

Town of East Hampton  
**Inland Wetlands and Watercourses Agency**  
**Regular Meeting**  
January 27, 2021 – 6:30 P.M.  
Virtual Meeting

**MINUTES**

**Present:** Chairman Foran, W. Dean Kavalkovich, David Boule, Tess Lundgren, Peter Wall, Nico Guerrero, Scott Hill (arrived at 6:42 p.m. at the start of 7B) and Vice-Chairman Wilson.

**Absent:** Robert Talbot

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

**2. Seating of Alternates:** Tess Lundgren was seated at this time.

**3. Approval of Minutes:**

**A) December 30, 2020 Regular Meeting** – Mr. Boule made a motion to approve the December 30, 2020 minutes as written. The motion was seconded by Mr. Kavalkovich. **Vote: 6-0**

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

Communications: The CT Bar Association will be having a Zoom webinar on March 6, 2021 for Municipal Land Use Agencies, Boards and Commissions.

Enforcement: None.

Public Comment: None.

**5. Agent Approvals:**

**A. IW-20-038: Charles and Kathi Race, 27 Young Street,** to install a 24' round AG pool and a 23' x 11.6' deck within the Upland Review Area Map 13/Block 33/Lot 14-J. Chairman Foran stated that they want to place the pool in the same location as the previous pool that was there. He visited the property and stated that the area is flat. He issued an Agent Approval for the Application.

**6. Reading of the Legal Notice:** Staff read legal notice into the record.

**7. Continued Applications:**

**A. IW-20-034: John Uliano, 29 Pocotopaug Dr.,** To construct a pool and 2 retaining walls within the Upland Review Area. Map 25/Block 64/Lot 20A-1. Mr. Uliano provided a recap of the project and added that if he does a natural retaining wall or a manmade that it will be constructed. Vice-Chairman Wilson stated that the applicant should take measures to prevent soil from passing through the wall. He added that a

combination of filter fabric and stone behind the wall would be sufficient. Mr. Uliano stated that he will take the necessary precautions to avoid erosion. Vice-Chairman Wilson made a motion to approve application IW-20-034 using the standard short form and for the following reason: the construction methodology and overall design will protect the wetlands and with the following special conditions: that the final design of the retaining wall includes measures to prevent dirt and soil from passing through the retaining wall and into the wetlands and that the design be reviewed and approved by Town Staff. The motion was seconded by Mr. Boule. **Vote: 6-0**

- B. IW-20-035: Edgewater Hill Enterprises, LLC., East High St.,** to construct Salt Pond Apartments (40 units); a phase of the Edgewater Hills Master Plan. Map 10A/Block 85/Lot5C. Attorney Heller presented. The following modifications to the plan were made based on comments from Steve Trinkaus, P.E. (member of the development team): the stormwater detention basins at the northeasterly and easterly portions of the project were made deeper because of the recommendation to maintain them as wet basins for better assimilation of pollutants, berms were introduced into the detention basins to create a longer travel route for the water, the outlet structure was modified so they don't completely drain after each storm event and a vegetative regime was made specific to flourish in a wet basin environment. Anti-tracking pads were added on both sides of the temporary wetlands crossing. Added to the narrative is a restoration plan for temporary disturbance for materials that will be brought to the site. David McKay, P.E. presented the construction sequence for wetlands restoration that will be implemented as soon as construction is complete. He went on to add that soil testing was done at the bottom of the basins and that the silt sand layer that is there will maintain a permanent pool of water and top soil will be added to facilitate seed growth. Attorney Heller stated that he will incorporate into the narrative a mitigation plan for invasive species. The proposed house on the south side of the road that is depicted on the plan will be removed and there has been no decision made for the 2 proposed homes on the north side but a temporary sedimentation trap will go between the two homes. Vice-Chairman Wilson made a motion to approve application IW-20-035 using the standard short form for the following reasons: the project remains consistent with the permit that was issued for the Master plan and it is protective of the wetlands on site and with the following conditions: hay bales be eliminated from the Erosion and Sedimentation plan and specify it as straw bales only for use as Erosion and Sedimentation control and mulch, an invasive species plan be incorporated into the general maintenance of the basins as well as the wetland restoration area and any timber mats that are brought to the site for construction be ensured that they are clean and free of weeds and soil that may potentially introduce invasive species. Mr. Kavalkovich seconded the motion. **Vote: 7-0** Vice-Chairman Wilson made the following recommendation: to do inventory of the vernal pools so there is a point of reference.

- C. IW-20-039: Donald Ballsieper, Navajo Trail,** New home construction with the Upland Review Area. Map 09A/Block 74/Lot 167. Mark Young, surveyor with Waldo and Associates presented. This is a vacant lot in an established neighborhood with wetlands across the street along the brook. They are proposing the construction of a new 530 sq. ft. single family home. There is a well south of the home and sewer connection to the manhole on the southeast portion of the property. The stormwater from the house will go to an underground infiltration system to the northeast of the house. The driveway and patio will be done with pervious pavers and the rest of the property will be seeded for lawn. There will be a minimal amount of grading to

direct the rain away from the house. During construction there will be a silt fence surrounding the site. The driveway will be prepared as a tracking pad. There will be no adverse impacts to the neighborhood. Vice-Chairman Wilson made a motion to approve application IW-20-039 using the standard short form and conditions with no additional conditions. Mr. Kavalkovich seconded the motion. **Vote: 7-0**

