

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval: 

Item to be presented by: Keith Hayden

DATE: November 10, 2009  
SUBJECT: Revised Wetland Fees  
DEPARTMENT: Inland Wetland Watercourse Agency

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RECOMMENDED ACTION

Adopt the revised fee schedule as recommended by the IWWA on 8-26-09.

BACKGROUND

In accordance with Town Ordinance 3.04, Sec. 200-8 Fee Schedule, fee schedules for the Inland Wetlands Agency shall be set by the Town Council.

The old fee schedule is confusing and subject to interpretation. A new fee schedule was developed that clarifies the fee calculation process providing a more equitable fee structure that is based on the actual cost to the town to process and review applications in accordance with CGS Sec. 22a-42a (e) which states "*The inland wetlands agency may require a filing fee to be deposited with the agency. The amount of such fee shall be sufficient to cover the reasonable cost of reviewing and acting on applications and petitions, including, but not limited to, the costs of certified mailings, publications of notices and decisions and monitoring compliance with permit conditions or agency orders.*"

ALTERNATIVE ACTIONS

Keep the old fee schedule in place.

FISCAL IMPACT

None

EH: Clerks Office

AGENDA ITEM: 12A

SECTION 19  
APPLICATION FEES

19.5 Fee Schedule. Application fees will be based on the following schedule:

19.5.1 Application Fee** plus fee from Schedule A	
19.5.1.1 Residential Uses.	\$50.00 Plus *\$50.00/lot
*Each additional lot with regulated activities.	
**\$30.00 DEP fee required by C.G.S. 22a-27j will be added to the base fee.	
19.5.1.2 Commercial/Industrial/Other Uses.	\$400.00
19.5.2 Approval by Authorized Agent	\$30.00
19.5.3 Public Hearing Fee	
19.5.3.1 Single Residential	\$100.00
19.5.3.2 Subdivision	\$300.00
19.5.3.2 Commercial, Industrial, Other	\$300.00
19.5.4 Complex Application Fee	Actual Cost
The Inland Wetland Agency may charge an additional fee sufficient to cover the cost of reviewing and acting on complex applications. Such fee may include, but not be limited to, the cost of retaining experts, to advise, review, and report on issues requiring such experts. The Agency shall estimate the complex application fee, which shall be paid pursuant to section 19 of these regulations within 10 days of the applicant's receipt or notice of such estimate. Any portion of the complex application fee in excess of the actual cost shall be refunded to the applicant no later than 30 days after publication of the Agency's decision.	
19.5.5 Permitted and Nonregulated Uses:	
19.5.5.1 Permitted Uses as of Right	\$0.00
19.5.5.2 Nonregulated	\$0.00
19.5.6 Regulation Amendment Petitions	\$100.00
(Does not include Notices or Regulation Advisories from DEP.)	
19.5.6.1 Map Amendment Petitions	\$10.00
Plus fee from Schedule B	
19.5.7 Modification of Previous Approval	
19.5.7.1 Residential	\$25.00
19.5.7.2 Subdivision	\$50.00
19.5.7.3 Commercial/Industrial/Other	\$75.00
19.5.8 Renewal of Previous Approval	\$50.00
19.5.9 SCHEDULE A. For the purposes of calculating the permit application fee, the area in schedule A is the total area of wetlands and watercourses and upland review area upon which a regulated activity is proposed.	
SQUARE FEET OF AREA	
19.5.9.1 Less than 1,000	\$0.00
19.5.9.2 1,000 to 5,000	\$200.00
19.5.9.3 More than 5,000	\$400.00
19.5.10 SCHEDULE B. For the purposed of calculating the map amendment petition fee, the linear feet in schedule B is the total length of wetlands and watercourses boundary subject to the proposed boundary change.	
LINEAR FEET	
19.5.10.1 Less than 500	\$0.00
19.5.10.2 500 to 1,000	\$100.00
19.5.10.3 More than 1,000	\$200.00

