

Town of East Hampton
Inland Wetlands and Watercourses Agency
Regular Meeting
January 31, 2018 – 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, Jacqueline True, and Jeremy DeCarli (P & Z)

Absent: Robert Talbot

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

2. Seating of Alternates: Ms. True was seated

3. Approval of Minutes:

A) December 20, 2017 Regular Meeting: *Mr. Hill moved, and Mr. Boule seconded, to approve the minutes of the December 20, 2017 regular meeting. Voted 5-0 in favor (Mr. Wall and Mr. Kavalkovich were not present during this vote.)*

4. Communications, Enforcement and Public Comment:

Communications: A copy of a permit application to DEEP from Nelson’s campground is included in member’s packets. This is for their yearly pesticide application.

Enforcement: To be covered later in the agenda

Public Comment: None

5. Agent Approval: None

6. Reading of the Legal Notice: None

7. Continued Applications:

A) South Road Marlborough, LLC, IW-17-040, 9 Staeth Road, for new home construction within upland review area. Map 32/Block 71/Lot 1G.

Jim Marino of South Road Marlborough, LLC was present to discuss the work, which is primarily a septic transfer line from the tank to the leech field in the upland review area. Test pits were dug and it was determined that this is the only location on the site approvable for the septic area.

Vice Chairman Wilson moved to approve the application as the applicant has shown effort to not adversely affect wetlands and watercourses on site, using the standard short form. Second by Mr. Hill. Voted 6-0 in favor (Mr. Kavalkovich was not present during this vote.)

8. New Applications:

A) Application IW-18-003, Town of East Hampton, Sears Park, 60 North Main St. to place a memorial bench at Sears Park overlooking the beach. Map 04A/Block 63B/Lot 20:

The applicant requests placement of a memorial bench on the lake front. This will have minimal impact and will be placed on a 10 square foot concrete slab.

Mr. Hill moved, with Vice Chairman Wilson's second, that this application be handled as an agent approval. Voted 6-0 in favor (Mr. Kavalkovich was not present for this vote.)

B) Application IW-18-001, Christopher Burt, 21 Day Point Rd, After-the-fact, for repair of a seawall. Map 10A/Block 83/Lot 30:

Christopher Burt was present to discuss his repaired seawall. He stated that he used the existing footings. He has not completed work on the steps since he received a cease and desist order and the weather has not been cooperative. Mr. Burt presented photos of the deteriorating wall and the repairs he had already done pre-permit. He stated no machines were digging or in the lake. He was asked to provide a cross-sectional drawing of the wall which was not present during the meeting. Instead he provided plan drawings showing the wall location. Agency members are concerned with knowing whether there was any encroachment into the lake.

There was some debate regarding the fact that Mr. Burt believes he was given a "green light" to go ahead and do the work without a permit, though there is no documentation supporting this. Mr. DeCarli will investigate satellite imaging that may be available pre and post work on the wall to see if it can be determined whether there was or was not encroachment into the lake. It was explained that to finish the stairs, the agency will need a written plan for how that is to be accomplished. Mr. Burt stated that he will not provide a plan as he is not sure how it would be done, and therefore will not finish the stairs.

Vice Chairman Wilson moved to continue this application to the next regularly scheduled meeting and to keep the cease and desist order in place. Mr. Wall seconded. Voted 7-0.

Discussion: Mr. DeCarli will put together comparison images and meet with Mr. Burt; once this is done the permit will be reviewed. Mr. Burt stated that he would like to close the file and will not put in the stairs. It was reiterated that it was his choice; the

Agency is looking only for a plan so they aware of what he is doing in the lake should he wish to complete the stairs.

C) Application IW-18-000, Sheila Mullen, 47 Tartia Rd., to expand the parking area. Map 27/Block 55/Lot 2:

Mr. Wall recused himself from this agenda item as he is a non-adjacent neighbor.

Pat Benjamin of Bascom and Benjamin, 360B Main St., Durham, CT was present to represent Ms. Mullen and the Fat Orange Cat Brewery at this site. There is not enough existing parking to support the farm brewery. The existing parking area sheet flows into a swale, though the lot's gravel base absorbs much of the runoff. Mr. Benjamin stated that he was on site during a 2" rain and there was no runoff and no silt in the swale. There are wetlands on the property, which were flagged by Eric Davison.

