

**Town of East Hampton  
Inland Wetlands & Watercourses Agency  
March 30, 2016  
Regular Meeting**

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

**Present:** Chairman Jeffry Foran, Vice Chairman Joshua Wilson, Regular Members David Boule, Dean Kavalkavich, Robert Talbot, Peter Wall, Alternate Member Harold L'Hote, and Planning & Zoning Official Jeremy DeCarli were present.

**Absent:** Regular Member Scott Hill was not in attendance.

2. **Seating of Alternates:** Alternate Member Harold L'Hote was seated at this time.

3. **Approval of Minutes:**

**A. February 24, 2016 Regular Meeting:** *Mr. Wilson made a motion to approve the Meeting Minutes of the February 26, 2016 as amended. The motion was seconded by Mr. Kavalkavich. The motion passed unanimously.*

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

**Communications:** Mr. DeCarli reported that the Connecticut Lakes Conference 2016 is scheduled for April 9, 2016. The registration deadline is April 4<sup>th</sup>. Please let the Planning & Zoning Office know if you wish to attend.

Mr. DeCarli also reported that staff inadvertently neglected to put a new application on the Agenda. The application of Steve Acerbo for a 4-lot subdivision with a selective-cut timber harvest for routine maintenance should be on the Agenda as Item No. 8.B, New Applications.

*Mr. Foran moved, and Mr. Wilson seconded, to add Agenda Item No. 8.B, New Applications: Application of Steve Acerbo, 000 Old Young Street, 4-Lot Residential Subdivision and selective-cut timber harvest for routine maintenance – Map 14/Block 31A/Lot 9. The motion carried unanimously.*

**Enforcement - Cease and Desist Order – 135 Middle Haddam Road, - M02/B18/L21-1E –**  
(Continued from 9/17/2015):

Mr. DeCarli reported that he is in receipt of a letter from the attorney representing the owners of 135 Middle Haddam Road who do have an easement across 136 Middle Haddam Road to access a spring that provides water to the property located at 135 Middle Haddam Road. Mr. DeCarli will inspect the site and report back for the next meeting. (Attachment 1)

**Public Comment:** None

5. **Agent Approval** - 122 Chestnut Hill Road, Christopher Cauffman, Construct new Single Family Home, Roof Leaders and Footing Drain Leaders daylighting into Upland Review Area. – Map13/Block 32/Lot 16A-1: Mr. Foran explained that he required the applicant to add to the plans to include a riprap splash pad to receive the water from the leaders. There is no direct work in the wetlands at all. The splash pad is located about 75' from the wetlands. As the Duly Authorized Upland Agent, Mr. Foran approved this permit.

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

**Town of East Hampton  
Inland Wetlands & Watercourses Agency  
March 30, 2016  
Regular Meeting**

**7. Continued Applications:**

**A. Application of Clark Hill Estates LLC, 000 Clark Hill Road, New Residential Development for Single Family Homes (3-Lots) – Map 11/Block 39/Lot 2:**

Pat Benjamin, Bascom & Benjamin, Professional Engineer, Durham, was present to discuss the application. He reported that the site is 75.8 acres on the south side of Clark Hill Road. There will be a total of four lots. The first lot was a free cut of 1.5 acres in January. Lot No. 2 is a front lot consisting of 1.59 acres. Lot No. 3 is 1.95 acres. Lot No. 4 is a 70.76 acre rear lot with a 50' access way and frontage. There is a 24" culvert under Clark Hill Road which allows a brook to travel under the road and traverse through the wetlands and across the property. This proposed project includes activity within 100' of the wetlands for two driveways and for some of the clearing for Lot No. 3. The grades in the front are about 3% or 4%. The driveway for Lot No. 1 is at 2.3% with a well in the back and the septic system in the front. Lot No. 2 has a driveway with a grade of 1.7% with the well in the back and the septic system in the front.

Lot Nos. 3 and 4 have the wetlands boundary flagged. All disturbed areas will have silt fencing. The driveways for Lot Nos. 3 and 4 are in the upland review area. The top soil will be hogged out and replaced with processed stone. On Lot No. 3, just uphill from the stone wall, and outside of the upland review area the well will be located in the front and the septic system will be in the rear. A footing drain and roof water outlets are proposed to grade with a 5' x 5' scour pad, 12" thick, comprised of 2" diameter stone. Limits of clearing and silt fence are all uphill from the large (3' to 4' wide x 3' to 4' high) stone wall. Lot No. 4 has a driveway of 1% grade with the well located in the front, and the septic system is in the back.