SECTION 19  
APPLICATION FEES

- 19.1 Method of payment: All fees required by these regulations shall be submitted to the Agency by cash, check, certified check, or money order payable to the Town of East Hampton at the time the application is filed with the Agency. This fee will be based on the reasonable cost of services, and is on file at the office of the Town Clerk.
- 19.2 No application shall be granted or approved by the Agency unless the correct application fee is paid in full or unless a waiver has been granted by the Agency pursuant to subsection 19.7 of these regulations.
- 19.3 The application fee is not refundable.
- 19.4 Definitions. As used in this section:
- "Residential Uses" means activities carried out on property developed for permanent housing or being developed to be occupied by permanent housing.
- "Commercial Uses" means activities carried out on property developed for industry, commerce, trade, recreation, or business or being developed to be occupied for such purposes, for profit or nonprofit.
- "Other Uses" means activities other than residential uses or commercial uses.
- 19.5 Fee Schedule. Application fees shall be based on the following schedule:

State Filing Fee (in addition to each application)	\$ 30.00
Authorized Agent Ruling	\$ 20.00
Wetland delineation only	\$ 35.00
Permitted and non-regulated uses	no charge

REGULATED USES

Residential

Less than 500 sq ft regulated area disturbed	\$ 50
501 to 1000	\$ 150
1001 to 5000	\$ 200
5001 to 10,000	\$ 250
10,001 to 20,000	\$ 300
20,001 to 30,000	\$ 400
30,001 to 40,000	\$ 500
more than 40,000	\$ 600
+ wetland impact fee if applicable	
+ significant activity fee if applicable	

Commercial /industrial uses

Less than 500 sf regulated area disturbance	\$ 150
501 to 10,000	\$ 250
10,001 to 20,000	\$ 400
20,001 to 30,000	\$ 600
30,001 to 40,000	\$ 900
Over 40,000	\$ 1200
	+ \$20.00 per 1000 sf over 40,000
+ wetland activity fee if applicable	
+ significant activity fee if applicable	

Subdivision

Residential	\$ 100/lot with regulated area
	\$ 25/lot without regulated area
Comm/ind	\$ 150/lot with reg area
	\$ 40/lot without reg area

Stormwater discharge to regulated areas including wetlands	\$ 200 per acre of impervious surface (\$200 minimum)
Detention/retention ponds (ea)	\$ 150
Bioretention/raingardens (ea)	\$ 100
Watercourse crossing (ea)	\$ 50 +wetlands impact fee
Seawalls	\$1 / 1 linear ft (ie: 50 ft = \$50) + significant activity fee if applicable

Pond dredging (existing ponds only)

Less than 20,000sf of surface area	\$ 250
20001 to 400000	\$ 500
over 400000	\$ 1000

Map amendment (wetlands delineation)

	\$ 50+
Linear feet of Regulated Boundary	Fee /100 linear feet
First 500	\$ 10.00
500 to 1000	\$ 15.00
Length over 100	\$ 20.00

Forestry

+wetland activity fee if applicable	\$ 100
+significant activity fee if applicable	

Modifications

Minor revisions to residential permits	\$ 25
Minor revisions to subdivision permits	\$ 50
Minor revisions to commercial/industrial permits	\$ 75

Wetland impact fees

Less than 1000 sf of impact	\$ 50
1001 to 3000	\$ 100
3001 to 10,000	\$ 200 + \$5/1000 sf over 3000
10,001 to 20,000	\$ 300 + \$10/1000 sf over 10,000
20,001 to 40,000	\$ 400 + \$15/1000 sf over 20,000
Over 40,000	\$ 600 + \$20/1000 sf over 40,000

Significant activity fee

Residential	\$ 100
Subdivision	\$ 250
Commercial	\$ 300

Application with no activities

Site Plan	\$40
Subdivision	\$60

19.6 Sur Charge Fees for consultants or legal services

The Agency may if deemed necessary require the services of an outside consultant. When the actual cost of processing a wetlands application exceeds the minimum application fee due to the need for an outside consultant or legal opinion, the agency shall charge the applicant a surcharge fee to fund the approximate cost of processing the application. This reasonable estimate, together with the appropriate application fee as determined above shall be paid forthwith, and the application shall be deemed incomplete until these fees have been submitted.

