

Town of East Hampton
Inland Wetlands and Watercourses Agency
Regular Meeting
April 28, 2021 – 6:30 P.M.
Virtual Meeting

MINUTES

Present: Chairman Foran, Vice-Chairman Wilson, W. Dean Kavalkovich, David Boule, Scott Hill, Peter Wall and Alternate Nico Guerrero.

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: Chairman Foran seated Mr. Guerrero.

3. Approval of Minutes:

A. March 31, 2021 Regular Meeting – Mr. Wall made a motion to approve the March 31, 2021 meeting minutes. Mr. Boule seconded the motion. **Vote: 7-0**

4. Communications, Enforcement and Public Comment:

Communications: There were 3 items: a letter from DEEP regarding herbicide application at Nelsons Campground, a letter from Dubois Forestry about timber harvesting at 218 Hog Hill and a letter of resignation from Alternate Tess Lundgren.

Enforcement: To be discussed under “New Business”

Public Comment: There were no public comments.

5. Agent Approvals: None

6. Reading of the Legal Notice: Not required.

7. Continued Applications:

A. IW-21-006: Grasshopper Landscaping, LLC., 41 Meeks Point Road, to install a paver walkway and steps on south side of house, install a 10’ x 10’ gazebo with crushed stone base, install stepping stones under deck to fence, install (2) retaining walls with steps, install a 20’ x 4’ paver walkway from garage door to deck steps and to install a stone pillar fence along Meeks Point Road. Work is within the Upland Review Area Map 10A/Block 83/Lot 8. Heath Marozzi presented. He was concerned about the stone pillar fence being too close to the road. The owner wants to keep it in line with the neighbors and it is within 6’ of the road. The gazebo is 10’ off the fence line on the property line and 15’ from the water line which is a flat area. They will increase the crushed stone area of the existing patio. They will level the grade with approximately 20 cubic yards of material removed off site. The walls will have drainage stone behind them and backfilled with stones. There will also be 4” of crushed stone in area and fabric. The long walkway on the side of the house will be done with pavers and river rock stone on the other

walkway. There will be silt fence added for the stone walls close to the lake. Vice-Chairman Wilson made a motion to approve IW-21-006: Grasshopper Landscaping, LLC., 41 Meeks Point Road, to install a paver walkway and steps on south side of house, install a 10' x 10' gazebo with crushed stone base, install stepping stones under deck to fence, install (2) retaining walls with steps, install a 20' x 4' paver walkway from garage door to deck steps and to install a stone pillar fence along Meeks Point Road. Work is within the Upland Review Area Map 10A/Block 83/Lot 8 using the standard short form and with the additional condition: add extra erosion control measures downgradient of the stone walls (between the stone wall area and the lake) and for the following reasons: The proposed activity will have minimal impact on the land in terms of grading and the lake. Mr. Kavalkovich seconded the motion. **Vote: 7-0**

- B. IW-21-007: Po's Rice and Spice, 97 Main St.,** install 2 concrete pads, a stone patio, fencing, gravel parking lot and greenery in the Upland Review Area Map 06A/Block 57/Lot 1A. Po explained that she wants to finish the parking area in the back. Mr. DeCarli stated that the project is for a new apron, parking area, dumpster pad and landscaping around the perimeter of the site. A revised plan was submitted that shows the grade to drain to the detention areas (1' deep). He added that with the parking area being gravel and with the additional detention areas, the runoff will be lower than accounted for. Water runoff calculations were submitted. Tony Flannery stated that all the drainage goes towards Main Street to an existing catch basin without incident. There will be a tree line on the east side of Po's property to the edge of the driveway at 101 Main Street. Tony will be adding the same trees to the east side of the property line at 95 Main Street which borders the brook and will run down toward the black fence. There will be plantings from the concrete area near the brook up to the south of the building. It will be a 3' area with the trees and will continue east to the fence. Vice-Chairman Wilson made a motion to approve IW-21-007: Po's Rice and Spice, 97 Main St., install 2 concrete pads, a stone patio, fencing, gravel parking lot and greenery in the Upland Review Area Map 06A/Block 57/Lot 1A using the standard short form with no special conditions and for the following reason: that it will have no adverse impact on the wetlands or watercourses on or adjacent to the site. Mr. Hill seconded the motion. **Vote: 7-0**
- C. IW-21-008: Long Hill Estates, LLC, Long Hill Road,** for a 7- lot residential subdivision within an upland review area. Map 06/ Block 12/ Lot 8. Mr. DeCarli explained that the application was revised to 8 Lots from 7 because Lot #8 was assumed to be the free cut but that was not the case therefore the application was revised. There is no additional impact to the Upland Review Area with the 8th lot included. Attorney Furey of 43 Bellevue Ave. in Bristol, CT. presented. The site is a 20.29 acre site on Long Hill Road. The majority of the 8 lots are well oversized. There is an inclusion of 20% of the land in open space as conservation easements (a total of 4.05 acres). The area of wetlands is along the eastern boundary. There is a drainage swale that runs to the wetlands area taking water runoff from existing retention pond systems. James Sipperly, Soil Scientist discussed the nature and function of the wetlands. In November 2020 he delineated the wetlands associated with the watercourse. He started at Long Hill up to an existing detention pond over to the property line and back down to Long Hill. There is a significant intermittent watercourse with no defined banking channel coming from Charles Mary Drive that is piped and channeled and discharges into the detention basin. The watercourse is contained within a rock bottom and side slopes and in the summer the water stands

