

TOWN OF EAST HAMPTON  
CONSERVATION-LAKE COMMISSION

2024 MAY 17 AM 8: 22

REGULAR MEETING

THURSDAY, MAY 9<sup>th</sup>, 2024

7:00 PM

TOWN HALL 2ND FLOOR MEETING ROOM #201 AND VIA ZOOM

MINUTES

**Present:** Chairman Chuck Yenkner, Wes Jenks, Cheryl Lobo, Victor Rodriguez, Jason Hartling, Marty Podskoch, Derek Johnson, John Purple (Left before the meeting ended), and Robert Hart.

**Absent:** None

**Call to Order:** Chairman Yenkner called the meeting to order at 7:01 P.M. at the Town Hall in the 2<sup>nd</sup> floor meeting room and via Zoom. No alternates were seated.

**Adoption of Agenda:** *A motion was made by Mr. Podskoch, seconded by Mr. Hartling, to adopt the agenda with no changes. Voted 8-0 in favor.*

**Approvals**

- a. **Minutes of Regular Meeting: April 11<sup>th</sup>, 2024:** *A motion was made by Ms. Lobo, seconded by Mr. Hartling, to approve of the April 11<sup>th</sup>, 2024 regular meeting minutes as submitted. Voted 8-0 in favor.*

**Public Remarks:** The commission members welcomed a new member, Robert Hart.

Jean Peterman, of 11 Hawthorn, wanted to thank the members that attended the IWWA meeting. She was pleased that many of the commission members showed opposition of the working being done in the wetlands area.

**Communications and Liaison Reports:** The permits for the bio blast treatments are effective for three years. This means that the current permit is still open for the treatment to be used in the lake. Mr. Podskoch is working with Mr. Mullen to have wash boats signs posted at Sear's Park. It was suggested to have someone on site to monitor the boats and residents coming to the boat launch wanting to enter the lake. This could help to ensure no more invasive plants come infest the lake. The Parks and Rec department handed out pamphlets and flyers to residents purchasing their boat passes for the season. The members mentioned getting the signs to the associations with launch sites and ramps to further spread the knowledge of washing off boats. It was discussed to order more signs to install around town. GZA will survey the lake to find where hydrilla is growing. With that survey, they could come up with a plan on eradicating the hydrilla

found in the lake. Mr. Hartling, Mr. Jenks, and Mr. Johnson will find a date for them to meet to discuss the fertilizer ordinance.

**Presentation:** None

### **Plan Reviews**

- a. **Lakewood Estates Timber Harvest As-of-Right Determination:** The applicant has submitted a new permit application. The property is being cleared to become a new development. There are some wetlands on the property. In the watershed area there is no 'as of right' stated in the regulations under section 3.1. The applicant would need to have a full plan of development with application submitted. It was mentioned that the applicant would need to come back with all missing information for the boards and commissions to make an informed decision on the application. There was a suggestion to have the town attorney weigh in on the application to get a second opinion. The applicant will also need to indicate where on the property the silt fences, hay bales, and other erosion controls would be utilized. *A motion was made by Mr. Hartling, seconded by Mr. Johnson, to provide feedback from discussion about the incomplete application, which is deficient under East Hampton regulations, the material list is incomplete, the applicant would need to resubmit the application to look at the concerns and address said concerns under regulations section 3.1, to give feedback to Planning and Zoning with sub-section C of the regulations, and to have a lake consultant result provided. To also recommend to the town and Planning and Zoning to see if both bodies agree that the application falls short, to investigate any legal repercussions of the permit, to ask the applicant how much timber will be cut down to figure out where the application falls under the town regulations, the applicant needs to submit a comprehensive and detailed map with the application, and the applicant must stop work during the application process. Voted 8-0 in favor.*
- b. **Lakewood Estates Driveway:** It was stated that there is no circumstance in which the town should have an easement on a 10x20 apron on town property. It could set a precedent for developing in the watershed area and the commission members want to stay clear of that issue. The members have the same concerns from the previous application. The driveway application is incomplete, missing the materials list, etc. The applicant would need to submit a completed and whole development plan to be properly reviewed and discussed. The town states that it will be a 12 plot sub-division with 12 houses to be built on the sections of land. The application is unclear as to the driveway in the provided plan. *A motion was made by Mr. Johnson, seconded by Mr. Jenks, to approve of the application with the following recommendations: 1. Recommend that the Town of East Hampton not allow an easement for use of 20x10 town property for apron of driveway as noted on the limited information site plan. As it sets a precedence on degrading the quality of the lake. 2. Regulation 3.1 - disturbance of 2500 sf of property. 3. Failure to list and delineate appropriate BMP for work in watershed (see 3.1). 4. Site plan is materially deficient. 5. Unclear the purpose of driveway and overall plan. 6. Recommend that IWWA not move forward until appropriately completed. Voted 8-0 in favor.*
- c. **Lakewood Estates Open Space:** The plan review is the same as the previous two. There is no soil reports, an incomplete materials list, multiple items missing from the application, no indication of sediment erosion controls listed as being used on site, no DEEP reporting form, no narrative stating what the application is about, and no site map