Any portion of the surcharge fee not expended by the Town on the project shall be rebated to the applicant upon completion of the review, evaluation and processing of the application. The agency shall bill the applicant for any costs incurred by the Town in excess of the surcharge fee paid by the applicant. This shall be paid by the applicant prior to the issuance of any permits.

For the Purposes of this fee schedule an "outside consultant" means a professional who is not an employee of the Town, including but not limited to engineering, environmental, hydrological, legal and wetlands professionals.

If any regulated activities have commenced prior to obtaining a wetlands permit then the application fee is twice the application fee for the activity. This additional filing fee is to cover staff and consultant review costs associated with the more complex application. These costs may include but are not limited to field inspections, public hearings, public notices, consultants and technical staff research time. This additional filing fee shall not include significant activity fees and public hearing fees.

19.7 Exemptions

Boards, commissions, council and departments of the Town of East Hampton are exempt from all permit applications fees, but must still submit a permit application

19.8 Waiver

The applicant may petition the Agency to Waive, reduce payment of the fees required by these regulations. Such petitions shall be in writing and should fully state the facts and circumstances the applicant wishes the Agency to consider. The Agency may at its discretion waive all or part of the application fee if the Agency determines that:

- a. The activity applied for would clearly result in a substantial benefit too the environment or to the public health and safety, and the applicant would reasonably be deterred from initiating the activity solely or primarily as a result of the amount of the application fee, or
- b. The amount of the application fee is clearly excessive in relation to the cost the Town for reviewing and processing the application

TOWN OF EAST HAMPTON  
AGENDA REPORT

Town Manager Approval:

JK

Item to be presented by:

Town Manager

DATE: November 10, 2009  
SUBJECT: New Council Priorities  
DEPARTMENT: Town Managers Office

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RECOMMENDED ACTION

Recommend a "special town council meeting" be scheduled for the sole purpose of discussing council priorities for the upcoming year.

BACKGROUND

Attached are the top 10 priorities of each of the council members serving on the last Town Council. These may or may not be some of the same priorities for this new council.

In addition, we would speculate from the various party platforms that significant road improvements and work towards repairing our Lake would be at the top of the list.

As we begin to develop the capital program for next year we need to prioritize our projects and where the capital funds should go. We also would need to make some decisions on whether or not some of these projects should be bonded.

ALTERNATIVE ACTIONS

No recommendation

FISCAL IMPACT

None at this time

AGENDA ITEM: 12B

Councilmember Devine	
1	Continue to pursue the dev and contruction of a municipal water system....
2	Consider locating a consolidated Town Hall to the village Ctr....
3	Create a tax abatement / incentive program to encourage exterior improvements
4	Complete a Village Center property revitalization and redevelopment plan using available EPA grant funds.
5	Continue elderly tax relief programs.
6	Support efforts to bring sewer and water services to the Village Center area to support denser development.
7	Encourage and support emergency service volunteers.
8	Continue to schedule transportation improvement projects into the Town's Capital Improvement Program.
9	Work with the MTD and Rideshare Company to promote mass transit and ridesharing options to relieve congestion on Route 66.
10	Study the demand for Nat Gas....

