

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

April 17<sup>th</sup>, 2024 – 6:00 P.M.

Town Hall Room 117 and Zoom

**DRAFT MINUTES**

**Present:** Chairman Josh Wilson, Vice-Chairman Dean Kavalkovich, Derek Johnson, Scott Hill (6:07pm), Pete Wall (6:28), Megan Joseph. Interim Town Planner, John Guszowski. Land Use Technician, Cheryl Guiliano. James Prue, Interim Zoning Enforcement Officer.

**Absent:** None.

**1. Call to Order:** Chairman Wilson called the meeting to order at 6:03pm.

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

**3. Approval of Minutes:**

**A. March 27, 2024 Regular Meeting Minutes:** *Mr. Johnson made a motion to approve the minutes as presented. Vice-Chairman Kavalkovich seconded the motion. Vote: 4-0 in favor.*

**4. Communications, Enforcement and Public Comment (public comments should be made brief and not relate to agenda items):** No communications. No enforcement items not already on the agenda.

Justin Kelly, of 31 Lakewood Road, wanted to discuss the tributaries in town. He went to Hales Brook for fishing, which is the biggest tributary that travels into the lake. Mr. Kelly provided aerial photos to show the members of other streams and rivers that lead to Hales Brook. If something happened to the tributaries, streams, and rivers then there would be a definite effect on the lake. The members of the commission should be proactive in protecting the bodies of water in the town.

**5. Agent Approvals:**

**A. Application IW-24-004: Daniel & Barbara Casey, 15 North Hollow Road, 12' x 10' Deck in upland review area. Map 32/ Block 85/ Lot 5D:** The application was reviewed and approved by the agent. The proposed plan was for a 12' x 10' deck. The agent felt comfortable with approving the application as submitted. There was no motion made for the application.

**6. Reading of the Legal Notice:** Not required.

**7. Continued Applications:** None.

**8. New Applications:**

- A. Application IW-24-005: Robert Grillo, 11 Pine Trail, Repave driveway and add swale in upland review area. Map 10A/ Block 80/ Lot 5/2:** Jim Aldritch, engineer for the property owners, joined the meeting via zoom to present to the members. Mr. Aldritch showed the members a video going down the residential driveway while giving a detailed explanation of proposed work for the members to understand. The meeting packet has a site plan and map for what the owners will be doing for the driveway. There would be some regrading of the driveway to make it more accessible and easier to use. A pipe would run across the driveway underneath to divert and redirect the water or runoff that runs over the driveway. The applicant wouldn't be increasing the amount of impervious surface, there would be no change in that aspect. It was suggested to possibly include a rain garden on the property to try and filter the runoff before entering the lake. There would also be a swale at the top of the driveway to curb the runoff in that area as well. There would be eight to ten inches of gravel added to the driveway. A retention pond was added to the plans to further deter and catch runoff on the property. *Vice-Chairman Kavalkovich made a motion to continue application IW-24-005 to the next regularly scheduled meeting. The motion was seconded by Mr. Johnson. Vice-Chairman Kavalkovich amended motion to continue application IW-24-005 to the next regularly scheduled meeting that is at least 15 days from this meeting. The motion was seconded by Mr. Johnson. Vote: 6-0 in favor.*
- B. Application IW-24-006: Dubois Forestry, 31 Old Young, Timber Harvest in upland review area. Map 14/ Block 31/ Lot 7D/1:** Don Dubois, of Dubois Forestry and Land Management Professionals in Brooklyn, CT, attended the meeting via zoom to present to the members. The property size is 46.29 acres and 36 of the acres is timber land. There is a site map that has stream crossings and streams indicated. It is a small operation with limits on when to cut the trees. The applicant can only cut during the winter, October to April, because of endangered species like birds and long-eared bats. The applicant is required to stabilize the trails while removing the trees and replant with conservation grass where needed. The area of the bridges would be reseeded with a conservation mix for replanting purposes with mulching at the end. *Chairman Wilson made a motion determining the Application IW-24-006 is as-of-right use with no direct wetland impacts. The motion was seconded by Ms. Joseph. Vote: 6-0 in favor.*
- C. Application IW-24-007: 110 Midwood Farm Road, Construction of Single-Family Home in Upland Review Area. Map 18/ Block 44/ Lot 12A:** Property owner Matthew Abbott attended the meeting to present to the members. The property is currently wooded with a dirt road leading to, it's at the very end of Midwood Farm Road that turns into a dirt road. He explained public works department informed him that section of road was discontinued. There is a pond on the other side of the dirt road around 50 feet from the road, which would put the house about 200 to 250 feet from the pond. The house would be draining off the back so the runoff would lead away from the road. Silt fences would be set up during construction. There are no wetlands on the parcel but there is a pond, across the street. Some trees were flagged along the dirt road to be removed by the town. The property is close to the lake watershed area. The applicant mentioned removing rocks to smooth the land out for better use of the land. The members suggested having the engineer review the town regulations and guidelines for building in or near the watershed

and wetlands area. *Vice-Chairman Kavalkovich made a motion to continue application IW-24-007 to the next regularly scheduled meeting that is at least 15 days from this meeting. The motion was seconded by Mr. Johnson. Vote: 6-0 in favor.*

