

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

MINUTES

Present: Chairman Jeff Foran, David Boule, Scott Hill, Robert Talbot, and Jeremy DeCarli (P & Z)

Absent: Vice Chairman Joshua Wilson, W. Dean Kavalkovich, Peter Wall, and Alternate Members Harold L'Hote and Jacqueline True

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

2. Seating of Alternates: N/A

3. Approval of Minutes:

A) July 26, 2017 Regular Meeting: *Mr. Hill moved, and Mr. Talbot seconded, to approve the minutes of the July 26, 2017 regular meeting. Voted 4-0 in favor.*

4. Communications, Enforcement and Public Comment:

Communications: There is a letter from Eversource regarding upgrades to transmission lines and a communication from the CT Association of Inland Wetland Commissions regarding their 40th anniversary event. If anyone is interested in attending please let Mr. DeCarli know. The event will be Sat. 11/18/17 at the Radisson in Cromwell.

Mr. Boule moved and Mr. Hill seconded to move Enforcement to item 9E under new business. Voted 4-0 in favor.

Public Comment: None

5. Agent Approval:

A) Application of Keith Lanou, Flatbrook Rd., to install a stone driveway to access the lot. Map 34/Block 87A/Lot 9A:

Duly Authorized Agent Foran approved this application for a stone driveway to access a lot that the owners would like to sell. It will be approximately 75-80 ft. long; there are a few restrictions on the permit.

6. Reading of the Legal Notice: None

7. Continued Applications:

A) Application of Frank Nunes, 59 Spellman Point Rd., for construction of a new single family home in upland review area. Map 09A/Block 70A/Lot 34:
Jim Dutton of Dutton Associates presented revised plans that included a modification on the driveway location, adding the location of the existing house and utilities, a landscape plan, and an expanded patio changed to pervious pavers. This plan has less impervious surface than the previous plan and has been approved by the Conservation-Lake Commission.

Chairman Foran asked about provisions for the stumps that are onsite. When construction starts they will be moved offsite. It was noted that a sediment barrier covers $\frac{3}{4}$ of the property line, with a backup of hay bales along the lake side.

Mr. Nunes stated that a landscape architect prepared his landscape plan with native species and the goal of erosion control. Some fill will be required around the dry well system. The site elevation will be raised. Mr. Hill noted that grading will occur up to 7' from the lake with no vegetative buffer. There are only six 1-gallon plants replacing the trees that have been removed, which he stated is insufficient. Agency members discussed with Mr. Nunes the implementation of a rain garden, and taking a look at some of the contours on the property as some water may be sent onto other properties.

Mr. Hill moved and Mr. Talbot seconded to continue this application to the next regular meeting. Voted 4-0 in favor.

Discussion: It was suggested to the applicant that he look at implementing a rain garden along the lake to create a vegetative buffer while still allowing lake access. The grading on the 2:1 slope could be adjusted on the side and a possible seed mix or slope toward a rain garden utilized.

8. Public Hearings: None

9. New Business:

A) Application of Coughlin Service Corp., 48 North Main St., to remove existing deck and install new footings for a new deck. Map 04A/Block 63/Lot 12A:
Ted Coughlin, contractor, stated that the new deck will replace the old deck with the same number of footings put into the same locations. The old footings are 8", placed 30" deep. The new will be 12" in diameter, placed 42" deep. This property is on the lake which is why the Agency as a whole is seeing this application. It was discussed that this can be done as an Agent Approval since the character of the property is not changing.

Mr. Hill moved that this application be handled as an Agent Approval. Second by Mr. Talbot. Voted 4-0 in favor.

B) Application of Jeffrey Threlhoff, 8 West Point, to remove and replace a bulkhead. Map 5A/Block 83/Lot 17:

David Provencher of Coastline Consulting represented the homeowners. The plan is to replace the existing bulkhead in place at the same elevation with no new encroachment. The existing overhanging deck will be removed; the existing bulkhead will be excavated and replaced with pre-cast units. A water inflated coffer dam will be utilized. They will be stepping in from the property lines on both sides 8" – 12" and extending 10' returns landward on both ends. There is an existing outfall that extends from the street catch basin, which will be excavated back to sound pipe, cut and replaced.

Agency members noted that the site should be surveyed before and after the work is done to show that the bulkhead extends no further than before. The pre-cast pieces will be set by using a small excavator. The blocks are 2'x2'x2' or 2'x2'x4'.

