

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

MINUTES

Present: Chairman Jeff Foran, Vice Chairman Joshua Wilson (arrived at 6:32), David Boule, W. Dean Kavalkovich, Peter Wall, Bob Talbot, Alternate Member Jacqueline True and Jeremy DeCarli (P & Z)

Absent: Scott Hill

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 Ms. True.

3. Approval of Minutes:

A) September 27, 2017 Regular Meeting: *Mr. Kavalkovich made a motion to approve the September 27, 2017 minutes as written. The motion was seconded by Mr. Boule. The vote was unanimous in favor.*

4. Communications, Enforcement and Public Comment (public comments should be made brief and not relate to agenda items). Mr. DeCarli stated that there were no communications this evening and for Enforcement there is an application on the agenda this evening (Item #9F). Chairman Foran made a motion to move Agenda Item#9F to 4A. The motion was seconded by Mr. Talbot. The motion was approved unanimously.

A) Show Cause Hearing, Cease and Desist Order, Christopher Burt, 21 Day Point Road for unpermitted reconstruction of a seawall. Map 10A/Block 83/Lot 30. Mr. DeCarli stated that this issue was brought to his attention by an email. He provided the members with a copy of the Cease and Desist Order that was sent certified as well as the supporting documents. Christopher Burt presented to the Commission. He stated that the seawall disintegrated into the lake and that he spoke with Mr. Carey (the former Zoning Official) on two occasions about this and that Mr. Carey gave him the approval to proceed with the reconstruction of the seawall without an IWWA permit. He went on to add that he understands that it may be a conflicting situation and that he would like to expand the wall in the future and understands that he will have to obtain an IWWA permit. He informed the members that the reconstruction of the seawall is done and has been done for 6 weeks due to it being an emergency situation. He provided a brief summary of the correspondence between himself and Mr. DeCarli about the unpermitted work and explained that he met with Mr. DeCarli on August 29th but did not receive the Cease and Desist Order

until today. Mr. DeCarli explained that he saw a machine on the property but did not see active work being done therefore a Cease and Desist Order was not issued at that time and went on to explain that the Cease and Desist Order was issued due to the photos provided by a citizen about a week ago (the photos were provided to the Commission and Mr. Burt). Vice-Chairman Wilson made a motion to have Mr. Burt file an after-the-fact permit and that the Cease and Desist Order will remain in place until the permit is reviewed for compliance with the regulations. Mr. Wall seconded the motion. A brief discussion followed about required site plans for the after-the-fact permit. ***Vote: 7-Yes; 0-No. The motion passed.***

4C. Chairman Foran asked if there were any public comments. There were none.

5. Agent Approval: None.

6. Reading of the Legal Notice: Not required.

7. Continued Applications:

A) Application of Roncalli Institute, Inc., 49 Oakum Dock, after the fact permit for paving of an existing parking lot in the upland review area along the CT River and Great Hill Brook. Map 02/Block 9A/Lot 4. Pat Benjamin of Bascom & Benjamin presented to the Commission. He began by providing a recap of the presentation he did last month. He stated that he placed a catch basin and storm septor unit to the corner of the lot where the water ends up. The storm septor unit is a hydrodynamic separator which is sized for a 100 year storm and recommended by the DOT. The unit is buried below ground and is sized for 3.5 cubic feet per second. Vice-Chairman Wilson made a motion for a short form approval of the application for the following reason: that the applicant has shown that the proposed activity will not adversely affect the wetlands and that storm water treatment for the parking lot will be treated and meet the minimum regulatory standards with no supplemental conditions. The motion was seconded by Mr. Kavalkovich. ***Vote: 7-Yes; 0-No. The motion passed.***

8. Public Hearings: None.

9. New Business:

A) Application of Edgemere Condominiums, 85 North Main St., Extend existing culvert near water supply building to comply with DPH Regulations. Map 19/Block 45/Lot 1. Pat Benjamin of Bascom & Benjamin presented to the Commission. He explained that the applicant would like to extend 2 existing culverts (16 linear feet) on the inlet end where they have their access road. They have a public water supply on their parcel of land with an existing well house at the end of Barbara Road with an access road. DPH does not allow a community water system within 50' of the edge of a water body. They propose taking the 30" pipe, extending it 16 linear feet

and putting a new flared end on it. The areas of disturbance will be 280 sq. ft. in the watercourse, 270 sq. ft. in the wetlands area and 280 sq. ft. in the upland. There is an existing pipe that drains a portion of the building that they would like to realign to the outlet end where the culverts are. They want to add an intermediate 10' x 10' riprap scour pad at the inlet. During the course of the work there will be silt fences as well as a turbidity curtain. Mr. Benjamin submitted photos of the proposed area which will be filed with the minutes. Vice-Chairman Wilson made a motion to deem this a significant activity and to hold a public hearing at the next regularly scheduled meeting on November 29, 2017. The motion was seconded by Mr. Talbot. **Vote: 7-Yes; 0-No. The motion passed.**