**9. Public Hearings:** None.

**10. New Business:**

- A. Discussion regarding activity at Lakewood Road:** The members discussed the activity occurring at Lakewood Road. The discussion is not a public hearing. The activity is the large scale timber harvesting on the property. An application from Planning and Zoning was submitted with the town but not with the commission. It was stated that there was no wetlands on the property, which has been figured out to be untrue. The town staff would be looking into the documentation and wait for the town attorney to give their response on the discussion. *Chairman Wilson made a motion to table the topic to the next regularly scheduled meeting. The motion was seconded by Mr. Hill. Voted: 6-0 in favor.*
- B. Discussion regarding Edgewater Erosion & Sedimentation Controls:** Members discussed public concern that the Edgewater development property has significant runoff from rain storms. Mr. Prue visited the site the same day as the meeting and found top soil and hydro seeding on the property. This has been planted on site within the past week. The members discussed looking into history of the property. There was no motion made for this topic and moved to the next regularly scheduled meeting as a new business item.
- C. Appoint Wetlands Enforcement Officer:** The members discussed the appointment of a wetlands enforcement officer for the town. The town should have an interim wetlands enforcement officer to help prevent mishaps and erosion of properties in the town. The town manager needs to approve of the appointment as well as the commission once there is a motion and nomination made. *Mr. Hill made a motion to appoint John Guskowski as Interim Wetlands Enforcement Officer until an appointment is made for a permanent Town Planner. The motion was seconded by Mr. Wall. Derek Johnson asked to modify the motion to remove the word permanent and recommend hiring a separate enforcement officer. Mr. Hill modified the motion to appoint John Guskowski as Interim Wetlands Enforcement Officer. The motion was seconded by Mr. Wall. Vote: 6-0 in favor.*
- D. Town Council request for IWWA application moratorium:** The initial letter from the Town Council was sent to the members. It states that the Town Council adopted a motion to encourage the Planning and Zoning Commission and Inland Wetlands and Watercourses Agency to enact a one-year moratorium on all multi-structural developments, clear cut, or forest harvest activity within the lake shed area. This will give the commission and agency time to review the procedures, regulations, and enforcement practices for the sufficiency in achieving the town stated goals of protecting the environmental resources and Lake Pocotopaug. The request was sent for the members to approve of the moratorium at the next meeting or at a special meeting. The moratorium should disallow the acceptance and consideration of any application for any land development, land disturbance, or other activity that causes ground disturbance for the term of the moratorium. It would also include any activity about which the bodies may have held pre-application conference for which an application has not been received.

Chairman asked the town manager reach out to the town attorney about the moratorium. The letter from the attorney was read aloud for the record and the members. There was no motion made for this item.

## **11. Old Business:**

- A. Discussion regarding activity at 33 High Point Drive:** Mr. Guskowski explained the Planning and Zoning Commission denied the applicant to leave the shed, fireplace, and stair. The applicants are to also replant per planting plan. There is 60% of the lower section of the property is in the conservation area. There was no motion made for this item.

**12. Public Comments (public comments should be made brief and not relate to agenda items):** Timothy Fury gathered his documentation and research for the clear cutting on Lakewood Road. In 2018, there was an amendment to the 200 foot setback from a wetland area.

Dean Markham, 1 Fairlawn Avenue, is the Chairman of the Town Council. Wanted to thank the members on behalf of the residents of East Hampton. There is a joint meeting between the IWWA, P&Z, and Town Council on May 2<sup>nd</sup> to discuss topics.

Justin Kelly, 31 Lakewood Road, wanted to talk about staying on the right course of protecting the streams, rivers, and the lake. Told the members about what was told to him a month after moving to town and how other people perceive the town and the lake. There have been repeat offenses from the same people with nothing changing.

Marty Podskoch, 43 O'Neil Lane, is a member of the Conservation Lake Commission. Developers coming to town should be giving the commissions plans on what they would be doing to prevent runoff and erosion. The members could require another soil scientist to come to town to recheck the soil and sediment erosion from the development property.

**13. Adjournment:** *Mr. Hill made a motion to adjourn the meeting at 8:29pm. Vice-Chairman Kavalkovich seconded the motion. Vote: 6-0 in favor.*

Respectfully Submitted,

Katrina Aligata

Recording Clerk