

East Hampton Inland Wetlands & Watercourses Agency
Regular Meeting
March 28, 2012
Town Hall Meeting Room
REGULAR MEETING
Unapproved Minutes

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

Present: Jeffry Foran, Peter Wall (6:46pm), David Boule, Dean Kavalkovich (6:48pm), Scott Hill, and Bob Talbot

Absent: Josh Wilson, Maureen Heidtmann and Marc Lorah

2. **Seating of Alternates:** Bob Talbot was seated

3. **Approval of Minutes:**

A. March 6, 2012 Site Walk

March 6, 2012 Meeting; Mr. Hill moved, and Mr. Boule seconded to approve the minutes of March 6, 2012, as presented. The motion carried unanimously.

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

Communications: Municipal Inland Wetlands Commissioners Training Program- If members of the Agency are interested in attending please contact the Building Department to register.

Enforcement: None

Public Comments: Al Petel, 224 Clark Hill Road, Conservation Lake Commissioner, provided the final copy of the pamphlet of The Lake Pocotopaug Watershed: An Owner's Manual, which is scheduled to be mailed out the week of April 28th which coincides with the Lake Clean Up Day. All property owners located in the watershed will receive a copy. Mr. Foran congratulated the members of the Lake Commission stating they did an outstanding job on the manual. Al Petel added that Inland Wetland member Maureen Heidtmann designed the photo on the cover.

5. **Agent Approval:**

A. 156 Tartia Road- Mr. Hayden reported on 156 Tartia Road that is a house that is well out of the upland review area, and had minimal impact into the upland review area for the septic installation.

B. 6 Markham Lane- Mr. Hayden reported this application was a failed septic system which needed to be addressed and required immediate attention.

6. **Reading of the Legal Notice:** Keith Hayden read the legal notice into the record.

7. **New Applications:**

A. Application of Town of East Hampton, North Main Street, replace Christopher Brook culverts with twin box culverts, M04A/B45/B26

Brian Long, CLA Engineers was before the Agency. The culvert being replaced on North Main Street joins into the lake. This is an approximately 498acre watershed for Christopher Brook, the 100 year storm calculated to 163 CFS. There are 3 deteriorating metal culvers under the road currently. The limits of disturbance are shown on the plan and the tree line would have to be cut back approximately 20 feet from the edge of the road on the West side of North Main Street. 2 bypass culverts would be installed to allow the water to flow through and time of construction would be scheduled during the Fall months.

Mr. Foran moved, and Mr. Boule seconded to deem this application significant activity and schedule a Public Hearing for April 25, 2012. The motion carried unanimously

B. Joseph & Pamela Rinaldi, P.O. Box 1107, 1 Appaloosa Lane, Millbrook New York, for a minor amendment to the site plan for 1 West Street to extinguish the Special Permit currently encumbering the property and allow construction of a single-family home – Map 03A/Block 44/Lot 59

Frank Magnotta, Consulting Engineer representing the application. A year ago this agency reviewed a proposed 4 unit condominium project on this site, 2 parcels involved in that application and the parcel across the street have been constructed. The new owners, the Rinaldi's, would like to construct a single family on this lot instead of the original proposed condominium project. The location of the proposed single family was discussed. There is a proposed infiltration system that will take all various run off coming off of the roof structure. The site is connected to water and sewer and is currently vacant. This application has been before the Lake Conservation Commission and they requested sod to be used within 10 – 15' of the road pavement as an additional buffer and the owners will comply with that request.

Mr. Foran moved, and Mr. Hill seconded to continue this application to the next regular scheduled meeting, April 25, 2012. The motion carried unanimously

C. James & Mary Ann Hubert, 68 Spellman Point Road, for a site plan modification to existing application, construct a retaining wall.

Joshua Furnet, representing the applicant was before the agency requesting approval to construct a retain wall. They are proposing a 3' high retaining wall and a smaller 2' high wall above. The location of hay bales and silt fencing was discussed. The work that is being proposed by the water, re-grade it a 3 to 1 slope. There is currently a set of steps to the water, they are proposing to replace them in the same location, and all construction will be with-in 1½ feet from the water. The agency asked for the applicant to provide a plan with a couple cross sections through the site showing existing conditions, proposed conditions, and how it is going to be graded, in addition, a sequence operation on how the equipment is going

to be brought down on the site without getting into the lake. In addition a plan showing how reestablishment of the bank will be managed.

