Town of East Hampton   
**INLAND WETLANDS AND WATERCOURSES AGENCY**Regular Meeting  
April 27, 2016

MINUTES

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

**Present:** Chairman Jeffry M. Foran, Vice-Chairman Josh Wilson (6:38), Members David Boule, W. Dean Kavalkovich, Peter Wall, and Planning & Zoning Official Jeremy DeCarli were present.

**Absent:** Regular Members Scott Hill, Robert Talbot, and Alternate Member Harold L’Hote were not present.

1. **Seating of the Alternates:** There were no alternates present to seat.
2. **Approval of the Minutes:**
   1. March 27, 2016 Regular Meeting: Mr. Boule moved, and Mr. Kavalkovich seconded, to approve the Minutes of the April 27, 2016 Regular Meeting as amended. The motion carried unanimously.
3. **Communications, Enforcement, and Public Comment:**

Mr. DeCarli explained that the Middlesex Landscape Spring 2016 Newsletter, the Salmon River Watershed Partnership 2016 Annual Newsletter, and a document from Mr. George Coshow concerning his thoughts relevant to Lake Pocotopaug have been scanned and forwarded to your emails.

Mr. DeCarli distributed photographs of conditions at Sears Park after a drill by the East Hampton Volunteer Fire Department. He also referenced a letter from the Town Manager to the Fire Commission regarding the drill at the park. Mr. DeCarli suggested a protocol for future drills.

The Chairman discussed his concerns with the activity and expressed gratitude to the Public Works Department for their efforts to remedy the conditions prior to a forecasted storm.

The Agency reviewed a letter drafted by Mr. DeCarli to the Fire Commission from the IWWA.

*Mr. Wilson moved, and Mr. Boule seconded, that the letter regarding the expected protocol for all future drills be forwarded to the East Hampton Fire Commission as amended. The motion carried unanimously.*

Mr. DeCarli discussed the enforcement of a cease and desist order at the location of 136 Middle Haddam Road. The Agency had placed this order on the activities being conducted by neighboring property owners, Peter Minoli and David Wezdenko, 135 Middle Haddam Road. The issue of an easement allowing the owners of 135 Middle Haddam Road to access a spring has been brought into question by Kathleen and Timothy Throckmorton ,the owners of136 Middle Haddam Road. In the absence of a Wetlands Enforcement Officer and pending a legal decision by the courts regarding rights of each of the parties, the Agency has ordered all activity to cease.

Mr. DeCarli has inspected the site and met with all parties. There is no evidence of any recent work having been conducted in the wetlands at this location. He recommended that the Commission lift the cease and desist order. The issue of the easement is a civil matter. As always any work in or within 100’ of the wetlands will require review, and a permit to be issued by this Agency. Failure to do so will result in a violation and the issuance of another cease and desist order.

*Mr. Wilson moved, and Mr. Kavalkovich seconded, that the Agency lift the Cease & Desist Order placed on Peter Minoli and David Wezdenko, 135 Middle Haddam Road, with the understanding that prior to conducting work in the wetlands a permit must be granted. Motion carried unanimously.*

At this time the Chairman opened the meeting to the public. There were no public comments made at this time.

1. **Agent Approval:** None.
2. **Read Legal Notice:** None.
3. **Continued Application:**
   1. **Application of Kyle Crowthers,** 15 Daly Road, New Single Family Home, Construction of 35’ x 35’ Garage and Driveway in Upland Review Area – Map 33/Block 18/Lot 14C‑3:

Dave Erlandson, Professional Engineer, was present to discuss the application. He reminded the Agency that they had requested he bring a colored plan of the grading with the cut and fill areas depicted. The actual location of the house will be within the box presented as the future location of the home.

*Mr. Wilson moved, and Mr. Wall seconded, to approve using the standard short-form permit the application of Kyle Crowthers, 15 Daly Road, New Single Family Road, Construction with 35’ x 35’ Garage and Driveway in Upland Review Area, Map 33/Block 18/Lot 14C-3, for the reason that there is adequate protection of the wetlands and watercourses on the property. The motion carried unanimously.*

* 1. **Application of Steve Acerbo,** *000 Old Young Street, 4-Lot Residential - Map 14/Block 31A/Lot 9:*

Chairman Foran recused himself from the meeting at this time. Vice-Chairman Wilson proceeded.

Joel Fuller, Land Surveyor, was present to discuss the application. He supplied the Agency with a detailed design of the road, retaining wall, and pipe culvert underneath the driveway improvement in the vicinity of the front wetland. The pipe is intended to encourage flow and discourage ponding in a rain event.

Mr. Wilson questioned the need to place fill in a small area of these wetlands. This area will also require keying the silt fence in close proximity of the wetlands. Mr. Fuller discussed the boundary location with the Agency. The applicant and the Agency agreed that it would be feasible to move the driveway to the southwest, keeping all activity out of the wetlands.

