

Town of Andover Connecticut
Inland Wetlands & Watercourses Commission
June 1, 2020 7:00 P.M.
VIRTUAL MEETING VIA ZOOM WEBSITE PLATFORM

Regular Meeting Minutes

Members Present: Chair Meghan Lally, Jed Larson, and Vice Chairman George Elliott, Ed Smith, Jim Hallisey (serving as Interim Wetlands Agent for the meeting)

Members Absent: Wayne Thorpe (Alternate)

Others Present: Town Administrator Eric Anderson, Administrative Assistant Amanda Gibson, Recording Secretary Linda McDonald, Gerry Hardisty, Kevin Arnesen, Jansuz Jandzinski, William Phillips, Donna Phillips, Megan Phillips, Joan Foran, Hank Gruner, and Andrew Bushnell P.E. from Bushnell Associates

1. CALL TO ORDER: Chair M. Lally called the regular meeting to order at 7:03 p.m.

2. ROLL CALL/SEATING OF ALTERNATES

3. ADDITIONS/CHANGES IN ORDER TO AGENDA: None.

4. APPROVAL OF MINUTES:

a. May 04, 2020 Regular Meeting Minutes:

J. Larson MOVED to approve the May 04, 2020 regular meeting minutes as presented. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

b. May 09, 2020 Special Meeting (Site Walk) Minutes:

The following amendment was made to the May 9, 2020 special meeting minutes: "Add Meghan Lally to Regular Members Present".

J. Larson MOVED to approve the May 9, 2020 special meeting minutes as amended. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

5. PUBLIC COMMENT: No public comment.

6. PERMIT APPLICATIONS

a. IWWC20-21: Manuel Correia, 12 Webster Lane (Bolton, CT), new residential construction in an upland review area:

M. Lally confirmed this is, in fact, a subdivision application.

G. Hardisty said the house location was staked. This lot had previously been cut out of a bigger lot after subdivision regulations were established so creation of this additional lot is not a free cut.

Members viewed photos taken of the flagged staked area and test pits area for the proposed caretaker's cottage.

G. Elliott MOVED to approve application IWWC20-21: Manuel Correia, 12 Webster Lane (Bolton, CT), new residential construction in an upland review area with standard conditions to apply. Discussion followed with questions about the need to see a summary ruling. G. Elliott withdrew his motion.

Agent Hallisey requested that, as a condition of approval, notation on the site plan filed with the Town Clerk indicates these are not two approved lots. The preliminary plan does not state it is a proposed subdivision.

M. Lally said, through the governor's executive order, the commission has an additional 90 days beyond June 10th to render a decision on the application.

G. Elliott asked if the application conditions required in the letter from the Town to the applicant dated May 6, 2020 had been addressed. G. Hardisty confirmed the three conditions had been satisfied as noted in correspondence dated May 22, 2020.

M. Lally MOVED to postpone the decision on this application to the July meeting, J. Larson SECONDED. The commission requested G. Hardisty stake out corners of septic system. Agent Hallisey will draft the summary ruling conditions. By roll call vote, MOTION CARRIED 4:0:0.

- b. IWWC20-22: Jansuz Jandzinski, 40 Townsend Road, single-family residence deconstruction/demolition in an upland review area:

J. Jandzinski said, since the last meeting, he viewed the location with Agent Hallisey to determine the location for silt fence.

Agent Hallisey said there will be minimal impact with this project.

J. Larson MOVED to approve application IWWC20-22: Jansuz Jandzinski, 40 Townsend Road for a single-family residence deconstruction/demolition in an upland review area with standard conditions to apply. Permit duration will be two years. E. Smith SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

- c. New Application: IWWC20-23: William R. & Donna J. Phillips, 57 Hendee Road, new residential construction in an upland review area:

Engineer Andrew Bushnell from Bushnell Associates representing the applicant explained William and Donna Phillips own two parcels on Hendee Road. Parcel two is a vacant lot and surrounds the 57 Hendee Road site.

The proposal is to move approximately 600 cubic yards of fill from the upland area on the west side of parcel 2 to the east side of parcel 2. Then, to create an approved building lot on the east side of parcel 2 for a family member, to construct a raised ranch home (slab on grade) to be built 2' above base flood elevation. Work will occur approximately 100' from the wetlands and 160' from the

watercourse. The proposal is to construct single family residence on parcel two. The well and septic locations are outside the upland review area.

M. Lally asked about any environmental concerns removing material from westerly side of the property to the easterly side rather than bringing in fill. A. Bushnell explained for every yard of material put into a flood plain area, a yard has to be taken out somewhere else on the property, so not to decrease the flood storage in that flood plain.

A site walk was scheduled for Saturday, June 13, 2020 at 9:00 a.m. Precautions and social distancing should be followed. The members asked that house and septic system corners be staked out if possible before the site walk.