Mr. Boule moved, and Mr. Hill seconded to deem this application significant activity due to the fact that the construction work is close to the lake and the potential for erosion and impacts to the lake are significant, schedule a Public Hearing for April 25, 2012. The motion carried unanimously

D. LCS Properties, LLC, 130, 138, 140 & 000 East High Street, for activity in an upland review area, Phase 1A & 1B – Map 10A/Block 85/Lots 5, 5A, 5B & 5C. Attorney Harry Heller, representing LCS Properties, LLC who is the applicant and property owner. The owners were before this agency in 2010 to obtain permits to conduct regulated activity in upland review areas in conjunction with the development of a proposed daycare/retail facility which were granted. This application is to modify that permit in conjunction with Phases 1A and 1B of the Edgewater Hill Project. This proposal is to construct in only the North Western portion of the project site. This proposal is requesting to be granted a permit for the daycare center, the parking lot for the daycare center and a road to go into 5 buildings.

Mr. Kavalkovich moved, and Mr. Boule seconded to deem this application significant activity with impacts to the lake watershed, potential impacts to wetlands and work being done in the upland review areas and impervious surfaces therefore schedule a Public Hearing for April 25, 2012. The motion carried unanimously

The members of the IWWA scheduled a site walk of this property for March 31st, 2012 at 7am.

E. Carol Hartmann, 266 Hog Hill Road, to conduct a timber harvest, M08/L24/B4A Stan Orlowski, representing the applicant and hired to do the timber harvest was before the agency. 13.65 acres, currently occupied by 50% pasture. The trees around the existing pasture within striking distance and conduct a timber harvest covering approximately 7 acres. This will require the crossing of an intermitted stream. Placing a temporary bridge for crossing which will be removed when completed. The applicant is planning to complete this work in May, and will be removing approximately 150 cord of fire wood.

Mr. Foran moved, and Mr. Wall seconded to accept this application and continue to the next regular scheduled meeting. The motion carried unanimously.

8. Continued Applications:

A. Estate of Irma D. Ferrigno & Antonia F. Feest, 25 Meeks Point Road, to Remove Existing Single Family Structure & Construct a New Single Family Dwelling – Map 10A/Block 83A/Lot 4

Mr. Feest provided the agency with a follow up from the previous meeting. Mr. Kavalkovich asked if all the flow from impervious surface's being infiltrated. Jim Sakonchick provided a detailed of the water gardens to care for the flow on the property using the guidelines published by the state and are sized according to those guidelines.

Mr. Kavalkovich moved, and Mr. Talbot seconded to approved the application of A. Estate of Irma D. Ferrigno & Antonia F. Feest, 25 Meeks Point Road, to Remove Existing Single Family Structure & Construct a New Single Family Dwelling – Map 10A/Block 83A/Lot 4, as the applicant has shown a plan that appears to reduce the phosphorus loading into the lake and retains the lakeside vegetation and otherwise maintains as minimum impact as possible given the size of the proposed house. The permit is approved with standard permit conditions with one additional condition:

Work to be conducted and have turf established prior to October 15, 2012.

The motion passed unanimously.

B. Application of Thomas Barry Jr., Chestnut Hill Road, to construct a single family home, M13/B32/L19.

The applicant recapped from last month's meeting, stating that they are before the agency requesting permission to construct a single family home on 10 acre with a wetlands location. Further discussion took place as to how the driveway will be constructed. John Iani, Professional Soil Scientist, did the wetlands delineation on this property in July 2011 and discussed the location of the wetland at the Chestnut Hill location of the proposed driveway. There is a pipe just to the North on the property that is a discharge from Michael Drive, a single catch basin, where it connects with Chestnut Hill Road. The wetland ends as shown on the map. Mr. Iani recommends that a pipe be placed under the driveway simply because there is water discharging above the property and the natural direction of flow is to the South.

