**East Hampton Inland Wetlands & Watercourses Agency**

**Regular Meeting**

**November 19, 2014**

**Town Hall Meeting Room**

**Approved Minutes**

**1. Call to Order:** Chairman Foran called the IWWA Regular Meeting to order at 6:30 p.m.

**Present:** Jeffry Foran, Joshua Wilson, David Boule, Scott Hill, Harold L’Hote, and Dean Kavalkovich

**Absent:** Robert Talbot and Peter Wall

**2. Seating of Alternates:** Harold L’Hote was seated.

**Other attendee(s):** Shawn Mullen, Acting Parks and Recreation Director

**3. Approval of Minutes:**

1. **October 29, 2014 Meeting**

Mr. Hill made a motion to approve the minutes of October 29, 2014. The motion was seconded by Mr. Wilson.

***The motion passed unanimously.***

**4. Communications, Enforcement and Public Comment:**

1. **Cease and Desist Order – 47 Bay Road – Repair Seawall – Update:**

Chairman Foran read aloud the memo from James Carey, Administrator, Planning, Building and Zoning, dated November 19, 2014 which stated, “Work was performed to repair the seawall and completed. No further activity is being done.”

Mr. Wilson made a motion to remove the Cease and Desist Order for 47 Bay Road from the agenda per James Carey’s memo stating that no further activity is being done. Mr. Boule seconded the motion.

***The motion passed unanimously.***

1. **Cease and Desist Order – 85 Midwood Farm Road – M18/B40/L6R-4 (Continued from 09/29/2014)**

Attorney Caleb F. Hamel from Branse & Willis, LLC representing Carol Morris of

85 Midwood Farm Road introduced himself and discussed the tentative remediation plan for the illegal activity done in the wetlands. The tentative plan includes removing 25-30 feet of fill from the wetlands, spreading wetland grass mix down, and planting shrubs. Atty. Hamel noted that the water source was not diverted and the site is stable. In addition, he stated that once the engineer surveys the area, a formal IWWA permit application, including a restoration plan, will be submitted. Johnathon Zurak, engineer from Megson, Heagle & Friend, introduced himself and described in more detail the activity in the photos for the Agency.

***Mr. Wilson made a motion to hold the Cease and Desist Order in place until the next regularly scheduled meeting (12.17.14) at which time the Agency expects a formal application to be filed including a letter of restoration plan and that the property owner install and maintain proper erosion and sedimentation control measures in accordance with the 2002 CT Erosion & Sediment Control guidelines. Motion was seconded by Mr. Hill.***

***The motion passed unanimously.***

1. **Agent Approval:**  None
2. **Reading of the Legal Notice:**  None
3. **Continued Applications:**  None
4. **New Applications:**
5. **Application: Nancy and Buddy Fatscher, 29 Lake Drive, Seawall Repair – M03A/B70A/L10C**

Mrs. Fatscher introduced herself to the Agency and began the discussion by presenting a plan with pictures and summarizing the erosion of the land and the need for a seawall to protect and stabilize the shore line. The Agency reviewed the submitted plan and advised Mrs. Fatscher to return with a plan that more accurately reflects the work she would like to do and also recommended to keep the best interest of the lake in mind by including plantings and vegetative buffer in the upland review area. In addition, the Agency advised Mrs. Fatscher to have a surveyor identify the high water line so the activity does not encroach into the lake.

***Mr. Wilson made the motion to continue this application to the next scheduled regular meeting on December 17, 2014. Mr. Kavalkovich seconded.***

***The motion passed unanimously.***

1. **Public Hearings:**  None
2. **New Business:**  None
3. **Old Business:**

**A. Phosphorus Ban Ordinance Update:** James Carey sent a letter via email to Michael Maniscalco, Town Manager, on November 3, 2014 stating that the Town cannot adopt the ordinance at this time because the State passed a law prohibiting any such ordinance to be adopted at local level and that sole jurisdiction is reserved for the Commissioner of Agriculture. In addition, Mr. Carey noted that the IWWA would support any effort made by the Town in requesting that the Agriculture Commissioner consider the IWWA as “agent” for the purposed control and administration of fertilizer. The letter will be distributed to the members before the next regular scheduled meeting (12.17.14).

1. **Public Comments:** None
2. **Adjournment:**

***Mr. L’Hote made a motion to adjourn the meeting. The motion was seconded by Mr. Wilson.***

***The motion passed unanimously.***

***Meeting was adjourned at 7:39 pm.***

Respectfully submitted,

Christina Soulagnet

Recording Secretary