island is 10 x 18ft deep and near the Upland Review Area and that particular area drains to North to Route 66 away from the wetlands area. Mr. Baltramatis explained reconstructing the drainage swale at the front of the property site. The proposed plans for the drainage swale will be a rip rap lined swale and excavate the top soil, stream and add to voids in the stone. Soil would be added back into the swale for the following reasons: encourage vegetation to reestablish, slows velocity, and looks better. Photos of a similar swale proposed were presented to Commission Members. Mr. Baltramatis stated earthwork on site is essentially cuts and fills on site. Mr. Kavalkovich asked if the offices will remain at the building. Mr. Baltramatis replied the intent is for the entire building to be climate-controlled storage. Mr. Kavalkovich made a motion to approve IW-21-022: Global 66, LLC. 265 West High Street – Site Plan Modification including new drive aisle and parking area, reconstruction of drainage swale, installation of a retaining wall, and new drainage facilities within the Upland Review Area. Map 06/ Block 12/ Lot 9 using the short form with no special conditions for the following reasons: wetland impacts are minimal and storm water management practices are compliant with the best practices. The motion was seconded by Mr. Wall. **Vote: 5-0**

9. New Applications:

A. IW-21-025: Middletown Sportsmen’s Club, Champion Hill Road – Construction of Fire Access Road partially in Upland Review Area and a bridge over intermittent stream. Map 11/ Block 40A/ Lot 18. Joe Formica, President of Middletown Sportsmen’s Club presented that they have recently purchased 48 acres of land off of Champion Hill Road. In December 2019 they did a Young Forest Habitat where they cleared areas on the property. They would like to clean up existing skid roads for access into their property on the other side of an intermittent stream. To gain access Mr. Formica proposes installing a set of crane pads 20ft long and 4ft wide to create a crossing. Vice-Chairman Wilson asked if the property is flagged for wetlands. Mr. Formica explained CT DEEP had blue flags on the property. Commission Members discussed the need for flagged wetlands need to be recorded for the property by a Soil Scientist. Mr. Formica believes CT DEEP might have a wetland report and will reach out to them for record. Mr. DeCarli recommended a site walk of the property. A site walk is scheduled for December 11, 2021 for 8 a.m. Vice-Chairman Wilson made a motion to continue Application IW-21-025 to the next regularly scheduled meeting December 22, 2021. The motion was seconded by Mr. Wall. **Vote: 5-0**

B. Show Cause Hearing: Cease & Desist, 23 Bay Road, Amy Rio & William Carter.

Construction of seawall without Permit. Map 09A/ Block 70/ Lot 23. Amy Rio of 23 Bay Road presented. Ms. Rio apologized to Commission Members and stated she thought she could repair seawall with out a permit as she went to the Town Hall and “didn’t get anywhere”. Ms. Rio explained the seawall had rebar and concrete sticking out and felt that it was hazardous and wanted a safe, stable sea wall. Additionally, there is a dirt ramp that is eroding into the lake. Will Carter of 23 Bay Road presented. Mr. Carter would like to rebuild a safe wall with antique stone to make it look nice and safe. Mr. Carter explained he would like to rebuild sea wall as soon as possible as winter is approaching. Gary Turrenne, Mason Contractor, presented pictures to Commission Members of the seawall. Mr. Turrenne explained they are using existing stones and new stones have been brought in. They plan to move the sea wall inward. Mr. DeCarli stated the site has silt fencing at the bottom of the disturbed area. Commission Members briefly discussed the Cease and Desist process. Scott Hill asked if work was done to the back of the house as he is concerned with it being in the Upland Review Area and should that be included in the Cease & Desist. Ms. Rio responded that a crumbling patio was removed from back of house and the house was abandoned for twenty years. Ms. Rio stated there are building permits for the house. Commission Members wanted to see prior wetlands permits related to activity from the lake to the house. Mr. Turrenne was concerned regarding timeframe of getting the base of seawall in. Vice-Chairman Wilson wanted the exposed soils along shoreline be stabilized. Mr. Kavalkovich made a motion to leave Cease & Desist, 23 Bay Road, Amy Rio & William Carter, Construction of seawall without Permit. Map 09A/ Block 70/ Lot 23 with the following conditions: Cease & Desist to remain until application has been reviewed, a remedy has been approved and Mr. DeCarli modifies the Cease and Desist. The motion was seconded by Vice-Chairman Wilson. **Vote: 5-0**

C. Application IW-21-026: William Carter, 23 Bay Road. Construct seawall along Lake Pocotopaug. Map 09A/ Block 70/ Lot 23.

Commission Members reviewed presented site survey and discussed the sea walls current state and proposed plans. Mr. Turrenne stated he will use existing boulders as the base and the wall will be 5 feet wide and the top will be 2.5 -3 ft wide. Mr. Turrenne expressed concern with the rising water and need to construct the base of the sea wall. Commission Members discussed that completing the sea wall rebuild is the best method of erosion and sedimentation controls in this case to stabilize the site. Mr. DeCarli explained that he will modify the Cease and Desist to allow the masonry portion of the seawall to be built as a stabilization method but the applicants will need to go through the permit process of the seawall and site work. Mr. Hill wanted clarification on where the seawall is being built as there were two walls on a picture provided and one wall had been removed. Mr. Hill also expressed concern regarding

grading of the site. Vice-Chairman Wilson made a motion to continue the application with the following conditions: the seawall be completed as depicted in the submitted application, an A2 survey must be completed after seawall to ensure there is no further encroachment into the lake, identify any work permits previously approved in Upland Review area or lake and anything that was not approved be included in the permit application. For the following reasons: seawall is the best measure to prevent erosion as the lake water level rises. The motion was seconded by Mr. Kavalkovich. **Vote: 5-0**

10. Public Hearing: None.

11. New Business:

A. Approval of 2022 Meeting Calendar: Mr. Hill made a motion to approve 2022 Meeting calendar and the motion was seconded by Mr. Boule. **Vote: 5-0**

12. Old Business:

A. Review and Approval of Proposed Settlement of Appeal in Throckmorton v. East Hampton IWWA, regarding activities at 135 & 136 Middle Haddam Road. Mr. DeCarli briefly explained the Throckmorton v. East Hampton case and stated both parties have agreed with the judgement. Vice-Chair Wilson asked for revision to page three regarding the meeting and date. Vice-Chair Wilson made a motion to agree to the Stipulation of Judgement in Throckmorton v. East Hampton IWWA and Mr. Wall seconded. **Vote: 5-0**

13. Public Comment: None.

14. Adjournment: Mr. Kavalkovich made a motion to adjourn at 7:39p.m., the motion was Seconded by Mr. Wall. The motion was unanimous in favor.

Respectfully submitted,



Cheryl Guiliano, Recording Clerk