

Town of East Hampton
Inland Wetlands and Watercourses Agency
Regular Meeting
November 29, 2017 – 6:30 P.M.
East Hampton Town Hall Meeting Room

MINUTES

Present: Chairman Jeff Foran, Vice Chairman Joshua Wilson, David Boule, Scott Hill, W. Dean Kavalkovich, Peter Wall, and Jeremy DeCarli (P & Z)

Absent: Robert Talbot and Alternate Member Jacqueline True

1. Call to Order: The meeting was called to order at 6:30 P.M. by Chairman Foran

2. Seating of Alternates: N/A

3. Approval of Minutes:

A) October 25, 2017 Regular Meeting: *Mr. Kavalkovich moved, and Mr. Boule seconded, to approve the minutes of the October 25, 2017 regular meeting. Voted 6-0 in favor.*

4. Communications, Enforcement and Public Comment:

Communications: The fall edition of the Habitat was included in member's packets.

Enforcement: After last month's meeting with Mr. Burt, a letter was sent to him stating the cease & desist order was still in place until an application was received, explaining the application process, and including an application. Staff has not yet heard back from him.

Public Comment: None

5. Agent Approval: None

6. Reading of the Legal Notice: Mr. DeCarli read the legal notice into the record.

7. Continued Applications:

A) Application of Michael Olzacki, 15 Maplewood Drive., to clean out existing drainage swale and create approximately 3600 square feet of lawn area in upland review area. Map 19/Block 39A/Lot 10A-6:

The applicant was not present to address questions of Agency members.

Chairman Foran moved to continue this application to the next regularly scheduled meeting to take place December 20, 2017. Second by Vice Chairman Wilson. Voted 6-0.

B) Application of Pamela Pinto, 67 Gadpouch Road, to construct a 3 car garage and driveway extension adjacent to existing house and driveway within 100' of upland review area:

Frank Magnotta, Consulting Engineer, represented Mr. and Mrs. Pinto. Wetlands on the property were flagged by James Sipperly. There are some intermittent watercourses on the property. The garage is 39' x 26' with nominal grading around the edges. The entire activity is within the 100' review area. Sod swales have been designed to stabilize the area where water flows in two places around the garage. The garage is not guttered, and the roof slopes to the back. A stone infiltration pad will be placed behind the garage to capture roof runoff. Once the infiltration pad is filled, it will sheet flow downhill into the woods, away from the intermittent watercourse. The property is stable and heavily wooded. Additionally, silt fencing will be used.

Vice Chairman Wilson moved and Mr. Hill seconded to approve this application on the basis that there will be no adverse impacts to wetlands or watercourses on the property and the applicant has shown that the proposed construction will also not affect the wetlands and watercourses on the property. The short form will be used with no special conditions. Voted 6-0.

8. Public Hearings:

A) Edgemere Condominiums, 85 North Main St., extend existing culvert near water supply building to comply with DPH regulations. Map 19/Block 45/Lot 1: Pat Benjamin was present to represent Edgemere. They propose to extend two existing culverts 16' from the existing inlet as the distance from the public water supply well to the edge of the watercourse is currently less than 50' and must be changed due to Public Health regulations.

The wetlands were flagged in the field by Eric Davison. The existing culvert has two pipes, one 30" and one 24" which will both be extended 16' and have flared ends. An intermediate rip rap scour pad, 10' x 10', will be utilized. Silt fence will be located on the East and West sides and a turbidity curtain will be installed on the South.

Alternatives were looked at such as: 1) drilling a new well – as the current well is housed inside and is a high-yielding well this was feasible but not prudent; 2) filling the embankment of the wetlands to culvert – this would not be feasible to stabilize with rip rap and is more invasive than what is proposed; and 3) moving the 30" culvert to the East of the 24" culvert – the stream channel would have be rerouted

off to the East then back down – this is a much larger disturbance than what is proposed.

The proposed plan will disturb 283 sq ft (or .007 acres) of wetlands, 270 sq ft of watercourses and 283 sq ft of the upland. The total activity will be 840 sq ft including the upland. The work will be done when there is a low flow of water, from June to October unless there is a drought condition in Spring. The plan doesn't change the hydraulics of the culvert and the access road remains the same. About 50 cubic yards of fill will be brought in. The utilities are deep enough under the stream bed that they will not be disturbed, though they will make sure to call before digging. Only about 4 -5 cubic yards of ¾" stone will be put down.

There were no comments from the public.

Mr. Hill moved to close the public hearing at 6:57 P.M.; Chairman Foran seconded. Voted 6-0.

