

Town of East Hampton
Inland Wetlands and Watercourses Agency
Regular Meeting
December 20, 2017 – 6:30 P.M.
East Hampton Town Hall Meeting Room

MINUTES

Present: Chairman Jeff Foran, Vice Chairman Joshua Wilson, David Boule, Scott Hill, W. Dean Kavalkovich, Peter Wall, Jacqueline True, and Jeremy DeCarli (P & Z)

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: Ms. True was seated

3. Approval of Minutes:

A) November 29, 2017 Regular Meeting: *Vice Chairman Wilson moved, and Mr. Kavalkovich seconded, to approve the minutes of the November 29, 2017 regular meeting. Voted 7-0 in favor.*

4. Communications, Enforcement and Public Comment:

Communications: None

Enforcement: To be discussed under Old Business

Public Comment: None

5. Agent Approval: None

6. Reading of the Legal Notice: Mr. DeCarli read the legal notice into the record.

7. Continued Applications:

A) Application of Jeffrey Threlloff, IW-17-026, 8 West Point Road, Modification to Existing Permit for a Seawall Replacement. Map 05A/Block 87/Lot 17:
Aaron from Adamec construction represented the applicant. He proposed to replace the existing seawall in place by removing the top 2' of concrete block and replacing that with a double layer of concrete block to the same height. The additional layer of block will be anchored to the first layer to make the wall 4' thick, rather than 2'. The additional row will be placed closer to the house and not encroach into the lake. The existing large boulder base will remain. The current wall is falling apart, so careful

excavation will be used to remove it. Drainage for the wall will tie into existing drain running through the property. There is an existing pre-construction survey for this property already, as it was a condition of the original permit that a pre and post survey be submitted.

Vice Chairman Wilson moved to approve the modification to the existing permit, withholding the same conditions that were in place when the original permit was granted. Second by Mr. Hill. Voted (7-0)

B) Application of Michael Olzacki, IW-17-035, 15 Maplewood Drive., to clean out existing drainage swale and create approximately 3600 square feet of lawn area in upland review area. Map 19/Block 39A/Lot 10A-6:

Michael Olzacki, contractor, was present. The plan to create the drainage swale has been rescinded as the Town is going to take care of that. The current proposal is to create a 60' x 60' lawn area with up to 20 yards of topsoil using erosion & sedimentation controls of silt fence, hay bales or wood chips. That area is currently scrub, with no trees. There will be no grading.

Vice Chairman Wilson moved to approve the application on the basis that the proposed action has no adverse effects on the wetlands and watercourses and that proper sedimentation and erosion controls will be installed and in place. The short form will be used. Second by Mr. Boule. Voted (7-0)

C) Application of Lisa Simoni, IW-17-039, 56 Spellman Point Road, to build a fire pit (12.5' x 12') that will have propane to it within the upland review area. Map 09A/Block 70/Lot 12:

Lisa Simoni was present. There are existing tanks for use in the house. The tanks are on the upper part of the property outside the garage; the line runs from there to the house and will be extended to the fire pit. The fire pit will be made from stone. The trench for the line will most likely be hand dug to 2' and will be 31' long.

Vice Chairman Wilson moved and Mr. Wall seconded to approve this application on the basis that there will be no risk of harm to the wetlands or the lake; the short form will be used, and as stipulated the applicant will build using stone rather than concrete, and erosion control is shown. Voted (7-0)

D) South Road, Marlborough, LLC., IW-17-040, 9 Staeth Road, for new home construction within upland review area. Map 32/Block 71/Lot G:

The applicant was not present.

Chairman Foran moved to move this item to the end of the agenda if the applicant appears. Mr. Kavalkovich seconded. Voted (7-0).

E) Dan and Tammy Strong, IW-17-041, 78 Mott Hill Road, for a re-subdivision to create 2 lots. Map 24/Block 54/Lot D:

Thad King and Donald Snyder of Snyder Engineering were present, along with applicant Dan Strong. Since last meeting the location of the house was altered a bit away from the back of the slope which will reduce grading. The soil scientist involved feels there is no significant impact on the wetlands.