Mr. Boule moved, and Mr. Hill seconded to accept the delineated wetland boundary's that have been presented. The motion passed unanimously.

Mr. Kavalkovich moved, and Mr. Boule seconded to approve the application of Thomas Barry Jr., Chestnut Hill Road, to construct a single family home, M13/B32/L19., as the applicant has minimized any impact on the wetlands and the overall plan on this large site is a small impact as it is proposed. The permit is approved with standard permit conditions. The motion passed unanimously.

C. Application of Martin Podskotch, 45 O'Neill Lane, to Demolish and Re-build Existing Cottage, M10A/L83/B24

Rob Helstrom, representing the applicant was before the agency with a brief overview to the plan. A note has been added to the plan regarding the driveway stating 'remove 30 cubic yards of existing material, take it off site, and replace it with 30 cubic yards of gravel and stone' as requested from the agency at the March 6, 2012 meeting.

Mr. Kavalkovich moved, and Mr. Talbot seconded to approved the application of Martin Podskotch, 45 O'Neill Lane, to Demolish and Re-build Existing Cottage, M10A/L83/B24, as the applicant has shown a plan that appears to reduce the impact on the lake from storm water runoff and the extraordinary measures have been taken to reduce the impact

on the lake during construction phase. The permit is approved with standard permit conditions with one additional condition:

Work to be conducted and have turf established prior to October 15, 2012.

The motion passed unanimously.

9. Public Hearing:

A. Application of 195 West High Enterprises, LLC, 195 West High Street, for commercial two lot subdivision, M12/L36/B3

Tim Furey, Bristol CT, representing the applicant. Attorney provided a brief overview, 195 West High Street, 9.95 acre site that is zoned Commercial. David Earlandson provided the agency with an overview of the site and the proposal. The site again being 9.95 acres, approximately 4.5 are maintained as grassy field, the remaining 5.5 are wooded, the parcel is accessed from West High Street, with 770feet of frontage. The proposal is to split the parcel into 2 lots- Lot 1 would be a 1.84 acre lot, and although it is zoned commercial the residential/multifamily use would continue. Lot 2 would contain 8.1 acres which would encompass the remainder of the property with 3 new buildings, totaling 52,000SF and would contain retail.

George Logan, Principle Environmental Scientist, REMA Ecological Services was before the agency with a detailed soil scientist report. This report can be viewed in the file at Town Hall.

Mr. Foran asked if anyone from the public had any questions

Nancy Edstrom, asked how far from the building to where the wetlands begins and clarification as to where the buildings will be placed. Mr. Earlandson showed Ms. Edstrom the locations of the proposed buildings on the map stating from the retail to the wetland is 290feet and from the proposed self-storage to the wetland ranges from 85 feet to 25 feet.

John Forbes, 205 West High Street, asked about drainage and if this project would propose a problem on his property. Mr. Earlandson stated as the construction takes place the underground pipe that is in place currently would be picked up and places it into their drainage system.

Jeff Foran moved, and Mr. Hill seconded to move this application to our next regular scheduled meeting. The motion passed unanimously.

10. New Business:

A. Discussion of time of year restrictions on mowing wetlands and activities in wetlands.

Due to the heave agenda, the members of the agency asked to have this item tabled until the May meeting.

Mr. Hill moved, and Mr. Talbot seconded to table item 10. New Business:

A. Discussion of time of year restrictions on mowing wetlands and activities in wetlands.

The motion passed unanimously.

11. Old Business:

A. 68 Spellman Point Final Report –

All members of the agency have not had an opportunity to completely read through the report and tabled this to the May meeting.

Mr. Hill moved, and Mr. Kavalkovich seconded to table item 11. Old Business:

A. 68 Spellman Point Final Report

The motion passed unanimously.

12. Public Comments: None

13. Adjournment:

Mr. Kavalkovich moved to adjourn the meeting. Mr. Wall seconded the motion. The motion carried unanimously. The meeting adjourned at 10:08pm.

Respectfully submitted,

Kamey Peterson
Recording Secretary