Agent Hallisey said there are zoning and wetlands permits needed for this application. He expressed confusion with the applicability of the Town's flood prone zone in the wetlands regulations regarding this application. He has made the applicants and their engineer aware of the potential of an issue. Other permits may be required as well.

Discussion followed on the possibility of having a public hearing for this application. No action taken.

- d. New Application: IWWC20-24: Town of Andover, Shoddy Mill Road, drainage improvement project:

Town Administrator E. Anderson described the project by the Andover Public Works to correct a failing drainage system at the intersection of Wales Road and Shoddy Mill Road on a town road or town ROW.

Agent Hallisey reported he has walked the site and the project is straight forward and contained.

Members viewed photos as E. Anderson explained the project and were encouraged to visit the site on their own before the July meeting. No action taken.

7. OPEN ENFORCEMENT ITEMS

- a. Matthew Haggerty, Townsend Rd. 27/21/16A, complaint re: logging in a wetland:

Agent Hallisey said hay bales are in place and applicant said he would remove the fill from the wetlands in June. He will follow-up with M. Haggarty.

J. Larson commented that when the site walk was conducted before the project was started, he had a much smaller footprint of land that would be cleared than he sees out there today. He said the work is more extensive now that it is all done.

Conservation Biologist Hank Gruner expressed concern with tree removal in the wetlands during the amphibian mating season. J. Hallisey will meet with Hank Gruner at the site to decide best course of action. M. Haggarty will be notified.

- b. Matthew Grant, 28 Shoddy Mill Rd., Notice of Violation re: disturbance to a wetland:

Agent Hallisey met with M. Grant about disturbance in the swale along the road. M. Grant stopped work and Agent Hallisey indicated M. Grant wants to plant some crops and cut trees. Agent Hallisey is scheduled to meet with him again tomorrow to get more information.

- c. Kurt Boehm and Sandra Nichols, 41 Route 87, Order to Remediate deposition of material into a wetland without a permit:

Agent Hallisey reported he is still working with K. Boehm and S. Nichols regarding removal of material from 41 Route 87. He hopes to have this resolved soon.

- d. Kurt Boehm, 33 Route 87, Order to Remediate construction in an upland review area and deposition of material into a wetland without a permit:

Agent Hallisey reported K. Boehm is willing to move the portable shed but there are not many locations available that are not within 100' of wetlands. This is a very restrictive lot. No frost protection is needed for this size shed and Agent Hallisey would like to discuss the possibility of placing the shed directly on the ground. He said he will have plans with options for possible locations for the July meeting which would show how the shed would sit on the ground and not disturb the soil.

Discussion followed on moving the shed to another temporary location to enable restoration of the embankment. (removal of fill). The commission asked Agent Hallisey to work on getting the fill removed.

- e. Ruby A. Miralda de Puerto, 129 Hebron Road, Cease and Desist Order re: removal and deposition of material into a wetland without a permit:

Agent Hallisey said an application and plan were received late today and he has not reviewed the documents. The plan includes a garage with an accessory apartment with pool and shed. The plan does not definitively indicate if the trenches are on the property or not. Agent Hallisey said there are ongoing complaints of work going on and tree cutting in the rear of the property. He will follow-up and consult with Attorney Branse.

Discussion followed on holding a public hearing on an application if they determine it would be in the public's best interest. Neighbors could also file a petition to hold a public hearing.

8. AGENT REPORT

Agent Hallisey reported on a property on Hendee Road where a foundation was poured for a house and garage. There is indication of activity of material being removed and silt coming off the site, which was not on the original plan. Agent Hallisey will issue a cease and desist order.

M. Lally shared a google map aerial view of the property. She noted there is a steady stream of sediment flowing into the catch basins. The prior approval for the project was an administrative approval from the wetlands agent at the time. Agent Hallisey will review the conditions on the permit for any for sedimentation controls.

H. Gruner noted this is a major area for nesting wood turtles along the banks of the Hop River. J. Hallisey will follow-up.

9. PUBLIC COMMENT: K. Arnesen asked if there will be a public hearing on application for 12 Webster Lane. J. Larson said, if an application is submitted to the Planning and Zoning Commission a public hearing would be required per the town's subdivision regulations.

10. OTHER BUSINESS

a. Commission Vacancies: M. Lally noted there are two alternate vacancies.

b. Wetlands Enforcement Officer/Agent Hiring Update: M. Lally said there is an interview scheduled next week. The Town will continue with a rolling interview schedule until an appropriate candidate is found.

G. Elliott MOVED to authorize M. Lally as a duly authorized agent for the commission to make decisions on 100' or 200' upland review areas that are not considered significant activities. J. Larson SECONDED. Discussion followed and consensus was not to impose any further restrictions on her areas of decisions. By roll call vote, MOTION CARRIED 3:0:1 with M. Lally abstaining.

11. ADJOURNMENT:

G. Elliott MOVED to adjourn the regular meeting at 9:15 p.m. J. Larson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

Respectfully submitted by Linda H. McDonald

Linda H. McDonald

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.