



Northeast Aquatic Research, LLC

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TO: East Hampton Land Use Department
ATTN: Jeremy DeCarli, Planning & Zoning Official
FROM: George W. Knoecklein, Ph.D., Principal Limnologist
Hillary Kenyon, Senior Soil & Water Scientist

RE: Comments on 11.6.2019 DRAFT - Updated Section 3.1 Proposed Revisions to LPPZ

This letter represents our formal comments on the proposed revisions to the Lake Pocotopaug Protection Zone (LPPZ) Section 3.1 of the East Hampton Planning and Zoning Regulations. The purpose of our review is to ensure that the updated regulations follow through with the recommendations made in the "Lake Pocotopaug Nine Elements Watershed Based Plan," which have been adopted by both the Town and State of Connecticut Department of Energy and Environmental Protection (CT DEEP).

Please note that simple language edits and redactions were made directly on a copy of the PDF version of the draft regulations.

Content Suggestions:

1. Page 1, Section C

- There is currently no distinction about proposed construction stormwater requirements for disturbances that are less than 5,000 square feet. While the 5,000 square feet area of disturbance may trigger a public hearing and requirements listed in Section D, there must be written guidelines for smaller construction projects.
- We recommend that the regulations explicitly state that any construction or ground disturbance in the LPPZ that is greater than 750 square feet requires the permittee to provide the Town Planning and Zoning Official with a letter of written acknowledgement of their intention to adhere to erosion and sedimentation control and stormwater best management practices to a practical level for the project at hand. Such acknowledgement letters are simple and incur no extra costs to permittees, but can serve as a version of Town public education and record keeping.
- The Town may wish to include examples of "practical adherence" for small projects, such as not routing down-spouts to impervious surfaces, or installing a small rain garden to prevent new shed or driveway runoff to existing catch basins.

2. Page 2-3, Section D
 - Bullet 1: This requirement for a buffer zone appears to only apply to disturbances or construction greater than 5,000 square feet, but it should apply to all disturbances. There should be no soil disturbances within 5ft of Lake Pocotopaug and its tributaries without a special permit, including proposed repairs existing seawall structures in non-emergency situations.
 - Include a requirement about private beach maintenance and "washed" sand applications. For better organization there could be two Requirements sections: one for large development projects > 5,000 square feet, and one for smaller projects and/or routine property maintenance.
3. Page 3, Section D - D.iii:
 - There is no reference to define the exempt clearing activities and soil disturbances. If this information is covered elsewhere in the PZ Regulations, please refer to appropriate sections.
4. Page 4, Section D - D.v.1-3:
 - We recommend that the Town explore daily fines for failure to comply with the sediment and erosion control practices in land-clearing activities.
 - Enforcement of fines for failure to comply with the 2-day soil stabilization requirement would deter future erosion events like those that have occurred as a result of several new construction projects in 2017-2019.
5. Page 5, Section F
 - The term "direct discharge" should be defined.
 - Gutter/down-spout discharge pipes from private residences in the watershed currently flow to driveways to streets and into the municipal existing catch basins, where there is no stormwater treatment. Would this lack of treatment be considered direct?
6. Page 5, Section F
 - Bullet 5: Include stockpiling of soils and any form of compost in the 200ft setback distance from wetlands or watercourses. Require new or existing commercial stockpile areas to prevent stormwater runoff from flowing to municipal catch basins. All runoff from stockpile areas should be retained on the property parcel.
7. General
 - Further regulations on construction and/or redevelopment projects within 250 feet from the Lake Pocotopaug shoreline may be addressed in the Inland Wetland Regulations instead of the PZ Regulations.

Respectfully submitted,

George W. Knoecklein, Ph.D.