

Town of East Hampton
Inland Wetlands and Watercourses Agency
Regular Meeting

May 31, 2023 – 6:30 P.M.
East Hampton Town Hall Meeting Room

MINUTES

Present: Chairman Joshua Wilson, Vice-Chairman Dean Kavalkovich, David Boule, Peter Wall and Scott Hill.

Absent: None.

1. Call to Order: The meeting was called to order at 6:31 p.m. by Chairman Wilson.

2. Seating of Alternates: None.

3. Approval of Minutes:

A) April 26, 2023 Meeting: Mr. Boule made a motion to approve the April 26, 2023 minutes as written. The motion was seconded by Mr. Wall. **Vote: 4-0**

B) May 9, 2023 Site Walk for 102 Quiet Woods Road – Minutes. Mr. Wall made a motion to approve the May 9, 2023 Site Walk for 102 Quiet Woods Road – Minutes as written. The Motion was seconded by Mr. Boule. **Vote: 3-0-1 (Scott Hill)**

Vice-Chairman Kavalkovich entered the meeting at 6:34pm

4. Communications, Enforcement and Public Comment:

Communications: Mr. DeCarli noted an upcoming battery storage project at 44 Skinner St. and the project is overseen by CT Siting Council and CT DEEP. Mr. DeCarli noted he has requested plan set when it is available for the Commission to review and provide comments. Mr. DeCarli briefly discussed battery storage project. Mr. DeCarli noted Everblue Lakes provided approval for pesticide application for Lake Pocotopaug. Lastly, Mr. DeCarli explained there is a letter from an engineer regarding 65 West High application.

Enforcement: Mr. DeCarli sent a notice of violation and letter to correct to a property owner on Marshall Rd.

Public Comment: None.

5. Agent Approval: None.

6. Reading of the Legal Notice: None.

7. Continued Applications:

A. Application IW:24-006: James Marino, 65 West High St., Construction of a new residential duplex and associated improvements in upland review area. Map 19/ Block 46/ Lot14.

Mark Reynolds, Professional Engineer discussed flagged wetlands and revised grading to the site. Mr. Reynolds explained he applied for a variance after feedback from the last meeting and the variance request was denied. Mr. Reynolds explained the site limits where the duplex and septic could be placed and noted separation distance requirements. Mr. Reynolds provided wetland impact and fill totals. Mr. Reynolds explained he requested to use the adjacent property's culvert with no success and proposed a similar culvert to convey stormwater. Mr. Reynolds briefly discussed updated wetlands report by Ian Cole. Chairman Wilson asked for clarification for grading. Mr. Reynolds explained current and proposed grading, fill area to cover septic system and foundation. Mr. DeCarli explained he received just before the meeting a revised site plan, an updated wetland report from Ian Cole, test pit data and soil descriptions. Vice-Chairman Kavalkovich asked for further details on proposed grading. Mr. Reynolds replied the footing drain is intended to discharge into the front right corner of the property's wetland system and noted minimal grading. Mr. Boule asked for the landscaping plan. Mr. Reynolds replied the plan is to plant grass over disturbed areas and would consider specific plantings the Commission requests. Mr. Reynolds noted the entire site is in the upland review area and future projects would need to come before the Commission for review. Chairman Wilson asked why the house could not be rotated 90 degrees and to stay out of the wetlands. Mr. Reynolds replied they could not because of distance requirements for the septic system.

Scott Hill left the meeting at 6:45pm

Mr. Boule asked when the property became a building lot. Mr. Reynolds replied the lot is an existing non-conforming lot of record existing prior to existing zoning regulations. Commission Members discussed whether the proposed plan is a significant activity. Chairman Wilson discussed site drainage in relation to wetlands. Mr. Reynolds discussed site limitations where footing drain could discharge. Commission Members briefly discussed soil report regarding groundwater infiltration. Commission Members agreed the application is not a significant activity. Mr. Wall asked if items of concern in the letter to the Commission from an engineer regarding the application have been addressed. Mr. DeCarli replied he did receive before the meeting a new site plan, additional information for fill, noted application missing address information and it will be updated, believes erosion and sedimentation control plan are noted on site plan, received perc testing results, wetlands report has been updated and DEEP reporting sheet will be completed by Town Staff. Vice-Chairman Kavalkovich asked if the neighbor is an intervenor. Mr. DeCarli replied they are not an intervenor, and he included the letter as communication as it was addressed to the Commission concerning the application. Vice-Chairman Kavalkovich made a motion to approve Application IW:24-006: James Marino, 65 West High St., Construction of a new

residential duplex and associated improvements in upland review area. Map 19/ Block 46/ Lot 14 using the short form permit for the following reason: due diligence has been sought for reasonable and prudent alternatives and primary function of the effected wetlands is maintained by design of proposed construction. The motion was seconded by Mr. Wall.

Vote: 4-0

B. Application IW-23-008: 86 Spellman LLC, 86 Spellman Point Rd., Construction of Single-Family Home in Upland Review Area. Map 09A/ Block 70/ Lot 1. Jason

Reynolds, Reynolds Engineering Services, explained proposed plans to demo and rebuild a single family home. Mr. Reynolds discussed updated site plan with storm water design and buffer plantings. Mr. Reynolds explained proposed swale on north eastern property with check dams and noted roof leaders will drain to swale. Mr. Reynolds discussed planting plan and noted proposed native plantings. Mr. Reynolds explained he received favorable comments from the Conservation Lake Commission and incorporated their feedback of vegetated buffer into site plan. Mr. Wall asked if swale will have native plantings and Mr. Reynolds replied not in the swale. Chairman Wilson asked if swale will have a base or if soils are permeable enough to drain. Mr. Reynolds replied he believes the soils are permeable enough and swale will assist with water runoff. Mr. Wall asked for clarification of pavers. Mr. Reynolds explained the current driveway will be removed and replaced with pavers. Mr. Wall made a motion to approve Application IW-23-008: 86 Spellman LLC, 86 Spellman Point Rd., Construction of Single-Family Home in Upland Review Area. Map 09A/ Block 70/ Lot 1 using the short form permit. For the following reasons: water runoff is controlled and vegetated buffer will assist in filtering water runoff. With the following condition: final plan set be submitted to Town Staff. The motion was seconded by Vice-Chairman Kavalkovich. ***Vote: 4-0***

C. Application IW-23-009: Scott Sanicki, 102 Quiet Woods Rd., Install 3' x 3' x 3' concrete footing and electrical trench for future waterwheel. Map 14/ Block 32/ Lot 3A.

