

Hampton IWWA Minutes
Special Meeting – April 4, 2024
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Vice-Chairman Witkowski called the Meeting to order at 6:37PM.

Present for the Board: Peter Witkowski, Stan Crawford, Maury Burr, Martin Mlyniec.

Not Present: Heather Bonnekson, Penny Newbury

Staff and Others Present: Wetlands Enforcement Officer Jay Gigliotti, Applicant Jerry Misak, Recording Clerk Dayna Arriola, residents.

Item 1: Audience for Citizens: Residents were informed that they could speak on Agenda items during the time the Commission addressed them.

Item 3: Old Business:

1. WP0324-01: Applicant: Jerry Misak; 272 North Bigelow Road; Proposed Activity: Contain and direct water from municipal swales and to exit water to existing municipal swale across applicant's property which then exits to storm drain. Prior to exiting applicant's property, applicant shall dig a small retention area/farm pond for agricultural purposes of approximate size 15' X 30'.

Vice-Chairman Witkowski reviewed the application. WEO Gigliotti reported that he met with the applicant to discuss erosion controls, and that the applicant is working toward compliance. Revisions to the application include enlargement of the retention area/farm pond to an approximate size of 20' X 40'. Applicant Misak distributed a letter detailing the circumstances which warranted the proposed activity, clarification of some of the issues raised, and his continued commitment to take "proactive steps...to rectify the situation" and to "environmental stewardship". Members thanked Mr. Misak for the correspondence.

Stan Crawford clarified the controls the Agency is requesting, including the need for rip-rap to line the water course, and suggested the installation of an overflow pipe if necessary. It was noted that the pond has been expanded to 20' X 40', and the applicant stated that the depth would be between 3' and 6'. The map included with the revisions to the application stipulates that the spoils, secured with a silt fence, will be used to fill tree stump holes.

Motion: Martin Mlyniec, seconded by Stan Crawford, to accept the application as amended and approve the permit for a 20' x 40' pond, remaining 6' from the property boundary, a 2' wide x 6" deep trench lined with rip-rap extending from the east, and with erosion controls on the western side of the pond to include a silt fence, rip-rap and staked hay bales, and an overflow pipe if needed at the owner's discretion. Motion carried unanimously, Maury Burr abstaining.

Fees totaling \$110 include \$30 for the application, \$60 for DEEP, and \$20 for the inspection. There was some discussion concerning the requirement of fees as a farm pond is an agricultural use. WEO Gigliotti explained the difference between a Jurisdictional Ruling for a Use as of Right, and an Application for Permit, in this case initiated because of complaints and ultimately resulting in the conditions listed. Resident John Olenick encouraged the Agency to be more honest with prospective applicants concerning Rights as of Use and questioned the need for the IWWA intervention where there were no wetlands involved. Stan Crawford clarified that the Agency's charge includes watercourses, which were involved with this permit. Vice-Chairman Witkowski thanked Mr. Olenick for his suggestions, though he took exception with the characterization of officials as "dishonest".

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Item 4: New Business:

WP0424-01: Applicant: Ken Goodman; 349 South Bigelow Road; Proposed Activity: Place shed in location with Upland Review Area.

WEO Gigliotti reviewed the proposal for an 8' x 16' storage shed in an Upland Review Area near a pond fed by a brook. Since the applicant was unable to attend the meeting, it was decided to table approval until all questions, including run-off from the roof of the shed, and its contents, could be clarified. It was determined that no site walk is required for this activity.

Motion: Stan Crawford, seconded by Maury Burr, to table approval of the permit. Motion carried unanimously.

Item 5: Audience for Citizens: none.

Item 6: Adjournment

There being no further business to come before the Agency, the Meeting adjourned at 7:17PM.

Respectfully Submitted,

Dayna Arriola, Recording Secretary