Mr. Kavalkovich moved to approve the application because the action is required for public health and the Engineers have sought prudent and reasonable alternatives and chosen the plan with the least impact on the wetlands. The short form will be used with the additional condition that the fill area be marked prior to that part of the construction and town staff approve that fill area before the fill is begun. Second by Mr. Hill. Voted 6-0.

9. New Business:

A) Application of Lisa Simoni, 56 Spellman Point Rd., to build a fire pit (12.5 x 12) that will have propane to it. Map 09A/Block 70/Lot 12:
The applicant was not present and the Agency members requested more information on construction and location of propane line.

Mr. Hill moved to continue this application to the next regularly scheduled meeting of December 20, 2017. Second by Vice Chairman Wilson. Voted 6-0.

B) Application of South Road Marlborough, LLC, 9 Staeth Rd., for new home construction within upland review area. Map 32/Block 71/Lot 1G:
Joel Fuller, Land Surveyor, was present to represent Marino Construction. The wetlands on this lot were flagged in the field by Rich Snarski. Because of the topography of the lot, a larger septic mantis high-yield system will be utilized and a line will need to be fed from the house to the system through the upland review area. The pipe will be sealed and transporting gray water. The line would run through the 100' buffer zone and a portion of the septic would be within that as well.

The closest point of the pipe to the wetlands will be 40'. The clearing limit is 30' and will have a silt fence along it.

It was noted that there will be no direct wetland impact for this project; only impact within the upland review area.

Vice Chairman Wilson moved to continue this application to the next regularly scheduled meeting of December 20, 2017. Mr. Kavalkovich seconded. Voted 6-0.

C) Dan and Tammy Strong, 78 Mott Hill Rd., for a re-subdivision to create two lots. Map 24/Block 54/Lot 4D:

Thad King of Snyder Civil Engineering was present to represent the Strongs. He showed the proposed location of the new house on the rear of the lot. There will be one crossing for a driveway where there will be an existing culvert. There are significant wetlands on the lot. James Sipperly, Certified Soil Scientist, CT Wetland Scientist, read his letter, dated 11/10/17, regarding the wetland delineation into the record. He stated that the proposed construction will have no adverse effects on the wetlands.

Chairman Foran requested another wetland map with a darker wetland layer prior to the next meeting. It was clarified that this application is for the subdivision as well as site plan improvements and house construction. Mr. Hill requested more information on the crossing along with photos.

Mr. King explained the proposed location of the house and why alternate locations on the property would not work. 7,000 sq ft in the upland review will be disturbed in total for the home, the well and the septic. Mr. Hill requested more feasible and prudent alternatives in regard to the site of the house, particularly regarding the front part of the lot as he believes the way the house is situated now there will be runoff into the wetlands. There was discussion on approval of a pipe and culvert in the 1980s, there is question as to whether the pipe is in the ground.

This site is within the watershed. Mr. Kavalkovich noted that because it's within the watershed, a phosphorous budget before and after development should be made. He recommended quantifying the uncertainty band for the phosphorous budget as well.

Vice Chairman Wilson moved and Mr. Kavalkovich seconded to continue this application to the next regularly scheduled meeting of December 20, 2017. Voted 6-0.

10. Old Business

A) Discussion: Amendments to Regulations regarding Upland Review Area: Mr. DeCarli distributed a memo regarding the proposed change from a 100' upland review area to a 200' upland review area. Essentially, a new definition in the regulations would be added. It had previously been discussed and decided not to include totality of properties that fall within the line. There are 1,800 properties within the watershed and 1,100 of those, or 63%, are within the 200' line. This change would capture the bulk of properties that ring the lake; most will have the entire property regulated.

There was discussion on the 150' upland review areas for the CT River and Salmon River. It was noted that the 150' is consistent with the other towns that front those rivers, and that the majority of the properties on the Salmon River are state owned at this point. The streams that feed into the Salmon River are at 100'.

Mr. DeCarli drafted a public information sheet, noting that this change is consistent with recommendations of the 9 Point Watershed Plan, is not significantly different than other lake towns, and will increase the level of protection around our impaired lake.

Mr. Hill moved and Vice Chairman Wilson seconded to go to a public hearing at the next regularly scheduled meeting on Dec. 20, 2017, on a regulation change to 200 feet measured horizontally from the boundary of any wetland or watercourse within the Lake Pocotopaug Watershed. Voted 6-0.

B) Review Open Permits: Mr. DeCarli reported that everyone seems to be in compliance. There were some ongoing issues at Hampton Woods but they are now working with a site monitor to resolve those.

11. Public Comments: None

12. Adjournment: *Vice Chairman Wilson made a motion, seconded by Mr. Wall, to adjourn at 8:00 P.M. Voted 6-0.*

Respectfully submitted,

Eliza LoPresti
Recording Clerk