A phosphorous study was conducted and used Hales Brook sub basin area as a baseline comparison. About 12% additional phosphorous will be attributable post-construction to the impervious surfaces of the house and the driveway. To minimize this impact, a stone trench drip edge will be installed around the house to catch the runoff from the roof as there are no downspouts. The footing drains will discharge into a row of infiltrators. At this time the driveway will not be paved, but as it will most likely be paved in the future it was considered in the phosphorous calculation. Mr. Hill noted that the creation of and upkeep of a yard was not taken into account in the calculation, and discussion on this was held. There will be a buffer of a no-mow zone of about 30' between the lawn and the wetlands onsite. Rain gardens or other landscaping features that can help create more of a buffer were discussed. As there are many large stones on the property the applicant is amenable to creating a barrier with them at the limit of clearing to stop yard creep.

Vice Chairman Wilson moved to approve this application on the basis that the applicant has shown good faith efforts to minimize erosion through E&S controls, as well as to minimize the likelihood of nutrient loading to the wetlands and watercourses within the lake watershed. The short form will be used with the additional condition that the applicant place whatever stones are pulled out during construction along the clearing limit to minimize lawn encroachment into the area around the wetland. Second by Mr. Kavalkovich. Voted (7-0).

8. New Applications:

A) Tyler Seifert, IW-17-043, 60 North Main St., to place a 8' x 14' shed within 100' of the upland review area. Map 04A/Block 63B/Lot 20:

Tyler Seifert, Life Scout with the East Hampton Congregational Church troop 257, was present to discuss his Eagle Scout project of providing a shed for the East Hampton Crew Team's equipment at Sears Park. The shed is a kit build. There will be a 1' deep gravel drain to capture runoff from the building's roof. Straw bales will be used and work will begin once approval comes from IWWA & P&Z.

Vice Chairman Wilson moved and Mr. Wall seconded to designate this application as an agent approval. Voted (7-0).

9. Public Hearings:

A) Amendment to wetlands Regulation to increase Upland Review Area from 100 feet to 200 feet within Lake Pocotopaug Watershed:

Mr. DeCarli read the proposed language change into the minutes; a copy of which will be filed with these minutes. The change is proposed as a response to findings in the 9 Point Watershed Plan that properties directly around the lake and the watercourses that feed into the lake can benefit the health of the lake by using best management practices. Many of those properties are 100' – 150' feet deep, so raising the upland review area to 200' will increase the lake's quality. This is an opportunity to help stop ongoing runoff and improve the lake going forward. This change is in line with what other towns do.

Bryson HYTE asked why the other water bodies in town were not expanding their upland review area. The Agency members discussed keeping the CT River and Salmon River consistent with the other towns that border them. He also stated that expanding within the lake watershed to 300' or 400' would capture the properties across the street from the lake, which also contribute to the low water quality. This was addressed in a discussion with Agency members.

At 7:50 p.m. Chairman Foran moved to close the public hearing. This was seconded by Vice Chairman Wilson. Voted (7-0).

Mr. Hill moved to adopt the changes as outlined on the regulation text amendment to include striking "and" before (3) and after (3) adding "and (4) within 200 feet measured horizontally from the boundary of any wetland or watercourse within the Lake Pocotopaug Watershed." and keeping all other text remaining the same. Second by Mr. Wall. Voted (7-0).

This motion was amended by Mr. Hill, seconded by Mr. Wall to include an effective date of February 1, 2018. Voted (7-0).

10. New Business

A) Approval of the 2018 IWWA Meeting Calendar: *Mr. Hill moved and Vice Chairman Wilson seconded to approve the 2018 IWWA Meeting Calendar and deadline dates. Voted (7-0).*

11. Old Business

A) Cease and Desist, W-2017-003, 21 Day Point Road, Map 10A/Block 83/Lot 30: Nothing has been heard from the homeowner. He still has not provided an after the fact application for work done. He will need to provide a survey as well, to prove no encroachment into the lake.

Chairman Foran moved that a certified letter be sent to the homeowner that the Agency will pursue legal action by the next meeting, on January 31, 2018, if no permit application is received by that time. Second by Mr. Hill. Voted (7-0).

B) Review Open Permits: No report

Mr. Wall inquired at this time about clearing that happened between Liberty Bank and the plaza with Abbeez on North Main. Mr. DeCarli will look into this.

12. Public Comment: None

Chairman Foran moved and Mr. Wall seconded to continue application 7D) Application of South Road Marlborough, LLC, for new home construction at 9 Staeth Road, to the next meeting. Voted (7-0).

13. Adjournment: *Vice Chairman Wilson moved to adjourn at 8:05 p.m. Mr. Kavalkovich seconded. Voted (7-0).*

Respectfully submitted,

Eliza LoPresti
Recording Clerk