

Town of East Hampton  
**Inland Wetlands and Watercourses Agency**  
**Regular Meeting**  
November 18, 2020 – 6:30 P.M.  
Virtual Meeting

**MINUTES**

**Present:** Chairman Foran, W. Dean Kavalkovich, David Boule, Peter Wall, Robert Talbot and Vice-Chairman Wilson.

**Absent:** Scott Hill and Tess Lundgren

**1. Call to Order:** The meeting was called to order at 6:30 p.m. by Chairman Foran.

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

**3. Approval of Minutes:**

**A) October 28, 2020 Regular Meeting** – Mr. Boule made a motion to approve the October 28, 2020 minutes, seconded by Mr. Talbot. ***5-Yes; 1-Abstention (Mr. Kavalkovich)***

**B) November 14, 2020 Site Walk** – Vice-Chairman Wilson made a motion to approve the November 14, 2020 minutes, seconded by Mr. Talbot. ***5-Yes; 1-Abstention (Mr. Kavalkovich).***

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

Communications:

The members were given a notice from CACIWC regarding the 43<sup>rd</sup> Annual Meeting and Environmental Conference scheduled for December 5, 2020.

Enforcement:

Mr. DeCarli informed the members of a letter of violation that was issued for a property on Boulder Road. Plank bridges were installed and ATV riding is happening within the Upland Review Area.

Public Comment: None.

**5. Agent Approvals:** None.

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

**7. Continued Applications:**

**A. IW-20-025: Joseph Perko, 501 Moodus Road,** to construct a 20' x 45' 2 story outbuilding within the Upland Review Area. Map 15/Block 28A/Lot 1. Mr. Perko

presented. He will be adding silt fence and hay bales behind the existing deck. Approximately 50 yards will be excavated and silt fence will be along the edge of the excavation site. Contour plans were submitted with the proposed building location. Moodus Road is the lowest point of the property and he will be using the flat area so no grading will be needed. Vice-Chairman Wilson made a motion to approve application IW-20-025 using the standard short form for the following reasons: the applicant has avoided any direct impact to the wetlands and efforts were made to minimize impacts to the wetlands with the use of sedimentation control measures prior to construction. The motion was seconded by Mr. Kavalkovich. **Vote: 6-0**

**B. IW-20-026: Steven Phillips, 16 Maplewood Dr.,** to install a 16' x 32' in ground pool within the Upland Review Area. Map 19/Block 39A/Lot 10A-4. Vice-Chairman Wilson recused himself from this application at this time. Mr. Phillips added a fence and the pervious paver to the site plan. There will be a 5' iron fence around the pool, off the deck. There will be a 15 x 8 Technoblock patio with a 4' walkway on each side. Excavated material will be taken off site and erosion and sedimentation controls will be in place.

Mr. Talbot made a motion to approve application IW-20-026 using the standard short form for the following reasons: there will be no disturbance to the wetlands, excess material will be taken off site and proper erosion and sedimentation controls will be in place. The motion was seconded by Mr. Wall. **Vote: 5-0**

**C. IW-20-027: Robert B. Wallace, 4 Lakewood Rd.,** demolition of existing cottage within the Upland Review Area. Map 03A/Block 44/Lot C-67. Mr. Wallace was not present at this time so Mr. DeCarli presented on his behalf. The existing cottage is a one story with no basement and is on piers. The intent is to demolish the cottage, reseed, regrade and leave as vacant land. It is 185' from shoreline to the cottage and the property is flat. Silt fence will be installed around the perimeter of the project. Excavated material will be taken off site. All utilities have been disconnected. Mr. Kavalkovich made a motion to approve application IW-20-027 using the standard short form for the following reason: decommissioning of the structure on the lakeshore is beneficial to the lake. Vice-Chairman Wilson seconded the motion. **Vote: 6-0**

**D. IW-20-028: Bryson Hyte, 202 Lake Drive,** to install an 18'x37'x29' pool and to relocate and rebuild an existing retaining wall within the Upland Review Area. Map 09A/Block 70B/Lot 17A. Mr. Hyte presented an overlay of the 2 wetland delineations and stated that the square footage has not changed. The proposed plan with the pool has the most recent survey with wetlands depicted. There will be approximately 100 cubic yards of material that will be brought in. The existing retaining wall will be moved forward and comprised of stamped concrete. There will be drainage behind the wall with a catch basin and it will drain into a rain garden. The wall will be 4' – 5' depending on the final grade. Vice-Chairman Wilson made a motion to approve Application IW-20-028 using the standard short form and for the following reasons: the design has no direct wetland impacts and adequate erosion and sedimentation control measures will be in place to protect runoff during construction. The motion was seconded by Mr. Talbot. **Vote: 6-0**

