

**East Hampton Inland Wetlands & Watercourses Agency**  
**Regular Meeting**  
**December 16, 2009**  
**Town Hall Meeting Room**

Approved Minutes

1. **Call to Order:** Chairman Foran called the meeting to order at 6:30 p.m.

**Present:** Chairman Jeffrey Foran, Dean Kavalkovich, Josh Wilson, Marc Lorah. Scott Hill, David Boule, Peter Wall

**Alternate Member:** Maureen Heidtmann

**Absent:**

2. **Seating of Alternates:** Maureen Heidtmann

3. **Approval of Minutes:**

A. **November 18, 2009:** *Mr. Kavalkovich moved, and Mr. Foran seconded, to approve the minutes of the November 18, 2009. The motion carried unanimously.*

4. **Agent Approval:** None

5. **Communication, Enforcement, and Public Comment:**

**Communications:**

- Mr. Hayden reported on a letter to Mr. Wells regarding his concerns at North Main Street and Sears Place
- Concrete Times
- Notification from the town of Haddam regarding a timber harvest within 500 feet of the East Hampton town line.

**Enforcement:** None

**Public Comments:**

Al Petel, 224 Clark Hill Road reported to the IWWA he made a visit to Loos Pond and found that the beavers have appeared to have left and the damn has been breached. Mr. Hayden is aware of the situation and has had contact with DEP who is convinced that it is a beaver damn that has broke, however they want the town to do a hydraulic study to determine if the downstream channel is sufficient to carry a 100 year storm.

Mr. Wells, North Main Street regarding the letters that have gone back and forth between himself and Mr. Hayden requested clarification on if a map amendment is required, and if it is, where in the IWWA regulations is this stated. Mr. Hayden stated that after speaking with the towns attorneys, he has been advised that on this case if a violation were to be issued and it were to be appealed the town could not win since there is no wetland on this property according to the wetland maps filed in the town.

Mr. Wilson reported after a discussion with the members of the IWWA, the best way to handle this very unique situation, since Mr. Wells has come forward stating there are wetlands on his property and these wetlands have been filled, a show cause hearing is in order with a cease and desist being issued to Mr. Wells at 42 North Main Street.

**6. Reading of the Legal Notice:** None.

**7. New Application:**

**B. Application of Richard Stevens and Rhonda Nightingale, 30 West Point Road, repair and maintenance of sea wall by homeowner - M05A/B83/L8.**

The applicants were not present for this meeting. The members of the IWWA reviewed the application. Mr. Hayden met with the applicants. He reported that the applicants have an existing stone wall that is deteriorating. The applicants would like to put in the pre-cast concrete units as close as possible. The agency suggested Mr. Hayden clarifies to the applicant that the IWWA does not typically allow for further encroachment on the lake when replacing existing sea walls.

*Mr. Kavalkovich moved, and Mr. Lorah seconded to continue this application until the next regular scheduled, allowing Mr. Hayden the opportunity to clarify with the applicant the IWWA policy for maintenance and repair/replacement of seawalls. The motion carried unanimously.*

**B. Application of Manafort Family, LLC, Anthony Cove, 19 & 23 Lake Drive, for Activity in the Buffer/Setback Area Including Filling, Excavating, Land Clearing/Grubbing, and Drainage Improvements to Construct a New Residential Development for multi-family/condo - M 03A/B44C/L 59, 18 & 2B**

Frank Magnotta was before the Agency to provide a brief overview of the proposed application. Mr. Magnotta stated the proposed application includes the development and renovations of the property. Mr. Magnotta showed the agency the proposed storm water controls. There was a brief discussion on the existing well on the property. There was a question if the application included a management plan on the site for the drains. The existing on site well will be used, with a potential 2<sup>nd</sup> well site if needed. On the other property it has 2 existing wells which are shallow and will be re-drilled.

*Mr. Wilson moved, and Mr. Hill seconded to continue this application until the next regular scheduled meeting. The motion carried unanimously.*

**8. Continued Applications:**

**A. Application of East Hampton Fire Department, Cranberry Bog, Corner of Flanders Road and Smith Street, Activity within the Wetland for Routine Maintenance and Possible Repair to Water Source – Map 26/Block 87/Lot 10A**

Mr. Hayden shared an email that was received by Scott Dawley, from DEP, stating that the EHFD had permission from the DEP to repair the dry hydrant adjacent to the

Airline Trail with the request of CBYD being contacted prior to, in order to provide them with the dates of the proposed work to be completed.

*Mr. Hill moved, and Mr. Wilson seconded that the IWWA concurs with the States approval for the work to be completed Cranberry Bog. The motion carried unanimously.*

**B. Application for Hampton Woods Development, LLC, 206 East High Street, for activity in the wetland, watercourse, and upland review area. Including filling, excavating, land clearing/grubbing, roadway construction and drainage improvements to construct a new residential development for multi-family/condo- Map 32/ Block 86/ Lot 4**

The agency discussed the application before them and compared this to be either a new application or a modification to the existing application.

*Mr. Hill moved, and Mr. Wilson seconded, to deem this application a significant activity and schedule a public hearing for our next regular scheduled meeting to be held on January 27, 2010. The motion carried unanimously.*

9. **Public Hearings:** None

10. **New Business:**

**A. Schedule 2010 IWWA Meeting Dates – See Attached**

*Mr. Foran moved, Mr. Lorah seconded to approve the attached meeting deadlines and meeting dates for the 2010 calendar. The motion carried unanimously.*

11. **Old Business:**

A. TMDL- Mr. Foran is going to pursue contracting with Mr. Wagner for a Q&A session.

B. Fertilizer Ordinance - Mr. Hill continues to research the Fertilizer Ordinance and will report back at the next meeting.

C. Update 46S Main Street Violation- Mr. Hayden stated the pipes remain, the crossings have not yet been installed. At this point with no activity in the wetland and with a valid permit on file, the agency agreed to remove this from the agenda as a violation, however continue to monitor.

D. Update 217 E High Street Violation- Mr. Hayden reported that progress continues.

E. Revisions to Town Wetland Maps- A discussion took place in how the agency would like to move forward in amending the maps on file.

12. **Public Comments:** Tom Wells invited the members of the agency to arrange for a visit at North Main Street for clarification on the possible violation.

13. **Adjournment:**

*Mr. Lorah moved to adjourn the meeting. Mr. Foran seconded the motion. The motion carried unanimously. The meeting adjourned at 8:34PM*

Respectfully submitted,

Kamey Peterson  
Recording Secretary