Two or more councilmembers in agreement

Three or more council members in agreement

Five or more councilmembers in agreement

Councilmember Weintraub			
1	Plan for the enhancement or enlargement the Library	1	Continue to peruse the development and construction of a municipal water system per the Initial Water Supply Plan approved by the State under the authority of the Town's WPCA.
2	Maintain highway maintenance funding and staffing at levels necessary to perform adequate maintenance and avoid future costly repairs.	2	Conduct a long-term school growth study to determine space and land needs, and acquire necessary land as soon as possible.
3	Conduct a study of future recreation needs and acquire additional land if necessary, adjacent to existing facilities if feasible.	3	Continue to schedule transportation improvement projects into the Town's Capital Improvement Program.
4	Conduct a long-term school growth study to determine space and land needs, and acquire necessary land as soon as possible.	4	Conduct a study of future recreation needs and acquire additional land if necessary, adjacent to existing facilities if feasible.
5	Create an open space acquisition fund and building it by annual contributions in the budget, gifts from residents or others, and bonding when necessary. Pursue Grants	5	Monitor the growing senior population to anticipate staff and space needed at the Senior Center.
6	Support efforts to bring sewer and water services to the Village Center area to support denser development.	6	Continue elderly tax relief programs.
7	Complete a Village Center property revitalization and redevelopment plan using available EPA grant funds.	7	Complete a town wide historic resources survey.
8	Fund efforts to comply with the federally mandated Storm water MS4 General Permit Program.	8	Create an open space acquisition fund and building it by annual contributions in the budget, gifts from residents or others, and bonding when necessary.
9	Create a tax abatement/incentive program to encourage exterior improvements. Investigate the need for a blight ordinance and adopt one if necessary	9	Create a tax abatement/incentive program to encourage exterior improvement to commercial/industrial buildings.
10	Continue elderly tax relief programs.	10	Complete a Village Center property revitalization and redevelopment plan using available EPA grant funds.

Councilmember Cordeiro

Two or more councilmembers in agreement

Three or more council members in agreement

Five or more councilmembers in agreement

Councilmember Tuttle

Councilmember Engel

Top 10:

1	Continue to pursue the dev and contrufstion of a municipal water system....	1	Continue to pursue the dev and construction of a municipal water system...
2	Consider locating the a consolidated Town Hall to the village Cir.....	2	Complete all phases of the Facilities Implementmiation Plan
3	Create a tax abatement / incentive program to encourage exterior improvements	3	Implement Rte. 66 corridor study
4	Pursue State & Fed \$\$\$ for open space	4	Create a tax abatement / incentive program to encourage exterior improvements
5	Adopt a residential underground storage tank ordinance	5	Investigate a commercial friendly blight ordinance
6	Provide econ. Incentives such as tax abatements for restoration of historic resources.	6	Maintain highway maintenance funding
7	Study the demand for Nat Gas....	7	Take advantage of PA 490 programs for land preservation
8	Investigate a blight ordinance	8	Pursue State & Fed \$\$\$ for open space
9	Maintain highway maintenance funding	9	Work with CL&P to connect airline trail to Portland via railbed
10	Adopt a demolition delay ordinance that requires 90 days.....	10	Study the demand for Nat Gas....

Councilmember Goff

Councilmember Minnick

1	Pursue state and federal open space grants.	1	
2	Continue to identify and recognize important historical resources through national and state recognition programs.	2	
3	Create a tax abatement/incentive program to encourage exterior improvement to commercial/industrial buildings.	3	
4	Complete a Village Center property revitalization and redevelopment plan using available EPA grant funds.	4	
5	Seek grant funding to bury utilities as part of a streetscape improvement program in the village center and portions of Rt. 66.	5	
6	Consider relocating a consolidated Town Hall to the Village Center and offsetting the cost through the sale of current site for appropriate commercial development.	6	
7	Continue to peruse the development and construction of a municipal water system per the Initial Water Supply Plan approved by the State under the authority of the Town's WPCA.	7	
8	Continue elderly tax relief programs.	8	
9	Support efforts to bring sewer and water services to the Village Center area to support denser development.	9	
10	Collaborate and communicate with appropriate partners to identify and acquire funding sources available for accussation and management of lands that conserve and restore natural environmental functions; protect cultural and historic resources; and preserve rural lands.	10	

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval:



Item to be presented by:

Town Manager

DATE: November 10, 2009

SUBJECT: "Let's Talk East Hampton"

DEPARTMENT: Town Managers Office

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RECOMMENDED ACTION

Schedule a series of Town Hall Meetings to discuss various topics with the Community.

BACKGROUND

The Town Managers department is suggesting that over the course of the next few months the Town Managers office in collaboration with the Town Council conduct a series of "Town Hall" type meetings to openly discuss and dialogue with Town residents about concerns and issues both the Town and Towns folks may have.

