

**East Hampton Inland Wetlands & Watercourses Agency**  
**Regular Meeting**  
**May 29, 2013**  
**Town Hall Meeting Room**  
**REGULAR MEETING**  
Approved Minutes

1. **Call to Order:** Jeff Foran called the regular IWWA meeting to order at 6:30pm.

2. **Seating of Alternates**

3. **Approval of Minutes**

A. **April 24, 2013 Meeting –**

*Dean Kavalkovich made a motion to approve the minutes of April 24, 2013. The motion was seconded by Bob Talbot.*

*The motion passed unanimously.*

4. **Communications, Enforcement and Public Comment** (public comments should be made brief and not relate to agenda items):

Ruth Checko provided the agency with a letter from Mr. Finklestein dated May 12, 2013, regarding a neighboring driveway that he is concerned about. Mrs. Checko did a drive by of the property and confirmed that it is crumbling. The agency agreed it was not in their prevue.

Ruth provided the members with information for the upcoming DEEP training for the Municipal Inland Wetland Agency's- Staff will provide a copy to IWWA members by email. If anyone is interested in attending please contact the Building Department 860.267.9601 and they will get you signed up.

A call was received stating concerns of work being done at 20 Lakeview Street. Mrs. Checko visited the site and confirmed the activity in the back is strictly farming and the owner is keeping a buffer protecting the wetlands.

Mrs. Checko reported on a letter that was sent to Pat Logan, Edgemere Condos, dated May 13<sup>th</sup>, 2013, reminding them that any cleaning of the storm bed requires a permit from the Inland Wetlands Commission.

Mrs. Checko advised the agency of an amendment to the regulations that needs to take place, under Section 11-1. A copy of this was provided to the agency for review and a public hearing will be scheduled at the next regular scheduled meeting.

***Bob Talbot moved to change the agenda to move enforcement down on the agenda. Motion was seconded by Peter Wall.***

*The motion passed unanimously.*

5. **Agent Approval** – **2 Raymond Road-** Mr. Foran reported on an agent approval he did at 2 Raymond Road. The applicant is looking to put in a new driveway. This site is very flat and within 100 feet of the lake. The existing asphalt was removed.

**17 Shipyard Road-** Mr. Foran reported on an agent approval he did at 17 Shipyard Road. The applicant needs to install a new septic system. It is a small system however needs extensive excavation and there is a brook on the side that streams to the Connecticut River.

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

7. **New Applications:** None

8. **Continued Applications** None

9. **Public Hearings:** None

10. **New Business:** None

11. **Old Business:**

a. Scraggly Island- Cease and Correct order update- Mrs. Checko reported Island #3 which is owned by Mr. Bok; on December 21<sup>st</sup>, 2012 a letter was written to Mr. Bok advising him the agency has extended the cease and desist deadlines and he was ordered to come to the IWWA with an application and a restoration plan on or before May 15<sup>th</sup>, 2013- Mr. Bok failed to do this and at this point this file has been turned over to the towns attorney. Richard Mihok, Civil Engineer from Marlborough Ct was before the agency and stated they have visited the island, pointed out where rocks have been placed and Mr. Bok would like to remove these rocks and put them back on the shore. Mr. Mihok provided the agency with a photo. Mrs. Checko stated from her perspective the photo presented is not a current photo from what she recently observed at the island.

*Mr. Foran made a motion to turn this cease and desist back over to the towns' attorney for further review. The applicant has been advised that he has not provided a restoration plan, an application, or a plan and has not complied with the agencies requests. Motion was seconded by Mr. Talbot.*

*The motion passed 4-0-1, Josh Wilson abstained.*

Josh Wilson arrived at 7:06pm and was seated.