Wetland delineation tags will be placed about every 25' to 50' to identify the wetlands to the future owners. Lot No. 4 includes a 50' frontage to allow potential for further development. That development is not planned now. The closest activity to the wetlands is approximately 65'.

The Agency discussed the proposed project with Mr. Benjamin.

*Mr. Wilson moved, and Mr. Kavalkovich seconded, to approve the application of Clark Hill Estates LLC, 000 Clark Hill Road, New Residential Development for Single Family Homes (3-Lots), Map 11/Block 39/Lot 2. This short form permit is issued for the reason that there are no direct impacts on the wetlands or watercourses on the site and there are adequate sediment and erosion control measures in place to protect the wetlands. The applicant has stated in good faith that they will place signage along the wetland boundary to indicate permanently the limits of the wetlands on the site. The motion carried unanimously.*

**8. New Applications:**

**A. Application of Kyle Crowthers, 15 Daly Road, New Single Family Home Construction with 35' x 35' Garage and driveway in Upland Review Area – Map 33/Block 18/ Lot 14C-3:**

The Chairman reported that he was requested to approve this application as the Duly Authorized Agent as an upland review. He determined that he was not provided with adequate information for a substantial amount of work being done in the upland review area and he required that the application be brought before the Commission for review.

**Town of East Hampton  
Inland Wetlands & Watercourses Agency  
March 30, 2016  
Regular Meeting**

Dave Erlandson, Professional Engineer, was present to represent the applicant. The property is located at 15 Daly Road. This lot is located on a common driveway to the left immediately before a sharp curve to the right. The common driveway serves three rear lots. The property being discussed tonight is the middle property on the driveway. The frontage is actually on Peach Farm Road. Access is granted off Daly Road to eliminate wetland issues. The lot was approved in 2008 as part of a subdivision. At that time a house was planned with a septic system. That house and the well were approved to be located within the upland review area about 60' from the wetland.

Mr. Erlandson described the property and the proposed plans for the property. The applicant purchased the property two and a half years ago. The property remains substantially as it was when it was purchased. The wetland in question is not on the subject property. After much consideration the applicant and Mr. Erlandson determined the best location of the improvements on the lot and have proposed them here. The proposal includes the beginning of the driveway and a 35' x 35' detached garage placed 30' from the wetland boundary. The driveway will be over 40' from the wetland boundary. There will be no significant grade changes. The driveway will be within a few inches of the existing grade. The topsoil will be removed, gravel and processed stone will be laid prior to pavement. There will be no significant filling around the garage. It will remain at grade. The proposed plan is to include silt fence along the existing clearing line. No additional clearing is required. Underground utilities will be brought north along the side of the driveway, into the garage and then into the house. The wetland in question is uphill from the proposed work and uphill from the review area where the work will be conducted. No run off from this project will run into the wetland but will run away from the wetland.

The well is proposed in the front yard and the septic system is proposed in the back yard, well outside of the buffer area. The regulated activity includes the installation of the driveway, construction of the garage, and installing the underground utilities. The total disturbance will be .23 acres of disturbance in the review area and no disturbance at all in the wetland.

The Chairman questioned the required grading for the driveway. Mr. Erlandson explained that the topsoil will be removed 6" to 8" below grade, 4" to 6" of gravel will be installed, 2" of processed stone above that, and pavement will bring the driveway 2" above the existing surface. The garage will be on a foundation with frost protection. The disturbance around that will be limited to 5' or 6' and then backfill to the foundation. There will be no extra fill brought on site. The only material brought onto the site will be gravel and processed stone for the driveway and stone for footing drains. There is no need for footing drains on the garage because there will be no basement. The gutter drains from the garage roof will run alongside the house and out to the north. Any material removed for the garage will be used to fill behind the house on the north side to bring it up in grade. There will be a walkout basement on the north side of the house, all outside the regulated area.