All Town residents would be invited to participate in "LET'S TALK, EAST HAMPTON!" Monthly topics will be discussed throughout the upcoming months. All meetings will be held on the first Thursday of the month from 6:30pm until 8:30pm in the Town Hall Meeting room.

"LET'S TALK, EAST HAMPTON!" would be a great way to get the community more involved. If people are concerned about the future of East Hampton and want to do something about it, this is an opportunity to communicate directly with Council Members and Town Staff as well as provide an opportunity for same to hear what's on your mind. It is an opportunity to learn the value of communication in a cooperative way.

It is our hope that, "LET'S TALK, EAST HAMPTON!" will bring citizens together to talk candidly about difficult issues facing our Town.

The "LET'S TALK, EAST HAMPTON!" suggested topics for the upcoming year are:

- Council/Community Priorities – December 2009
- Facilities Plan & Village Center – January, 2010
- Community Oriented Policing – February 2010
- Development & Code Enforcement – March 2010
- Lake Pocotopaug & Watershed – April 2010
- Roads– May 2010
- Municipal Water System – June 2010
- Clean, Renewable Energy – July 2010
- Parks & Recreation – August 2010

AGENDA ITEM: 12C

A follow-up Community Action Forum could be scheduled in early fall of 2010 to discuss how well we addressed some of the issues brought up in the meetings.

“LET’S TALK, EAST HAMPTON!” could be a great opportunity to have more dialogue directly with the community.

ALTERNATIVE ACTIONS

No recommendation

FISCAL IMPACT

None at this time

**AGENDA ITEM:** \_\_\_\_\_

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval: \_\_\_\_\_

*JK*

Item to be presented by: James Carey

DATE: November 10, 2009

SUBJECT: Sound attenuation plan submitted for Angelico's Lake House Restaurant

DEPARTMENT: Planning/Zoning and Building Department

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**RECOMMENDED ACTION**

None at this time. Information only.

BACKGROUND On August 18, 2009, Paul Angelico applied for a site plan modification to allow for the installation of structures intended to attenuate sound generated by use of the Tiki Bar area located on the north side of 81 North Main St. This proposal included a wall and two roof structures that would be completed in three phases, first a barrier wall extending North and West of the area used to stage live entertainment, second, a roof structure above the stage area and finally a roof to replace the structure presently above the Tiki Bar that would be much larger and would provide cover for patrons in addition to the bar itself. The construction materials proposed were mainly common lumber, plywood and common insulation.

This plan was referred by this office to Marc Cote, an acoustical expert, for review. The purpose of this review was to provide the Planning and Zoning Commission expert and empirical analysis on which to base their decision regarding the proposal's efficacy in reducing the effects of noise emanating from the restaurant to surrounding properties. A copy of Mr. Cote's report is attached to this document for the Council's review. The Angelico proposal was also referred to the Conservation and Lake Commission for review and comment. This Commission met on Sept. 17, 2009 and subsequently provided commentary to the P&Z focusing on impervious coverage and resulting drainage effects. The Planning and Zoning Commission held a Public Hearing on this proposal on October 7, 2009. The applicant declined to participate or send representation on his behalf to present the application. The Commission took substantial commentary from the public, reviewed the proposal and the Cote report/review and closed the Public Hearing. The Commission deliberated the proposal and then voted unanimously to deny the application, without prejudice, thus allowing the applicant the opportunity to reapply with no waiting period penalty. The reason for denial was based solely on Cote's opinion that the design and materials proposed by the application would not provide effective sound attenuation from the Lake House Restaurant property. Notice of the denial was sent to Mr. Angelico on October 27, 2009, which allowed for an appeal within 15 days of the decision. No appeal was taken.

Mr. Angelico has been provided with a copy of Mr. Cote's report and it is the desire of the Planning, Zoning and Building Dept. to continue to work cooperatively, perhaps employing some of the principles and findings in Cote's report, to resolve the issue in a satisfactory manner.