12. **Cease & Desist – 266 Hog Hill Road – Carol Hartman-** Mrs. Checko reported to the agency that a phone call was received from a neighboring property with concerns of activities in the wetlands. After an observation from 322 Moodus Road this activity was confirmed and it appeared there was a culvert being placed in an intermittent stream and being backfilled. Mrs. Checko then spoke to the property owner and Mrs. Hartmann stated she had met with Keith Hayden on the property and he advised her that this work was an as of right activity therefore she proceeded. Mrs. Checko was advised from the state that

although this is an as of use right there should be an application that goes along with the work. They are unsure of what the size of the culvert that was removed was. The new culvert is 18” wide and 40’ long. The agency discussed the as of use right for farming properties.

***Mr. Wilson moved to hold the cease and desist in place, directed Mrs. Checko to discuss this property matter further with the towns attorney for review of applicability of the activity under Section 4.1 as a permitted use as of right, then if necessary discuss with the town engineer, and if possible contact the contractor that placed the existing culvert in place to see if there is any recollection as to what was removed. Motion was seconded by Mr. Kavalkovich.***

*The motion passed unanimously.*

**Cease & Desist – 49 Oakum Dock Road- St Clements-** Mrs. Checko reported on two complaints that have been received on this property. May 9<sup>th</sup> a complaint was received that large rocks were being piled along the bank of the Connecticut River at the St. Clements Marina. After observing large piles of rocks off the edge of the water, Mrs. Checko called Mr. Doherty and advised him that all work needed to stop and a permit was required. On May 17<sup>th</sup> a phone call was received stating there was a cement truck at the St. Clements Marina and cement was being pumped onto a pier. Mrs. Checko again visited the site to find them decking a pier. One section had already been poured and reinforcement was already in place for the second section. The state has been contacted regarding this matter. At the visit to the site on May 17<sup>th</sup> it was observed that all of the rocks that had been piled along the edge of the river had been moved to align a bank along the Connecticut River. The owner of the property was advised of the cease and desists and that they needed to appear before the Inland Wetlands Agency at this meeting. The agency discussed what is in their jurisdiction.

Sal Samsik, representing St. Clements Marina was before the agency along with Clinton Webb, Environmental Scientist to present to the agency the on goings at this property. Mr. Webb stated the rocks appear to be around the 5’ – 6’ elevation which would not be in this agency's jurisdiction; however a survey is needed to confirm that. Mr. Samsik reported to the agency per a letter dated November 1, 2012 from Governor Dannel P. Malloy, titled: GOV. MALLOY ANNOUNCES SIMPLIFIED PROCESS FOR IMMEDIATE REPAIR AND REBUILDING OF SEAWALLS, BULKHEADS, IN COASTAL AREAS; *Special Provisions in Place to Assist Residents in Wake of Storm Sandy*. Mr. Samsik stated due to the long winter they needed to wait until now to do their repairs and asked the agency under these circumstances to lift the cease and desist. Mrs. Checko stated that she visited the site and discussed the concern with the rocks and then again had to revisit the site to stop more work that was being done. At neither of these visits did anyone mention taking advantage of Governor Malloy's announcement for immediate repair. There was discussion regarding if this letter from the Governor even applied to this work being done. Mr. Wilson stated that the letter from the Governor applies to the work being done in the coastal areas. The letter also states that the person doing the work needs to obtain appropriate approvals from local

officials for work on any buildings, and advised to contact municipal officials for the need for any local approvals.

*Josh Wilson made a motion to leave the current cease and desist in place until an application is filed and accepted by the Inland Wetland. The application should include detailed topographic mapping of the site, including identification of coastal jurisdiction line as well as the high tide line to determine the jurisdiction between the state and local permitting agencies, also the application to include any proposed construction activity in order to accomplish the goals of the project that were the result of the cease and desist. All equipment that is on site can be removed. Motion was seconded by Bob Talbot.*

*The motion passed unanimously.*

**13. Public Comments: (public comments should be made brief and not relate to agenda items)- None**

**14. Adjournment- Mr. Wilson moved to adjourn the meeting. Motion was seconded by Mr. Kavalkovich. Meeting adjourned at 8:40pm.**

*The motion passed unanimously.*

Respectfully submitted,

Kamey Peterson  
Recording Secretary