

Town of East Hampton  
**Inland Wetlands and Watercourses Agency**  
**Regular Meeting**  
January 25, 2017 – 6:30 P.M.  
East Hampton Town Hall Meeting Room

**MINUTES**

**Present:** Chairman Jeff Foran, David Boule, Peter Wall, Jaqueline True, Robert Talbot, Jeremy DeCarli (P & Z)

**Absent:** Harold L'Hote, Joshua Wilson, W. Dean Kavalkovich and Scott Hill

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

**2. Seating of Alternates:** Jaqueline True was seated

**3. Approval of Minutes:**

**A) December 21, 2016 Regular Meeting:** *Mr. Boule moved, and Ms. True seconded, to approve the minutes of the December 21, 2016 regular meeting. Voted 4-0 in favor (Mr. Wall was not present during this vote).*

**4. Communications, Enforcement and Public Comment:** None

**5. Agent Approval:** None

**6. Reading of the Legal Notice:** None

**7. Continued Applications:**

**A) Application of Tom Burdick, for Peter Minoli,** 135 Middle Haddam Road, Directional Drilling of Water Line from House to Cistern – Map 02/Block 18/Lot 21:

Present with homeowner Peter Minoli were Attorney Thomas Crosby, Michael Klein, biologist and soil scientist, Richard Megson, Engineer, and Tom Burdick, contractor. Mr. Klein had submitted a report on investigations performed in reference to this application. He stated that the directional drilling can be accomplished with no impact to the surface and can be used to avoid wetland or roadway impacts. He explained the process of directional drilling and the erosion controls that would be in place. The drilling can be completed in a few days. The intent is to follow the line of the existing pipe. Mr. Klein found a broad seepage area in the wetlands so he feels that Mr. Minoli's proposed use of that pipe will not deplete the wetlands due to a substantial amount of ground water discharge. Attorney Crosby stated that copies

of the deeded easement right, chain of title and correspondence has been filed with the town for this application, and that the documents clearly state the rights of Mr. Minoli to use that spring and pipe.

Interveners were present: Attorney Matthew Willis, representing the Throckmortons, homeowners at 136 Middle Haddam Road, and George Logan, soil scientist. It was reiterated that interveners and their representatives may only speak to the environmental impact of this application to the Agency. Mr. Logan presented his report on the effects of this application on the wetland environment on his client's property and requested additional time to look into Mr. Klein's report on his findings. He stated that what is being proposed will have a significant effect on the wetlands. He noted that a 2" pipe running unfettered, by gravity, will run up to 55 gallons per minute, and during a low flow period this is over 33% of the water in the area. He feels that even if the pipe were to divert 10% of the flow there would still be a significant impact on the wetlands. This will threaten the native animal species, aquatic biota and native flora while also allowing for increased growth of invasive species. He also noted that the water is of exceptional quality.

Discussion occurred with Mr. Burdick about how long he had been servicing the pipe on that property, and the fact that it has been disused since about 2002. Attorney Willis submitted documents that he felt pertained to the application as they offer an alternative, which is the existing well on the property at 135 Middle Haddam Rd. Further discussion occurred on the fact that the pipe in place is existing and there are title/easement rights, and also whether the drilling is considered maintenance or replacement.

Mr. Burdick stated that the plastic pipe in place in the cistern that will still be used is 1.5". They do not intend to change that, or to change the amount of water draw. When the system is designed there may be a gate valve or other flow control. Mr. Wall asked about the wetland boundaries in the past; has the area shrunk or grown? Mr. Klein stated that the boundaries are distinct topographically and they have not changed. He also stated that the conditions described by Mr. Logan have developed over the years with the water being drawn from the wetlands to the property at 135 Middle Haddam Rd., therefore there is no reason to believe that the pipeline will have an adverse effect on the wetland or the local species. He feels there is no reasonable likelihood of unreasonable pollution so the alternative option of the well does not need to be considered. Mr. Logan disagreed and stated that Mr. Klein has no documentation to substantiate this claim. He also stated that there is no control on how much water is used by Mr. Minoli, or in what way.

Discussion among agency members occurred about the possibility of obtaining a third opinion, since there are two opposing reports in front of them.

Richard Megson, Mr. Minoli's engineer, stated that the flow amounts in Mr. Logan's report are possible with a 2" pipe, but that the flow calculation for the pipe into Mr. Minoli's property is 16.75 gallons per minute because of backup to the head of the higher pipes due to topographical features of the line, and that the pipe will be 1.5" tied into the cistern. These calculations were submitted to Mr. DeCarli for access by all interested parties.

Attorney Crosby stated that Mr. Minoli is not asking for permission to use the cistern, but is asking permission with this application to do the directional drilling. Mr. Wall stated that as the Inlands Wetlands Agency, their main concern is the impact to the wetlands. He agreed that the directional boring will not have an adverse effect, but the uncontrolled piping of the water could eventually have an effect on the wetlands.