ALTERNATIVE ACTIONS

N/A

FISCAL IMPACT

N/A

AGENDA ITEM: \_\_\_\_\_

13A

**Marc Cote**  
**Consultant in Acoustics**  
23 Misty Meadow Road  
Enfield, CT 06082  
(860) 966-7350  
Marccote160@yahoo.com

October 6, 2009 (*Revised October 8, 2009*)

Mr. James Carey  
Town of East Hampton  
Planning, Zoning & Building Department  
20 East High Street  
East Hampton, CT 06424  
[twadmin@easthamptonct.org](mailto:twadmin@easthamptonct.org)

Re: Angelico's Lake House – Tiki Hut and Outdoor Dining Venue Sound Study

Dear James,

As requested by the Planning Zoning and Building Department of the Town of East Hampton, I have completed a sound study of the Tiki Hut and Outdoor Dining Venue at Angelico's Lakehouse focusing on the potential noise impact on residential properties located on Barbara Avenue and Lake Court. The facility includes an outdoor bar and dining area with background music and live entertainment. The sound study includes a review of a report including sound mitigation measures prepared by Jim Read on behalf of Angelico's Lakehouse. In addition, the study includes a neighborhood site survey to familiarize myself with the arrangement of the venue within the neighborhood and to perform sound measurements in the neighborhood to quantify the potential noise impact. As the Town of East Hampton does not have its own noise by-laws, I will use the noise regulations promulgated by the Connecticut Department of Environmental Protection (CDEP) as a guide to determine potential noise impact.

## **MEASUREMENTS AND OBSERVATIONS**

I visited the neighborhood of Angelico's Lake House on Sunday, October 4, 2009 in the mid to late afternoon. At the time of my visit, most of the patrons were situated near the Tiki Hut based on my observations from the surrounding neighborhood, although there were a few scattered in the tables nearest the corner of Barbara Avenue and North Main Street. I started my observations of the sound produced by the Outdoor facility starting around 4 PM. Voices and background music were audible on Barbara Avenue and Lake Court over the continuous background sound levels but were often masked by local traffic on North Main Street. At approximately 5:30 PM, the volume of the background music was noticeably increased. Patron noise appeared to increase in response.

I performed the measurements using a Bruel & Kjaer 2231 Type I Sound Level Meter. I field calibrated the meter before and after measurements and used a windscreen during the measurements. The results of my measurements are summarized in Table 1 below:

There was no live entertainment while I was on site. I understand that musical acts are varied and may include blues, classic rock, folk and country artists. Based on my experience with and understanding of live sound, I expect that live music sound levels will far exceed the measured sound levels shown in Table 1.

Measurement Description	Location	Measured Sound Level (dBA)
Voices before 5:30 PM	Barbara Avenue	42-45
Background Music before 5:30 PM	Barbara Avenue	40-44
Voices before 5:30 PM	Lake Court	45-52
Background Music before 5:30 PM	Lake Court	Rarely audible over voices
Voices after 5:30 PM	Barbara Avenue	Up to 56
Background Music After 5:30 PM	Barbara Avenue	51-56
Voices after 5:30 PM	Lake Court	50-56
Background Music After 5:30 PM	Lake Court	48-51

**Table 1. Measured Sound Levels along Barbara Avenue and Lake Court**

### LIVE ENTERTAINMENT

There was no live entertainment while I was on site. Therefore, I could not directly measure sound levels of a live performance. I understand that typical musical acts are varied and may include blues, classic rock, folk and country artists. Based on my experience and understanding of live sound, I expect that live music sound levels will far exceed the measured sound levels shown in Table 1. The following explains how I came to this conclusion.

Sound levels will vary greatly on the act and the loudspeaker system used. Therefore, it is difficult to accurately predict the resulting sound levels in the neighborhood for all possibilities. However, there are some typical constants to be expected. Nearly every act will be sure to mix their sound through a pair of loudspeakers mounted on poles on either side of the stage front. These loudspeakers would generally be pointed away from Barbara Avenue and towards the building façade of Angelico's Lakehouse. Sound levels behind these loudspeakers would be 7-15 dBA less than directly in front of the loudspeakers depending on the tonal characteristics of the music and the directional qualities of the exact loudspeakers used. The difference between amplified bass and drums in front and in back of the loudspeakers would generally be less.