and there with no water flow going to the detention pond. At this time Mr. Sipperly shared a video he took while he was at the site to show the detention pond after a recent rain storm. Water runoff from Rte. 16 and Rte. 66 flows to an existing cistern. The video showed the water runoff coming from the existing cistern and going back to the drainage adjacent to Long Hill Brook. The cistern is to the west of this proposed development and there is no surface connection between the watercourse that comes from Charles Mary Drive and the cistern therefore he does not believe there will be any adverse impact to the cistern or the watercourse as a result of the proposed development. Because the cistern takes runoff from Rte. 16 and 66 the water is not sanitary and a photo showed the leaves and debris that is in the cistern. The function of the watercourse is to convey stormwater and will continue to exist. Robert Baltramaitis, P.E. presented the drainage condition plan as well as the proposed and existing plans. The total area of wetlands on the site is 1.2 acres in the northeast corner. Five of the lots are frontage and 3 are in the rear. Conservation space is at the back of the rear lots. There will be 6 curb cuts along Long Hill Road. There will be shared driveways for lots 2-3 and 6-8 to eliminate any wetland impact. Access will be further to the west to eliminate any impacts to the wetlands. Utilities will be underground and each unit will have an underground filtration system. There will be 7 rain gardens throughout the development to collect and store the runoff. Mr. Kavalkovich made a motion to approve IW-21-008: Long Hill Estates, LLC, Long Hill Road, for a 7- lot residential subdivision within an upland review area. Map 06/ Block 12/ Lot 8 using the standard short form and for the following reasons: the applicant has used prudent and reasonable methods to avoid impact to the wetlands and the proposed activity will have no impact on the wetlands. Vice-Chairman Wilson seconded the motion. **Vote: 7-0**

8. New Applications:

A. IW-21-010: Sipaphay Sundara, 3 Old Skinner St., for a 15 x 30 AG pool and a 5 x 7 deck within the Upland Review Area. Map 13/Block 33/Lot 14A. Monique Sundara presented. The property is sloped on each side of the house and in the rear and the septic tank is adjacent to the house so she found an area that is away from the septic and on level ground although it is 15' from the wetlands. The pool will be set atop base material. Mr. Hill made a motion for an Agent Approval for IW-21-010: Sipaphay Sundara, 3 Old Skinner St., for a 15' x 30 AG pool and a 5 x 7 deck within the Upland Review Area Map 13/Block 33/Lot 14A. The motion was seconded by Vice-Chairman Wilson. **Vote: 7-0**

B. IW-21-011: Marozzi Construction, 22 West Point Road, to repair a stone seawall, add a new stone wall at boat launch, repair stone work and sturdy the walls under the dock. Work within the Upland Review Area. Map 05A/Block 83/Lot 11. Heath Marozzi explained that there has been erosion of the seawall and that the capstones are large and falling with holes. He is proposing to do work with a small backhoe and will not work below the water line. He will dig the base and 5' behind to re-stabilize the wall using crushed stone and fabric. The construction area will be 10' behind the wall where he will set the stones on the bank and will not touch the base stones. The wall to the boat launch area will be extended using 15 tons of new stone for the wall. The dock will have work done: repairing the outside corner and the inside wall which will be done by hand. There will be crushed stone and rip rap behind the seawall for drainage. Mr. Hill and Chairman Foran informed him that he will need pre and post surveys to ensure that it is not built out into the lake. Mr. Kavalkovich made

a motion to continue IW-21-011: Marozzi Construction, 22 West Point Road, to repair a stone seawall, add a new stone wall at boat launch, repair stone work and sturdy the walls under the dock. Work within the Upland Review Area. Map 05A/Block 83/Lot 11 to the next regularly scheduled meeting on May 26, 2021. The motion was seconded by Mr. Wall. **Vote: 7-0**

9. Public Hearing: None

10. New Business: Mr. DeCarli informed the members that there are 2 properties on Old Middletown Road that have an encroachment issue and one of the property owners has filled in the wetlands. They are starting to file a civil law suit. Mr. DeCarli will be issuing a notice of violation. He was told there were dirt bikes being used at 2 Boulder Road but when he did a site visit there and said that he did not see any disturbance to the soils and he did not see any tracks either. He will continue to monitor the site. Mr. Wall noticed stumps that were dumped at a property on Tartia Road and on another property on Tartia Road there was a large amount of material that was dumped near a State culvert.

11. Old Business: Mr. Kavalkovich continues to monitor the ATV damage on the Shenipsit Trail and offered to provide Mr. DeCarli with additional data when available.

12. Public Comments: Margaret McCutcheon Faber of Middle Haddam inquired about the process for the public comments when there is no public hearing. Sheila Daniels of Middletown wants the public to be able to speak regarding an application. A brief discussion followed among the members about public hearing requirements. Mr. DeCarli stated that public hearings are at the discretion of the Commission and are based on significant activity in the wetlands and that the State Statutes clearly state that the Commission should be making decisions based on the opinions of experts.

13. Adjournment: Mr. Boule made a motion to adjourn at 8:27 p.m.; seconded by Vice-Chairman Wilson. The vote was unanimous in favor.

14. Public Comment: None.

15. Adjournment:

Respectfully submitted,

Christine Castonguay
Recording Clerk