Mr. Erlandson further explained that at his suggestion a fully engineered plan has not been prepared. The area depicted as the home is actually a larger area that will be fully engineered with the Agencies approval. Mr. Erlandson and the applicant assured the Agency that the house will fit within the identified box for the house location. The septic area will be as

**Town of East Hampton**  
**Inland Wetlands & Watercourses Agency**  
**March 30, 2016**  
**Regular Meeting**

depicted to the northeast of the general house location. The rear property line is 178' from the conservation easement line. The wetland in question is a pocketed wetland that has overland flow draining to the rear of the property. There is no standing water.

Mr. DeCarli reported that he has inspected the property and the wetland is uphill from the proposed project. The property drops off to the north and east of the wetlands.

The Chairman and Vice-Chairman requested the garage, proposed house location, and the septic system as presented on plan received 03-24-2016 be placed on a site plan of A-2 level accuracy or other survey type showing existing and proposed conditions in relation to wetlands and watercourses on the property, identifying any further activities associated with, or reasonably related to, the proposed regulated activity. The Commission also requested a color cut and fill plan.

*Mr. Wilson moved, and Mr. Talbot seconded, to continue the application to the next regularly scheduled meeting. The motion carried unanimously.*

**B. Application of Steve Acerbo, 000 Old Young Street, 4-Lot Residential Subdivision and selective-cut timber harvest for routine maintenance – Map 14/Block 31A/Lot 9:**

Joel Fuller, Licensed Land Surveyor from Marlborough, was present to represent the applicant before the Agency. He reported that the parcel was 107 acres total. He explained that Pine Brook Road is an unimproved, impassable, paper road owned by the town that runs through the entire parcel. The application is for a four lot subdivision. The first three lots will be standard lots for the R-4 Zone and the fourth lot will be the remainder of the land, approximately 100 acres, which will be where the applicant will build a home for himself. The wetlands have been flagged on the property. The applicant will improve Pine Brook Road from its current terminus to the location of the proposed home on Lot No. 4. Additionally, the proposed timber harvest will include use of Pine Brook Road to access areas of proposed Lot No. 4 by the logging vehicles. Therefore, the applicant has determined that the best management practice would be to improve the road now for the logging operation. The old road is bordered by an inland wetlands on one side and a property line on the other. The proposal is to install a 12" poly culvert and a natural stone retaining wall. It will be 18" to 24" high and will hold back fill for the road improvement. There is no wetland filling involved. There will be 4/10<sup>th</sup> of an acre of upland review area disturbance in the form of approximately 100 cubic yards of fill. Additionally, approximately a third of the septic system on Lot No. 3 will be into the upland review area.

Mr. Fuller reported that 15% open space will be required by the Planning & Zoning Commission for the subdivision. The applicant is proposing that 16.1 acres be placed in conservation. The conservation easements will cover the front 7.5 acre wetland and another 8.6 acre wetland area in the rear of the property.

Mr. Fuller further explained that it is necessary to raise the road and install the culvert to stabilize the road and to allow drainage during rain episodes to flow to the inland wetland on the property once the road is raised. There is no watercourse where the pipe is proposed.

Steve Acerbo, applicant and Supervising Forest Practitioner, discussed the condition of the forest on the parcel and his plans for the timber harvest and subsequent subdivision. There is

**Town of East Hampton  
Inland Wetlands & Watercourses Agency  
March 30, 2016  
Regular Meeting**

no evidence that the parcel had ever been harvested. He intends to conduct a selective harvest to allow sunlight and promote regeneration and new growth. The road through the property was probably constructed in the mid-1700s and was put down with small cobblestones. It is 5' to 6' wide. The road was not made to handle modern vehicles. It will need to be graded out and lifted up. After the timber harvest the access in the future will be solely the private driveway of Lot No. 4.

The Agency requested the applicant provide an enlarged detail of the natural stone wall, driveway, 12" pipe, and the wetland limits for clarity of the area of the driveway to be improved in the vicinity of the front wetland.