The reflection off of the building façade may also contribute to the resulting sound levels on Barbara Avenue. Some acts may employ the use of stage monitors to aid the performers in hearing each other. These monitors could potentially be aimed directly across the street to the raised front deck of the residence at the corner of Barbara Avenue and North Main Street. Currently, there is only a visual barrier of arborvitae between the stage area and Barbara Avenue. Thus, the sound produced by stage monitors is currently not reduced by real barrier or screening. The sound from a drum kit or the backwave energy from the main loudspeakers can also propagate across Barbara Avenue unimpeded. The Lakehouse, Tiki Hut, existing fencing and barriers will likely reduce sound levels to Lake Court by 8-12 dBA depending on the arrangement of the band, music played and position along Lake Court.

Taking all of these considerations into account, assuming typical audience sound levels of 80-90 dBA and correcting for distance, I expect that live music sound levels could widely range between **60 dBA** and **80 dBA** along Barbara Avenue and between **55 dBA** and **70 dBA** along Lake Court.

### CDEP NOISE REGULATIONS

Accounting for the tonal characteristics and time variance of music, the CDEP Noise regulations prohibit sound levels in the surrounding residential properties due to the background music or live entertainment at Angelico's Lakehouse as follows:

- 1) Continuous sound levels no greater than 50 dBA before 10:00 PM
- 2) Peak Sound levels no greater than 58 dBA before 10:00 PM

- 3) Continuous sound levels no greater than 40 dBA after 10:00 PM
- 4) Peak Sound levels no greater than 48 dBA after 10:00 PM
- 5) Unamplified voices are not regulated

Several of the measured sound levels in Table 1 and the predicted sound levels for live music exceed these regulations. Measured sound levels of unamplified voices also exceed the limits but are not regulated. However, the sound levels of unamplified voices are likely to increase during loud music and would typically contribute to the actual potential for noise impact on surrounding properties.

## REVIEW OF PREVIOUS SOUND MITIGATION REPORTS

The general mitigation concepts presented in the reports prepared by Jim Read dated July 6, 2009 and September 2, 2009 as well as the site improvement plan prepared for Paul Angelico and dated August 7, 2009 will provide significant improvements to the overall sound level impacting the neighborhood. However, these concepts would require further analysis to ensure that the implementation would sufficiently reduce sound levels. I offer the following comments based on my review:

- 1) The suggested new barrier location will likely reduce Barbara Avenue Sound Levels due to live entertainment. The magnitude of this reduction would need to be calculated based on the height and extent of the barrier as well as an understanding of the arrangement sound reinforcement systems used by the musical groups. Realistic free-standing barriers rarely can provide more than 15 dBA sound reduction in actual practice. As live entertainment likely exceeds regulated limits by as much as 20-30 dBA, a barrier would only be part of a potential solution. An improvement to the barrier concept would be to provide an angled portion of barrier which would extend over the stage area.
- 2) With a barrier placed behind the stage area, sound levels on Lake Court could actually increase slightly unless other structures are placed between the stage and Lake Court. It is also possible to design the barrier with an absorptive face on the side facing the stage.
- 3) The new barrier will have little or no impact sound levels on background music as the loudspeakers currently employed are positioned higher than the barriers themselves.
- 4) The recommendation to build a larger roof extending from the Lakehouse to the covered bar running parallel to Barbara Avenue will reduced sound levels in several ways. However, it will also be necessary to provide a more substantial barrier in place of the stockade fence running parallel to Lake Court which is mislabeled as an existing barrier. With these building elements in place, it will be necessary to provide loudspeakers under the roof structure for background music in the central bar area. The existing loudspeakers used to provide background music in the remaining dining areas could also be relocated to cover smaller areas at a height that is actually lower than any existing and new barriers. Implemented correctly, background music and patron noise would likely range between inaudible and barely perceptible. Background music and patron noise would also be significantly reduced along Barbara Avenue, quite possibly below regulatory limits.
- 5) The edge of the new roof will also act as a barrier between the stage and Lake Court. The effectiveness of the barrier would need to be calculated based on actual heights, extents, etc.
- 6) The recommendation for relocating the existing roof of the Tiki Hut over the stage area may provide little reduction to neighboring properties. Furthermore, depending on the height, it may be necessary to amplify acoustic sources such as drums more which would potentially counter or exceed any benefit. A barrier with an angled overhang will be much more effective.