B) Application of Michael Olzacki, 15 Maplewood Dr., to clean out existing drainage swale and create approximately 3600 square feet of lawn area in an Upland Review Area. Map 19/Block 39A/Lot 10A-6. Mr. DeCarli presented to the Commission on behalf of the applicant. He explained that there are 3 catch basins that outlet into the backyard and no defined swale so water is ponding up in the backyard within 100' of the wetlands area. The applicant is also proposing extending his backyard by an additional 60 x 60 area which will be within 60' of the wetlands area. There will not be any material removed from the backyard, there will be no work around the pipe and there will be topsoil brought in. A brief discussion followed about the proposed scope of work. The initial application was rescinded and replaced with a new site plan that reflects the proposed 60 x 60 area but does not have a written scope of work. Mr. Kavalkovich made a motion to continue the application to the next regularly scheduled meeting. The motion was seconded by Vice-Chairman Wilson. A suggestion was made to show Erosion and Sediment Controls along the lawn where the wetlands area is. **Vote: 7-Yes; 0-No. The motion passed.**

C) Application of John Trowbridge, Timber Harvest As-of-Right Determination, Hog Hill Road. Map 6/Block 14/Lot 4. Tom Garafono presented to the Commission. He explained that there are 2 stream crossings on the property where they will use corduroy which will be firewood size wood which will be laid perpendicular to the flow. The vegetation is primarily red maple and mountain laurel and access to the lot sits north of the wetlands. To reduce any impact, they will follow the same path that was used when they harvested in the 1980's. The logs will be transferred to the owners' property on Chestnut Hill Rd. via the log trail where there will be a landing. Mr. DeCarli explained that this is agriculture and any road construction directly related is as-of-right. Vice-Chairman Wilson made a motion that this is a right-of-way use and that it does not need a permit. The motion was seconded by Mr. Kavalkovich. **Vote: 7-Yes; 0-No. The motion passed.**

D) Application of John Trowbridge, Timber Harvest As-of-Right

Determination, Chestnut Hill Road, Map 13/Block 33/Lot 7. Tom Garafono presented to the Commission. The property is 2 adjacent properties and the owner owns both. The landing is an L shaped field where the wood logs from Hog Hill will be brought. There is a stream on the east side of the property and more wetlands along the property line. He stated that they will stay 100' back from those areas. Mr. Kavalkovich made a motion to declare this an as-of-right agricultural activity. The motion was seconded by Vice-Chairman Wilson. **Vote: 7-Yes; 0-No. The motion passed.**

E) Application of Pamela Pinto, 67 Gadpouch Road, to construct a 3 car garage and driveway extension adjacent to existing house and driveway within 100' of Upland Review area. There was nobody to present to the Commission. The members briefly discussed the scope of work and the wetland and watercourse area. Vice-Chairman Wilson made a motion to continue the application to the next regularly scheduled meeting. The motion was seconded by Mr. Talbot. **Vote: 7-Yes; 0-No. The motion passed.**

10. Old Business

A) Discussion: Amendments to Regulations regarding Upland Review Area: Mr. DeCarli provided the members with a map that identifies the 200' Upland Review area, the wetlands and watercourses in the watershed and the surrounding properties that are within that 200' Upland Review area. He stated that there are 1828 properties within the watershed which will give the Commission oversight over 1161 of those properties. A brief discussion followed about a 200' buffer around the lake versus a 200' buffer on properties around the watershed. The members agreed unanimously to continue this discussion at the next regularly scheduled meeting.

B) Review Open Permits:

Mr. DeCarli said that Skyline Estates is closer to turning over a portion of the road to the Town and that the wetland mitigation for the pond in the rear of Sports on 66 is incomplete. He said that he will ask Planning and Zoning Commission for the authority to call the bond to finish some of the site work.

11. Public Comments: None

12. Adjournment: *Chairman Foran made a motion, seconded by Vice-Chairman Wilson, to adjourn at 8:26 P.M. The vote was unanimous in favor. The meeting was adjourned*

Respectfully submitted,

Christine Castonguay
Recording Clerk