

# **East Hampton Planning & Zoning Commission**

## **Updates to Sec.3.1 Lake Pocotopaug Protection Zone**

### **Workshop Minutes**

Date: December 16, 2019

Location: East Hampton Library Community Room, 105 Main Street

Time: 6:30pm

Present: Chairman Kevin Kuhr, Ray Zatorski, Rowland Rux, Jim Sennett, Angelus Tammaro, Michael Kowalczyk, Ted Hintz, and Jeremy DeCarli – Staff.

Discussion: Updates to Sec.3.1 Lake Pocotopaug Protection Zone – Chairman Kuhr started the workshop at 6:35 p.m. He explained that this workshop is one of many and that the goal is to deter water run off before it gets into the lake. Copies of the proposed regulations were handed out with the request for feedback and suggestions. Staff made a presentation regarding the need to protect the watershed zone for the long term health of the lake, discussed best management practices for achieving that goal and provided a brief overview of the proposed regulation and the changes made since the last workshop. At this time Chairman Kuhr opened the meeting to discussion. Judy Isele, 31 Wangonk Tr., noted that in terms of coverage, there may need to be separate systems in place as 15% coverage in a small parcel near the lake is very different than 15% coverage on a larger parcel further up in the watershed. Peter Zawisza, 8 Old Flatbrook Rd., asked for clarification on the requirement erosion and sedimentation and control bonds. Judy Isele, 31 Wangonk Tr., reiterated that 15% is too much coverage on larger parcels and the requirements should be tighter on larger parcels. Linda Schroth, 47 Spellman Point Rd., asked about tree cutting when there is no building construction and whether that would be required to meet the regulation (it would) and driveways. She also asked about “fronting” on waterways versus abutting. It was noted by staff that the language could be changed to make it clearer to readers. Ms. Schroth also asked about enforcement. Peter Zawisza, 8 Old Flatbrook Rd., noted that perhaps a maximum lawn size would be an appropriate control. Dave Bengston, 82 Spellman Point Rd., asked about seasonal tree clearing limitations and whether construction in progress would be required to stop. Staff noted that is not the intention of the regulation and that language could be adjusted to be clearer. Neal Perron, 167 Injun Hollow Rd, Haddam, spoke about the Gateway Zone along the Lower Connecticut River and gave examples of restrictions on tree cutting, development, and fines within the zone. Amy Mrowka, 45 Meeks Point Rd., asked if the State could work on something similar to the Gateway Zone for impaired waterbodies within the State, including Lake Pocotopaug. She also inquired about the ability to limit or prohibit fertilizer use in the watershed. It was noted that this is not a zoning function, but the Town has looked at it in the past. Peter Zawisza, 8 Old Flatbrook Rd. stated that you cannot purchase fertilizer containing phosphorous in Connecticut. Neal Perron, 167 Injun Hollow Rd, Haddam, CT stated that no fertilizers are allowed to be used within 20 feet of a watercourse or wetland in the Gateway Zone and that new property owners within the Gateway Zone received a mailing regarding the requirements. Michael Kowalczyk asked about driveways and whether under the proposed language they would meet the

applicability standards. Staff responded that it depends on a few other factors. Judy Isele, 31 Wangonk Tr., asked whether or not driveways require a permit (yes). Dave Bengston, 82 Spellman Point Rd., asked about construction and permitting timing in regards to the clearing limitation and mentioned that there should be a structure for fining violators. He mentioned that it should be more of a cost if fined than if permitted. Kathy Mayo, 50 Wangonk Tr., mentioned that there should be a fee structure that incentivizes permits versus violations. Dave Bengston, 82 Spellman Point Rd. asked what the process going forward will be. Staff noted there will be updates made and likely another workshop in January or early February. Comments had been received earlier in the day from Northeast Aquatic Research and will be reviewed for inclusion into the regulation. Chairman Kuhr thanked everyone for coming and reminded them to keep an eye on the website for updates. Staff pointed to a handout available with links to the website. The meeting concluded at 7:50pm.

Respectfully submitted,

Christine Castonguay  
Recording Secretary