was included in the application. A public water supply aquifer area is near the property as well. The members can't make a recommendation because of the missing information and documents from the application. The application should be resubmitted for review with everything that was missing to be included. *A motion was made by Mr. Jenks, seconded by Mr. Johnson, that the commission members are unable to make any recommendations based on the lack of information and application should be resubmitted with all appropriate information. 1. Materially incomplete. 2. Multiple items missing from application. 3. No site plan. 4. Lack of complete project plan. 5. Recommend that IWWA not move forward until appropriately completed. Voted 7-0 in favor.*

**Watershed Project(s)/Federal Funding Update/AIS Funding:** The commission has received grants, worth \$47,000 for the hydrilla in the lake. Mr. Mullen reached out to DEEP about the in-lake treatments. There is a change order from GZA in the amount of \$30,000 to assess the hydrilla in the lake and to formulate a plan to eradicate the invasive plant. The change order is an increase on top of set money amount for GZA. The awarded grant is only for hydrilla in the lake. Mr. Mullen needs to finish reporting for the last of the completed 319 grant projects. It was suggested that the commission needs to identify the next projects to be done from the list in the 319 report. The grant duration is 18 months and the commission can apply for grants again next year.

**Budget Update:** Down to tech services line account that pays for GZA. Currently, there is \$2,400 left in that account. Mr. Mullen stated he would need to talk with Mr. Jylkka about the tech services account. It was suggested to add an increase for the tech account for next fiscal year's budget. The capital budget is at \$90,450 and that covers the lease of the aeration system and the in-lake treatments. The upcoming lease payment would be \$98,565, but that is for this year and next year's payments for the aeration system. The proposed budget for next fiscal year for Capital would be \$146,575.

### Old Business

- a. **Sub-Committee Report on Education/Lake Smart Program Sub-Committee Update:** No update given.
- b. **Advisory Panel Update:** No update given.

### New Business

- a. **Lake Treatment Plan for 2024 Season:** The members discussed figuring out a lake treatment plan and get money together to submit for the upcoming season and fiscal budget. Last year there were four bio blasts treatments in the lake from Everblue Lakes. The permits were pulled for applications for lake treatments with DEEP. The permit for the bio blast treatment is valid for three years, so the town is ready and set to do the treatment in the lake. It was stated that there was a noticeable decrease in phosphorous with new metaphloc treatment. It was suggested to have John Tucci present his data to the members. There was discussion of having bio blast treatments, metaphloc treatment, and the aquaflex material as in-lake treatments for the season. It was suggested not to do the drip system until the other treatments have been used and are successful.
- b. **Discussion & Review of Lake Pocotopaug Protection Zone Regular Section 3.1:** The members reviewed the changes made in green to section 3.1 of the zone regulations. The document will be emailed to the members to further review and give feedback and

changes if needed. *A motion was made by Mr. Jenks, seconded by Mr. Johnson, to recommend IWWA and Planning and Zoning to revise applications to be updated if the project is in the watershed area and to have a storm water management plan not as currently listed on the documents. Voted 7-0 in favor.*

- c. Discussion of Planning & Zoning Administrative Procedures for Receiving/ Accepting/Approvals for Permits:** Planning and Zoning makes recommendations and then schedules public hearings. If the application is incomplete it would be given back to the applicant to obtain the missing information for the members to fully review and discuss. *A motion was made by Mr. Johnson, seconded by Mr. Podskoch, to have the town of East Hampton retain an independent third party land use attorney to review and interpret the watershed rules and regulations and to provide advice and guidance to town staff and town commission and agencies. Voted 7-0 in favor.*
- d. Development of a Plan for Tracking & Monitoring Conservation Easements:** This topic has been tabled for the next monthly meeting.

**Public Remarks:** Jean Peterman, of 11 Hawthorn, wanted to express her appreciation of the members. She mentioned there was suggestions to have Mr. Motto attend a meeting to hear the concerns about the development. It was stated that Mr. Motto has taken some recommendations and have implemented them. Mrs. Peterman stated that there was no rain, but still had some water running down from the development.

**Adjournment:** *A motion was made by Chairman Yenker to adjourn the meeting at 9:21 P.M.*

Respectfully Submitted,

Katrina Aligata

Recording Clerk