- D. IW-20-040: Cary L. Gagnon, 5 Boulder Road,** to install bike trails and wooden bridges in the wetlands and upland review area. Map 03A/Block 44/Lot 23F. Mr. Gagnon explained that he has 2 wood bridges with cyder blocks that are being used as bike trails. The bridges are there to protect the wetlands and are low impact. One bridge is 55' long and the other is 45' long and are 5' – 6' wide. He has owned the property for a long time and is trying to do something to utilize the property and to benefit the neighborhood. The trails will be used for bicycles, mountain bikes and walking. Mr. DeCarli commented that he is concerned about the trails potentially becoming erosion areas. Mr. Gagnon stated that he will be responsible for maintaining the bridges and trails. Vice-Chairman Wilson made a motion to approve application IW-20-040 using the standard short form with the additional condition: the applicant work with Town Staff to develop a plan for general trail maintenance to minimize erosion. The vote was seconded by Mr. Boule. **Vote: 7-0**

*At this time, Mr. DeCarli stated that there was a member of the public who wanted to speak. He reminded the Commission that this is not a public hearing therefore public comments cannot be accepted at this time.*

## **8. New Applications:**

- A. IW-21-001: Steve and Diane Lanney, 13 Sears Lane,** to construct a new single family home within the Upland Review Area. Map 04A/Block 63B/Lot 10. David McKay, P.E. from Boundaries, LLC. presented. The home that was on the property burned down in 2013 and the applicant is proposing to redevelop the property. The soil scientist delineated the limits of the lake which is the high water mark along the existing stone wall. He did not find any wetlands on the property. The proposal is for a new single family home and garage within the buildable area of the property. The following measures have been taken to improve stormwater runoff: A portion of the driveway in front of the garage will be paved. That area will drain into a stone infiltration trench at the limits of the pavement. The roof drainage from the house and garage will drain to a raingarden area. In addition to the raingarden, there will be stormwater infiltrators. A patio will be added between the house and the lake and will be made of pervious pavers. The remainder of the driveway to Sears Lane will be pervious (gravel or crushed stone). Silt fencing will be in place during construction. The property had a total of 5300 sq. ft. of impervious surface and they are proposing 4322 sq. ft. The area where the house will be built is currently grassy and will be reseeded after construction. The area for the proposed driveway is wooded so there will be some clear cutting done. A recommendation was made for a buffer strip along the lake and for the applicant to submit a landscaping plan. Vice-Chairman Wilson made a motion to continue application IW-21-001 to the next regularly scheduled meeting on February 24, 2021. The motion was seconded by Mr. Hill. **Vote: 7-0**
- B. IW-21-002: Mary Ann Hubert, 68 Spellman Point,** to enlarge existing deck by 4' within the Upland Review Area. Map 09A/Block 70/Lot 9. Mrs. Hubert explained that the existing deck on the second level is not wide enough and she would like to expand it by 4'. The deck is 45' back from the lake edge. The water runoff will be directed to the raingarden that exists on the left and on the right of the backyard. There was a brief discussion about the state of the current property and the measures taken to

protect the lake from runoff. Mr. Hill made a motion to grant an Agent Approval for application IW-21-002. The motion was seconded by Mr. Wall. **Vote: 7-0**

## **9. Public Hearing:**

### **A. IW-20-036: Connecticut Contractors Group, LLC., Daniel Street, Subdivision.**

Map 13/Block 51/Lot 1. Mark Reynolds, P.E. presented. The proposal is for 4 new lots subdivision on approximately 14.5 acres that front on Daniel and Young Street. There is a brook that runs from a 36" diameter culvert that crosses Daniel Street via the southeast corner of the property. It runs southeast to northwest across the property and through a culvert under Young Street to Pocotopaug Creek. They are proposing a driveway crossing at Daniel Street that will have a ledge bottom with a 48" oval pipe. Approximately 2400 sq. ft. of the wetland area will be impacted. The construction of the crossing will be during a low or no flow. Rock protection will be added on either side of the inlet and outlet. The culvert will be 50' long and 3' wide. The original request was for a 48" CMP elliptical pipe but based on the recommendation from the Director of Public Works, they are proposing to change to a corrugated plastic pipe which will last longer and he asked the Commission to consider the change. The areas of Upland Review impact are the driveway and a portion of the septic on lot 2. The area of direct wetland impact is the culvert crossing. Access to the rear lots will be via a common driveway that utilizes the proposed crossing. Chairman Foran asked for public comments at this time. Abby Fortin of 15 Daniel Street was concerned about the proposal for a smaller culvert pipe and the potential for more flooding on her property. There were no further public comments. Chairman Foran made a motion to close the public hearing. Vice-Chairman Wilson seconded the motion. **Vote: 7-0.** Vice-Chairman Wilson made a motion to approve application IW-20-036 using the standard short form because the applicant has shown due diligence to minimize impacts to wetlands and watercourses and the fillings to the watercourses will not result in an adverse impact to the wetlands. Mr. Kavalkovich seconded the motion. **Vote: 7-0**

**10. New Business:** Mr. Wall asked the Commission to consider drafting a regulation for man made retaining stone walls. A brief discussion followed about walls being constructed with stacked stones and no protection from sedimentation leaking through. The members agreed to a guidance document as opposed to a regulation.

**11. Old Business:** The retaining stone walls at 106 Main Street will not be accepted unless the applicant returns to IWWA. The owner of 101 Main Street sold a portion of the property to PO's Restaurant for additional parking for the restaurant so the owner of PO's will be submitting an IWWA application. The owner of 101 Main brought in fill, flattened and leveled it which was not part of the permit approval. He will be returning to IWWA with a new plan. A brief discussion about drain footings to the lake.

**12. Public Comment:** None.

**13. Adjournment:** Vice-Chairman Wilson made a motion to adjourn at 8:53 p.m. Mr. Wall seconded the motion. ***Vote: 7-0***

Respectfully submitted,

Christine Castonguay  
Recording Clerk