Mr. DeCarli questioned the depiction of the septic system on Lot No. 3 and its proximity to an intermittent waterway. He also read a report from the Chatham Health District report indicates that they have conducted testing on the site and have approved the plan as proposed; however, due to the large number of rock out-croppings and ledge they will require additional testing as the project is built out.

*Mr. Wilson moved, and Mr. Boule seconded, to approve using the standard short-form permit the a*pplication of Steve Acerbo, *000 Old Young Street, 4-Lot Residential Subdivision, Map 14/Block 31A/Lot 9, for the reason that the applicant has shown good faith in protecting the wetlands and watercourses onsite, a willingness to avoid impact to wetlands, and the driveway design should provide good infiltration of groundwater to the wetlands. The following conditions are required:*

* *Wetlands flags must be installed or hung prior to construction in the area were the driveway culvert will be placed;*
* *Relocate the driveway to avoid impact, both temporary and permanent, in the wetlands; and*
* *Town Staff shall review and approve all modifications to plans prior to installation.*

*The motion carried unanimously.*

Chairman Foran returned to the meeting at this time.

1. **New Applications:**
   1. **Application of Christopher Cozzi,** 73 Meeks Point Road, Residential Alterations in the Upland Review Area – Map 10A/Block 82/Lot 12:

Christopher Cozzi, 73 Meeks Point Road, presented his application. The project would entail removing the concrete patio and walkways. The lot as it exists currently is well over the required maximum impervious coverage of 20%. He explained that they will replace one walkway along the house with pervious pavers to improve the condition. The patio will have a roof with two precast footings. There will also be an outdoor shower. The net result will be a decrease of 407 square feet or approximately 2% of total lot coverage. The stockpile will be as far as possible from the lake, around the house, and in the center of the driveway turnaround.

The Agency discussed use of hay bales as well as silt fencing. The roof will be new and the shower will be hooked up to city sewer. The roof leaders will run into a dry well lined with filter fabric and rock.

*Mr. Wilson moved, and Mr. Kavalkovich seconded, to continue the application of Christopher Cozzi,**73 Meeks Point Road, Residential Alterations in the Upland Review Area, Map 10A/Block 82/Lot 12, to the next regularly scheduled meeting. The motion carried unanimously.*

1. **Public Hearings:** None.
2. **New Business:**
   1. **Timber Harvest Discussion:** The Agency discussed the practices, procedures, and future protocol for Timber Harvest Reviews. The Agency requested Staff to provide at the next meeting drafts of documents to be used when receiving timber harvests for review as a tool to determine the necessity of a formal review.
3. **Old Business:**
   1. **Status on Lake Study:** Mr. DeCarli reported that he met with Town Staff, the Conservation-Lake Commission, and Dr. George Knoecklein at what will be a monthly meeting to review the status of the Lake. The 9-Point Watershed Plan is scheduled to be completed by the end of May. They are considering a copper sulfate treatment that will provide the consultant with some more direction. The worst case scenario of the treatment would be no reduction in the level of blue-green algae. The best case scenario would be a complete elimination of the algae. In the interim more data will be collected by Dr. Knoecklein and his team.
   2. **Review Open Permits:**

Mr. DeCarli reported that Sports on 66 has yet to hire a site monitor. The Agency expressed their concern.

201 West High Street is progressing; however, he is pending a cut sheet of the intended plantings and a remediation bond must be in place. The Agency expressed their concern.

Skyline Estates has completed most road work in Phase 1. An extended wetlands permit will be required for Phase 2. Planning and Zoning has received an application for full extensions. There are no changes in the site plan and no changes in the proposed work. The Agency expressed their concern about this.

Hampton Woods performance bond is expiring in May. The developer has assured Mr. DeCarli that he will have an extended bond in the Planning and Zoning Office prior to this expiration. Mr. DeCarli is currently working on the developers agreement for this project.

There are no issues or concerns with Edgewater Hill.

There are no issues or concerns at Salmon Run.

Princess Pocotopaug Association Sea Wall Repair Permit has been investigated pursuant to a complaint about poor erosion and sedimentation controls and work outside of the permit being conducted. The work has been completed; however, the Association never provided the Agency with the final As-built survey as required by the permit. Mr. DeCarli has contacted the contractor who will make arrangements for a survey to be prepared.

The Agency has requested Town Staff to contact the contractor responsible for the first 3 projects mentioned above and advise that if they have not provided the Town with all the necessary documentation by the next meeting, the Agency is considering issuing cease and desist orders on all three jobs.

* 1. **POCD Update:** The Draft 2016 POCD has been posted on the website and in the Clerk’s Office. It is fully on schedule for adoption prior to the deadline.

1. **Public Comments:** None
2. **Adjournment:** *Mr. Kavalkovich moved, and Mr. Wall seconded, to adjourn the meeting. The meeting adjourned at 8:00.*

Respectfully submitted,  
  
  
  
Daphne C. Schaub  
Recording Clerk