**E. IW-20-030: Kevin Herrick, 49 Bay Rd.,** to restore existing stone wall by lake and install a new pervious paver patio and seat wall. Map 09A/Block 70/Lot 33. Mr. Herrick was able to get clarification about the wetland line from a site visit done by a soil scientist. A full report was submitted. Megan Raymond, Soil Scientist with Milone and MacBroom presented some of her site observations: the 75' of frontage is comprised of the high-water line of the lake, the wetland boundary on the old plan is not correct, there are no poorly drained soils or areas of disturbance or fill. Mr. Herrick added that what he is proposing for is depicted on the most recent plan. Mr. Talbot stated that a pre and post survey will be required to confirm that the wall is not extending any further into the lake. Vice-Chairman Wilson made a motion to approve application IW-20-030 using the standard short form for the following reasons: the site will not encroach any further on the lake, the activity is intended to maintain the existing water quality of the lake and there will be no adverse effects and with the following condition: a pre and post construction survey of the retaining wall and shoreline be submitted to Town Staff. The motion was seconded by Mr. Kavalkovich.  
**Vote: 6-0**

**F. IW-20-031: Tony Flannery, 101 Main St.,** clear brush, trees and stumps. Add gravel and top with millings. Remove UG fuel tank. Install a wash bay for the existing recycling yard operation. Work is within the upland review area. Map 06A/Block 57/Lot 2. Mr. Flannery submitted an updated site plan. He is proposing a 60' x 30' bay. All the existing buildings and uses are the same. He explained that the area that is off Walnut Street will not be touched at this time. The old site plan showed that the brook was to be enclosed but only half of it was done. The exposed soil on the Walnut Street side is a gravel area and will be hydroseeded in the future. Vice-Chairman Wilson commented that the applicant will have to re-apply for a permit if there is any other activity in that area other than hydroseeding. Vice-Chairman Wilson made a motion to approve application IW-20-031 using the standard short form and with the following conditions: the statement of "the brook to be enclosed" is not approved as part of this application and an additional permit will be required if that is the future intention, any activity in the northern portion of the property (indicated on the site plan as "additional parking" will require a separate permit. Mr. Talbot seconded the motion.  
**Vote: 6-0**

## **8. New Applications:**

**A. IW-20-032: Aquarian Water Company of CT, 49 Lakewood Road,** to add an addition to the existing water treatment facility. Project is within the Upland Review Area. Map 03A/Block 44/Lot 23A. Don Snyder, P.E. from Snyder Engineering in Portland represented the applicant. The proposed work is for an addition to the existing water house that will be 50' from the wetland line. The addition will be 160 sq. ft. and is needed for sanitary uses as well as office space area. Silt fence will be installed to minimize the impacts to the wetlands which they predict will be minimal. Bill Stango, P.E. stated that silt fence will be installed and there will be minimal excavation for the footings of the addition. The majority of the area is paved. The addition will be in the front and the existing side walk will be relocated. Mr. Snyder informed the Commission that the State Statutes dictate that Water Utilities are classified as "Non-Regulated Use". Vice-Chairman Wilson stated that there is no need to vote/approve but that suggestions can be provided by the Commission and that this application is an "Non-Regulated Use". Mr. Kavalkovich suggested infiltrating

the stormwater runoff if the impervious surfaces are increased. Vice-Chairman Wilson made the motion that no vote is needed for this application because according to Sec. 4.1.E of the Regulations this activity is deemed "As-of Right". Mr. Boule seconded the motion. **Vote: 6-0**

- B. IW-20-033: Joseph Ploszay, 39 Blue Heron**, to construct a 676 sq. ft. IG pool within the Upland Review Area. Map 24/Block 64/Lot 20-16. Mr. Ploszay presented. He is proposing an IG pool off the patio and within the Upland Review Area. The rock wall that exists is along the wetland line where silt fence with stakes will be added to prevent any runoff or debris from getting into the wetlands. The excavated material will be used for a retaining wall. There will be a fence around the pool as well as a 3' concrete walk. Mr. Kavalkovich asked the applicant to depict the fence and walkway on the site plan for the next meeting. Mr. Boule made a motion to continue application IW-20-033 to the next regularly scheduled meeting on December 30, 2020. Mr. Talbot seconded the motion. **Vote: 6-0**

**9. Public Hearing:** None.

**10. New Business:**

- A. Approval of the 2021 Meeting Dates** – Vice-Chairman Wilson made a motion to approve the 2021 and January 2022 Meeting Dates as written. Mr. Wall seconded the motion. **Vote: 6-0**

**11. Old Business:** None.

**12. Public Comment:** None.

**13. Adjournment:** Mr. Talbot made a motion to adjourn at 7:40 p.m. The vote was unanimous in favor.

Respectfully submitted,

Christine Castonguay  
Recording Clerk