*A motion was made by Chairman Foran, seconded by Mr. Boule, to continue this application to the next regular meeting of February 22, 2017 and for the town to obtain someone with the required expertise to look at the situation and offer their opinion.*

*Discussion: Chairman Foran agreed that the drilling will not have an impact but did not realize that the pipe ran constantly and that it had excess flow. Mr. DeCarli stated that he would speak with the town engineer the following day for recommendations and will supply all the information regarding the situation to a third soil scientist. Voted 5-0 in favor.*

**B) Application of Town of East Hampton Parks & Recreation**, to remove the existing concrete boat ramp at Sears Park and replace it with a new pre-cast concrete ramp. Map 04/Block 63B/Lot 21:

Jeremy Hall, Parks and Recreation Director was not able to stay for the duration of the meeting. Jeremy DeCarli summarized the project. No changes have been proposed since the last meeting when the engineer was present to discuss the project. The project will likely be completed before the beginning of the boating season.

*Chairman Foran moved, Mr. Boule seconded, to approve the application of the Town of East Hampton to remove the existing concrete boat ramp at Sears Park and replace it with a new pre-cast concrete ramp, as a new ramp will do a better job of protecting the lake than the old, deteriorating ramp.*

*Discussion: The standard short form will be used. The selected contractor will provide means and methods to the town.*

*Voted (5-0)*

**C) Application of T&O Enterprises, LLC, 00 East High St., to construct a commercial building and drives. Map 26/Block 85/Lot 14:**

Tony Flannery was present along with his civil engineer, Richard Mihok to present plans for a new commercial building which will house NAPA. Drainage was added: a swale and retention/detention pond will catch runoff from the roof and the parking lot. The pipe to it will be 6", the pond is only about 2' deep. No water from the site or building will go anywhere but the retention/detention pond.

It was noted that the roof of the building will not be flat, but pitched on both sides. Discussion occurred on the gravel drive that goes to the back of the building for deliveries. Chairman Foran asked Mr. Flannery if he would object to putting in the deed that that driveway remains gravel; Mr. Flannery stated he would not object to that. The Chairman also noted that the gas line is near to that site so they should be cautious of that when working and digging.

*Chairman Foran moved, and Mr. Wall seconded, to approve the application for a new commercial building; adding the swale and retention/detention basin, stone spillway, and piping for roof runoff cause the design to have no runoff. All the runoff is contained on the site which protects the wetland. The standard short form will be used with the addition of item #6: An Erosion and Sedimentation Control Bond is to be posted with the Town of East Hampton in the form of cash, check or savings passbook in an amount determined by Town Staff prior to the start of construction, and #7 The access to the rear of the building is to remain a pervious surface in perpetuity and shall be noted on property deeds.*

*Voted (5-0).*

## **8. Public Hearings: None**

## **9. New Business:**

**A) Application of Clark Hill Estates, 109 Clark Hill for a re-subdivision. Map 11/Block 39/Lot 2-4:**

Pat Benjamin, civil engineer, presented the application and plan for a 4 lot subdivision to a 7 lot re-subdivision. The plan includes a proposed conservation easement of 18.29 acres, or 25.5% of the property. Mr. Benjamin noted that the Conservation-Lake Commission brought up finding a way to access the corner part of Lot 5, which would have to be accessed by crossing wetlands and the proposed easement. Also, that Commission had questions as to what percentage of the easement should be wetlands vs. dry. Lot 5 has a proposed barn as the only activity in the upland review area; it would be a 30' x 30' structure, material and details unknown at this time. Discussion occurred on approving a barn in the plans, or if that should be an approval for an individual lot. Mr. Wall asked if the house setting

on Lot 6 change if the easement was changed, to which Mr. Benjamin replied that they would retest the lot if it was moved, but it would still be away from the wetlands. Mr. Talbot noted that they would like to see details regarding the barn in terms of roof drainage and other pertinent information.

*Mr. Boule made a motion, seconded by Mr. Talbot, to continue this application to the next regular meeting of Feb. 22, 2017. Voted (5-0)*

#### **10. Old Business**

**A) Discussion: Seawalls and Lake Shore Treatment:** Mr. DeCarli referenced the information provided to the Agency in November. Alternate suggestions to concrete seawalls could be adopted as an appendix to the regulations to encourage homeowners to have a more beneficial, natural shoreline. Mr. DeCarli will research what needs to be done to have this adopted as an appendix.

**B) Review Open Permits:** Mr. DeCarli reported that he has been out doing site visits and has been receiving site monitoring reports due to the rain.

#### **11. Public Comments:** None

**12. Adjournment:** *Mr. Talbot made a motion, seconded by Mr. Wall, to adjourn at 8:40 P.M. Voted 5-0.*

Respectfully submitted,

Eliza LoPresti  
Recording Clerk