- 7) I would not recommend building a free-standing barrier using the materials described in the reports. Fiberglass is not typically used in an outdoor barrier due to the potential for moisture retention and mold growth. Styrofoam is also not an effective material to prevent the potential for resonance between the two layers of plywood as described. Typically the barrier itself can be monolithic as opposed to double layered with an airspace in between layers. Unless the barrier is extremely tall, the sound passing through a monolithic barrier is generally negligible compared to the sound escaping over the top of the barrier. I would not recommend a specific construction before determining the height and extent required as well as the potential need for a sound absorptive face.

## RECOMMENDATIONS

To determine a more specific sound mitigation plan, I recommend the following approach:

- 1) Measure the sound produced by one of the louder musical acts to obtain a better understand the actual impact of live entertainment on the surrounding neighborhood as well as the noise reduction required to properly mitigate the sound.
- 2) Visit the outdoor dining and entertainment venue to more accurately determine dimensions of new and existing structures and review sightlines to neighboring properties.
- 3) Based on the site survey and the required noise reduction, perform the necessary analysis to determine the correct height and extent of the new roof as well as the design of the new barriers.
- 4) Determine a reasonable timeline to complete mitigation which allows Angelico's Lakehouse to potentially spread the cost of mitigation over time, but also provides some immediate relief to neighbors.
- 5) Consider the addition of a house sound system for live entertainment which can be designed with optimal locations for good sound in the audience area and for minimizing sound escaping to neighboring properties. This will also eliminate the variable of the varied portable loudspeakers and arrangements used by various bands and its affect on the propagation of music to neighboring properties.

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It has been a pleasure performing this study. Please let me know if you have any questions or if I can be of further assistance in developing a more specific sound mitigation plan.

Sincerely,



Marc Cote

**TOWN OF EAST HAMPTON  
AGENDA REPORT**

Town Manager Approval:



Item to be presented by:

Town Manager

DATE: November 10, 2009  
SUBJECT: Building Committees  
DEPARTMENT: Town Managers Office

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RECOMMENDED ACTION

Adopt resolutions for the appointment of two building committees. One for the Senior Center Project and one for the STEAP project for the "Governor Bill O'Neill" memorial streetscape project.

BACKGROUND

The Town has received two grants and has been awarded funding for these two exciting projects. The first is a \$750,000 grant award for the expansion of the senior center. The second is a \$200,000 award for the "Governor Bill O'Neill" memorial streetscape project.

For the senior center project we recommend that one council member, Chris Goff, one member from the commission on aging, Ann McLaughlin and one member from the community at large be appointed.

For the "Governor Bill O'Neill" memorial streetscape project, we recommend one council member, Melissa Engel, Mrs. Nikki O'Neill and Bob Drewry be appointed.

Both projects would be managed by our facilities manager Frank Gryzb, with assistance from public works director Keith Hayden on the streetscape project.

ALTERNATIVE ACTIONS

No recommendation

FISCAL IMPACT

None at this time

AGENDA ITEM: 15A

**Nancy Hasselman, CCMC  
Collector of Revenue  
Town of East Hampton**

November 6, 2009

To: The East Hampton Town Council

Please find copies of tax refunds for your review. The total refunds equal \$1,146.00.

Thank you for your assistance.

*Nancy Hasselman CCMC*

Nancy Hasselman, CCMC  
Collector of Revenue

360.00 +  
90.00 +  
666.00 +  
30.00 +

004

1,146.00 \*