Mr. Hill made a motion to continue this application to the next regular meeting to be held Sept. 27, 2017. Mr. Talbot seconded. Voted 4-0 in favor.

C) Application of Jim & Yvonne Mansfield, 18 Flanders Rd., for piping of stream within wetlands and wetland remediation:

The homeowners stated that water is running up to the edge of the foundation of their house and drywall is disintegrating. They propose a 24" pipe, preferably stepped down, to direct the water past the well. The pipe will follow the existing stream which drains mostly road drainage. Some places in the stream are almost flat with no running water, some places can be deep especially with rain. Along the edge of the house it is well channelized, about 8-12" deep.

There was discussion on how this was permitted in the past, along with the history of the land and the construction. Information on the elevation is necessary, along with plans. The Agency would like Vice Chairman Wilson to take a look at the plans and the application and will therefore continue this to the next meeting. It was discussed whether this application is deemed to be significant wetland activity requiring a public hearing.

Mr. Hill moved and Mr. Talbot seconded to deem this a significant wetland activity and hold a public hearing and continue the application to the next regularly scheduled meeting of Sept. 27, 2017. Voted 4-0 in favor.

Discussion: Plans similar to what the homeowners wish to implement were previously created by Joel Fuller for the constructor of the home. Mr. DeCarli will speak to Mr. Fuller about using those same plans for this application.

D) Discussion: Conservation Lake Commission proposal to increase the upland review area from 100' to 200' in the Lake Pocotopaug Watershed: John Roche, CLC member, was present to discuss the proposal to extend the upland review area to 200' around the lake. Mr. DeCarli will check to see if there are state guidelines regarding this, though it is believed that the Town is able to set the area. It was noted that the upland review area of the Salmon River is 150'. Mr. Boule asked Mr. DeCarli to make sure that this proposed change would be in line with other lakes in the area. Mr. DeCarli will put together two drafts of a proposed regulation change; one at 150' and one at 200'. There will need to be a public hearing held and the CLC should present at the hearing, and also clarify whether the change is proposed for the lake properties only or for the whole watershed. The public hearing is proposed for the October meeting.

Chairman Foran moved and Mr. Hill seconded that this item be kept on the agenda for the Sept. 27, 2017 meeting under Old Business. Voted 4-0 in favor.

E) Enforcement: Mr. DeCarli was alerted of a backhoe digging into the lake at 21 Day Point Rd. The owner, Chris Burt, was contacted. Mr. Burt stated that Jim Carrey, the former P&Z Official, told him to do the work, though he had no documentation to this effect. Mr. DeCarli was denied access to the property, though he was able to take photos from the lake in which it looks as though a stone wall is being taken down and there is an excavator on site. There was discussion on whether Mr. DeCarli should proceed with a cease & desist notice or a cease & correct notice. Both require a permit and a correctly done application, as does all work on the lake. The situation will be actively monitored.

Mr. Hill moved and Mr. Talbot seconded that ten days prior to the next meeting Mr. DeCarli will send a cease and desist order and tell the homeowner to appear in front of the Agency, unless the homeowner is actively doing work in the lake prior to that time. If so, the Mr. DeCarli will issue a cease and desist order and the Agency will meet sooner. Voted 4-0 in favor.

10. Old Business

A) Discussion: None

B) Review Open Permits: Mr. DeCarli noted that most permits are in compliance. After the last large rainstorm Christopher Brook was running red. The High School construction seemed to be a large factor in this, though one lot in Skyline also

contributed due to failure of E&S controls. The two sites were cleaned up and resolved.

Mr. DeCarli will be approaching Planning & Zoning for authorization to require E&S bonds on construction projects on a single lot. A recommendation letter to P&Z from Chairman Foran will be drafted to this effect.

Mr. Hill moved and Mr. Boule seconded that because there is not authority over individual residences to bond E&S Controls, and because there is high volume of known issues with E&S Controls on properties being constructed, the Zoning Enforcement Officer should be given authority to request and require a bond to ensure contractor compliance and enforcement of E&S Controls. Voted 4-0 in favor.

11. Public Comments: John Roche stated that he has a boat and Mr. DeCarli is welcome to use it any time as needed. Also that the CLC meetings are similar to the IWWA meetings and to foster cross-communication he will bring up to that group that a liaison should attend the IWWA meetings.

12. Adjournment: *Mr. Boule made a motion, seconded by Mr. Hill, to adjourn at 8:20 P.M. Voted 4-0.*

Respectfully submitted,

Eliza LoPresti
Recording Clerk