Mr. Benjamin noted that when he has been onsite there have been anywhere from 50-85 cars present. The existing parking area holds 17 cars. He proposes two new parking areas, around the side and back of the existing home, all at grade. The upper lot will drain to the lower existing lot, which sheet drains into an existing swale. The left lot in the drawing will have a rip rap swale alongside it between the lot and the wetlands. This will bring water to an existing culvert at the driveway. The lots will be 4" – 6" gravel base, which percs at about 5 minutes/inch. 3" – 4" of 1.25" stone will be placed. These lots will increase parking by 64 spaces.

Some trees will be removed, and silt fence will be below all disturbed area. Only 6 acres drain to the wetland area. There is a 10 year flow of 11 cfs, this parking lot will increase the flow by 1.4 cfs. Mr. Benjamin stated this is not a large amount of drainage or increase. A landscape architect is developing a planting plan for a buffer around the parking area; this was not ready for tonight's meeting. Mr. Benjamin was asked to submit runoff calculations.

Concerns were discussed including increase in cumulative effects like oil dripping from cars. Mr. Benjamin was asked that for the next meeting he shows there is no adverse effect to the wetlands and to quantify this in comparison to more conventional methods. A vegetated swale was discussed; this will be researched further by Mr. Benjamin and Mr. Davison.

Vice Chairman Wilson moved and Mr. Kavalkovich seconded to continue this application to the next regularly scheduled meeting. Voted 6-0 (Mr. Wall not present for this vote.)

D) Application IW-18-002, Town of East Hampton, East High St., for construction of a new municipal Town Hall and Police Department. Map 10A/Block 85/Lot 5D:

Chairman Foran recused himself from this agenda item as he is a member of the Town Facilities Building Committee.

John Faulise, Land Surveyor for Boundaries, discussed the plan and asked for the required public hearing to be held at the next meeting. He went over details of the 5.4 acre building lot, which is a portion of a 59 acre parcel that was approved in 2012. The proposed structure replaces 18 residential units that were part of the original master plan. There are wetland areas, which Mr. Faulise described. There is proposed fill activity of 123 square feet of the area at wetland flag B13 to provide side slopes for Edgewater Circle and proposed sidewalk. There is proposed elimination of about 990 square feet of wetland; this will be a cut area, not filled. A cut fill plan has been submitted along with the application. Eleven test holes have been dug and monitoring wells have been installed. Well-drained soils have been found below the 2' - 3' restrictive layer.

Mr. Faulise stated that a landscape architect will be making a plan. He stated that 100% of the water will be caught into sub surface drainage. Regular asphalt pavement will be used. There was discussion of the need for presentation at the hearing of the best management practices and eco-friendly things that the town is doing. There was discussion on vegetated buffers, how the runoff will be minimized, what is happening with the roof leaders, how it the ground will recharge, etc. Since the site is in the watershed, a phosphorous budget is already needed. There was discussion that this site was mitigated in the past approval process, the Agency asked for documentation and on the monitoring plan on this as well, specific to this site, not the entire development.

At this time Vice Chairman Wilson stated for the record that during the master planning portion of this project, the property owner contracted with his firm Fuss & O'Neill and he was involved at that time. At this point he and his firm are not involved in the project any further. He stated that he is familiar with the wetlands on site and the delineation of such.

Mr. Hill moved to continue this application and move to a public hearing at the next regularly scheduled meeting. Mr. Kavalkovich seconded. Voted 6-0 in favor (Chairman Foran not present for this vote.)

9. Public Hearing: None

10. New Business: None

11. Old Business

A) Cease and Desist, W-2017-003, 21 Day Point Road, Map 10A/Block 83/Lot 30:
Still in effect.

B) Review Open Permits: Mr. DeCarli reported that he is in the process of going through all open permits within the last five years and hopes to have a written report for the next meeting.

At this time Mr. Hill noted that he sits on the Design Review Board and at their last meeting, a brewery going into the location at 13 North Main was reviewed. In his opinion this is a change in use, especially as pertaining to parking, and is wondering if they will change their plans for parking lot drainage. Mr. DeCarli stated that he is not aware of any significant changes, and if there are any to come they will need to come before the Agency again.

The brush that was cut in the area between Liberty Bank and the plaza with Abbeez on North Main was discussed at this time. Wayne Rand said that it was a maintenance cut, and Mr. DeCarli thinks that he will be in front of the Agency soon. There was discussion on plantings for his property at 201 W. High and Sports on 66 that have not yet been completed.

12. Public Comment: None

13. Adjournment: *Vice Chairman Wilson moved to adjourn at 7:55 p.m. Mr. Wall seconded. Voted (7-0).*

Respectfully submitted,

Eliza LoPresti
Recording Clerk