Mr. Acerbo explained that the southwestern area of the parcel is a relatively steep grade and has a lot of ledge and rock outcroppings. There is not much growing in this area. He plans to grub this area and install some forage. It is not a candidate for a timber harvest other than to take out some of the dead trees. The remainder of the property is very mature trees. He plans on removing the bigger trees and the trees that have fallen already. There already exists a culvert over the brook that runs southerly in the center of the parcel. The culvert is made of stone and is strong enough to handle the logging equipment and vehicles. There will be no logging in the areas of the conservation easements. The three lots in the front will not be harvested. The remainder will be selectively harvested. Forwarders will be used during the harvest. Skidders will not be used. The culvert is 12' wide. The Forwarder is 10' wide. The actual opening of the culvert is about 2'. There are no additional measures needed to cross the brook.

*Mr. Wilson moved, Mr. L'Hote seconded, that the application of Steve Acerbo, 000 Old Young Street, for a selective-cut timber harvest for routine maintenance, Map 14/Block 31A/Lot 9, is an as-of-right use pursuant to Section 4.1 of the East Hampton Inland Wetlands and Watercourses Regulations and does not require any further review or an IWWA permit.*

The Agency discussed the definitions of timber harvesting and farming.

*The Chairman called for the vote. The motion carried (6-1-0). (Yes vote: Boule, Kavalkavich, L'Hote, Talbot, Wall, Wilson. No vote: Foran. Abstentions: None.)*

*Mr. Wilson moved, and Mr. Talbot seconded, that the application of Steve Acerbo, 000 Old Young Street, 4-Lot Residential Subdivision, Map 14/Block 31A/Lot 9, be continued to the next regularly scheduled meeting at which time a detail on the culvert, stone wall, and driveway be presented. The motion carried unanimously.*

**9. Public Hearings:** None

**10. New Business:** None

**11. Old Business:**

**A. Status on Lake Study:** Staff reported that Peter Zawisza, Chairman of the Conservation-Lake Commission, reported that Dr. George Knoeklein is working on the 9 Point Watershed Plan. The Con-Lake Commission receives monthly updates and Chairman Zawisza believes the project is on schedule for a July 1, 2016 deadline. He believes a completed plan will be in possession of the Con-Lake Commission within the next two months.

**Town of East Hampton  
Inland Wetlands & Watercourses Agency  
March 30, 2016  
Regular Meeting**

**B. Review Open Permits:**

Mr. DeCarli reported that 201 West High Street will be going before the PZC for a site plan modification to change the use of some of the rear building from self-storage to commercial/retail use. There are no changes in the upland review area. The wetland mitigation bond which has never been posted will be addressed shortly. The invasive plants have been removed but none of the new native plantings have been done.

Sports On 66 has agreed to contract with a site monitor.

Edgewater Hill has been inspected several times. They have a site monitor in place who reports to the Planning & Zoning Office regularly.

Salmon Run has no issues. There has been no new activity.

Skyline Estates has been at the center of attention as lots on Highland Terrace have been sold. Highland Terrace is not fully built out yet. The drainage work is complete, the ponds are installed, and all the catchbasins are in. These were all installed close to ten years ago. The grading and paving of the road has not been completed. The Inland Wetlands Permit expired in December 2015. This permit does not require an extension or renewal as all wetlands related work is complete. There is approximately 250' of Highland Terrace that is currently being installed. From there the road will be extended over to Midwood Farm. None of this work is in the vicinity of wetlands. Phase II will need the Inland Wetlands Permit to be extended. The developer will be coming before this Agency for that permit. The developer has provided the site monitoring reports that were missing. They are pending review and the Agency will be updated at the next meeting. The bonding figures for the roads are currently under review by the Town's engineer. The Agency will be further updated at the next meeting.

Hampton Woods will be signing a Developer's Agreement and Mr. DeCarli will be conducting a site inspection in the coming week. More information will be available at the next meeting.

- C. P.O.C.D. Update:** Mr. DeCarli reported that the draft P.O.C.D. has been delivered to the Town Council. The other Town Agencies, Commissions, and Boards have also received the plan email. Please provide the Planning and Zoning Office with any comments you may have by May 1<sup>st</sup>. The PZC plans to open a public hearing on June 1<sup>st</sup>.

12. **Public Comments:** None.

13. **Adjournment:** *Mr. Talbot made a motion to adjourn the meeting. The motion was seconded by Mr. Wilson. The motion carried unanimously. The meeting adjourned at 8:29 p.m.*

Respectfully submitted,

Daphne C. Schaub  
Recording Secretary