Scott Sanicki, property owner of 102 Quiet Woods Rd. explained the correct concrete footing measurement is 6' x 6' x 3'. Mr. Sanicki state he submitted three additional forms and provided a topo map. Mr. Sanicki discussed trail area with dimensions, will add wood chips to minimize water runoff, noted concrete pad and electrical locations. Mr. Sanicki explained proposed plans to install a composite filter sock for water runoff. Mr. Sanicki provided projected emissions offset calculations. Mr. Wall asked if 24" depth could not be reached will he bring in fill. Mr. Sanicki replied he believes he can shift it but not sure how much ledge if any and hopes to come up with alternate plan if needed without needing fill. Vice-Chairman Kavalkovich asked if activity is in the upland review area and Mr. DeCarli confirmed. Vice-Chairman Kavalkovich made a motion to approve Application IW-23-009: Scott Sanicki, 102 Quiet Woods Rd., Install 6' x 6' x 3' concrete footing and electrical trench for future waterwheel. Map 14/ Block 32/ Lot 3A using the short form permit. For the

following reason: the environmental impacts offset benefits of the application. The motion was seconded by Mr. Wall. **Vote: 4-0**

D. Application IW-23-010: Tucker Minor, Lake Dr., Construction of Single Family Home and associated improvements in the Upland Review Area. Map 09A/ Block 70B/ Lot 14. Dan Vill, Engineer with Zuvic Inc., presented proposed plans. Mr. Vill discussed revised plans with flagged wetlands delineation and wetlands report. Mr. Vill noted erosion and sedimentation controls. Mr. Vill noted minimal grading is proposed and discussed water run off control. Mr. Vill noted planted buffer between structure and wetlands and received favorable comments from Lake Conservation Commission. Mr. Wall asked for clarification of roof leaders' location and Mr. Vill confirmed location. Chairman Wilson made a motion to approve Application IW-23-010: Tucker Minor, Lake Dr., Construction of Single Family Home and associated improvements in the Upland Review Area. Map 09A/ Block 70B/ Lot 14 using the short form permit. For the following reason: the applicant has avoided wetlands to greatest extent practical, minimized potential impacts to them and provides recharge to the ground. The motion was seconded by Mr. Boule. **Vote: 4-0**

8. New Applications:

A. Application IW-23-011: Kevin Kiely, Flanders Road, Install pipe within intermittent water course to create a crossing. Map 26/ Block 87/ Lot 10. Kevin Kiely, property owner explained he owns the two parcels of land. Mr. Kiely explained one parcel has a pond and he would like to install a pipe across the stream on the parcel to create a crossing. Mr. Kiely noted the parcel has a community garden and would like to install 24" pipe and discussed location. Mr. Kiely and Mr. DeCarli explained where the parcel is located and area of proposed crossing. Mr. DeCarli asked how wide is the proposed crossing. Mr. Kiely provided dimensions. Mr. DeCarli further explained the location of proposed crossing and provided the community garden location. Mr. Kiely noted there is a small building on the parcel with solar that pumps water to the community garden. Chairman Wilson asked if the parcel is farmland and Mr. DeCarli replied the parcel is registered with the assessor's office as farmland and the community garden is located there. Chairman Wilson asked if activity is an as of right use. Mr. DeCarli replied he believes the wetlands crossing is not as of right. Chairman Wilson recommended the applicant ensure the size of the culvert is acceptable for Army Corps regulations. Mr. Wall asked for the amount of fill. Mr. Kiely replied 500sf total fill for both sides of conduit. Chairman Wilson briefly discussed wetlands soils on the property. Vice-Chairman Kavalkovich asked if the Commission needed approval from Army Corps. Chairman Wilson briefly discussed their requirements for culverts. Commission Members asked for verification of culvert size. Vice-Chairman Kavalkovich made a motion to continue Application IW-23-011: Kevin Kiely, Flanders Road, Install pipe within intermittent water course to create a crossing. Map 26/ Block 87/ Lot 10

to the next regularly scheduled meeting June 28, 2023. The motion was seconded by Chairman Wilson. **Vote: 4-0**

9. Public Hearings: None.

10. New Business: Mr. DeCarli discussed he received an application for upland review area for 56 Tartia. Mr. DeCarli further explained the owner received previous agent approval for a 14 x 14 deck. Mr. DeCarli explained the homeowner added 9' x 20' deck extension without proper Town approvals. Mr. Wall asked if deck if further away from wetlands and Mr. DeCarli replied yes. Mr. DeCarli noted the property owner is selling his home and needs permits closed. Commission Members agreed to have authorized agent review application.

11. Old Business: None.

12. Public Comments: None.

13. Adjournment: Mr. Boule made a motion to adjourn at 8:04p.m., the motion was Seconded by Mr. Wall. The motion was unanimous in favor.

Respectfully submitted,



Cheryl Guiliano, Recording Clerk