

Town of Andover Connecticut
Inland Wetlands & Watercourses Commission
July 14, 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

Members Absent: Wayne Thorpe (Alternate)

Others Present: Town Administrator Eric Anderson, Wetlands Agent Joseph Wagner, Recording Secretary Linda McDonald, Megan Phillips, Hank Gruner, Jacob Winnie, Ruby Puerto, Amy Knox, Jeff Polhemus, John Benda, Janice Benda, and Andrew Bushnell P.E. from Bushnell Associates

1. CALL TO ORDER: Chair M. Lally called the regular meeting to order at 7:00 p.m.

2. ROLL CALL/SEATING OF ALTERNATES

3. ANNUAL MEETING

3.a Election of Officers:

G. Elliott MOVED to nominate Meghan Lally as IWWC Chair. E. Smith SECONDED.

J. Larson MOVED to nominate George Elliott as IWWC Vice Chair. E. Smith SECONDED.

No other nominations were put forward.

G. Elliott MOVED to close the nominations for election of officers. E. Smith SECONDED. MOTION CARRIED 4:0:1 with J. Hallisey abstaining.

By roll call vote, the MOTION to nominate Meghan Lally as IWWC Chair CARRIED 5:0:0.

By roll call vote, the MOTION to nominate George Elliott as IWWC Vice Chair CARRIED 5:0:0.

3.b Alternate Vacancy Applications:

M. Lally explained two applications have been received for the two Alternate vacancies on the commission: Members reviewed and discussed the resume and qualifications of Elisabeth Miano.

G. Elliott MOVED to nominate Elisabeth Miano as an Alternate to the IWWC . E. Smith SECONDED. J. Hallisey asked if she is a registered voter in Andover. Her voter status will be checked. By roll call vote, MOTION CARRIED 5:0:0.

Members reviewed and discussed the resume and qualifications of Gabrielle Anderson.

G. Elliott MOVED to nominate Gabrielle Anderson as an Alternate to the IWWC. E. Smith SECONDED. Her voter status will be checked. By roll call vote, MOTION CARRIED 5:0:0.

M. Lally will prepare nomination letters to submit to the Board of Selectmen to make these two Alternate appointments to the IWWC.

3.c Bylaw Review:

J. Larson MOVED to table the review of the bylaws to the August meeting . E. Smith SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

4. PUBLIC COMMENT: None.

5. ADDITIONS/CHANGES IN ORDER TO AGENDA:

G. Elliott MOVED to add agenda item 9.f: Hendee Road violation and to move agenda item 8.c to 8.a. E. Smith SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

6. APPROVAL OF MINUTES:

a. June 1, 2020 Regular Meeting Minutes:

G. Elliott MOVED to approve the June 1, 2020 regular meeting minutes as written. J. Larson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

b. June 13, 2020 Special Meeting (Site Walk) Minutes:

The following amendment was made to the June 13, 2020 special meeting minutes: Under 3. Site Walk: "Purpose of the fill is to raise proposed construction site ~~one foot~~ **two feet** above the 100-year flood level, anticipating that the nominal elevation of such flooding will be increased with future mapping."

G. Elliott MOVED to approve the June 13, 2020 special meeting minutes as amended. E. Smith SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

7. Administrative Approvals: None.

8. PERMIT APPLICATIONS

M. Lally introduced Joseph Wagner as the new Wetlands Agent. Agent Wagner said he studied marine policy at the University of Rhode Island. He has served on a wetlands commission for several years.

M. Lally noted the new Town website has launched and shared the new IWWC page. She said the new website will help promote government transparency and public involvement.

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

Upon request from the commission, Herpetologist Hank Gruner visited the property. The focus of his inspection was to determine if there were any probable ecological impacts from the proposed project on nearby wetlands or watercourses.

H. Gruner explained the property has a narrow-isolated wetlands swale. Due to its small size, narrow configuration, and ephemeral hydrology, he does not believe that the watercourse provides high value habitat for wildlife. In his letter to the commission dated June 21, 020, he wrote "The primary ecological value associated with the watercourse on the parcel is likely it's potential role as an ecological corridor. Although narrow, this forested corridor may play a role in facilitating the dispersal of animals across the larger landscape, providing connectivity between Warner Swamp, Burnap Brook and the Daly Swamp system to the south of the parcel."

H. Gruner recommended providing as much vegetated buffer capability as possible for protection of habitat during construction activity and to shift the location of the proposed house further away to the southwest portion of the parcel.

M. Lally shared the report from Civil Engineer Brandon Handfield, who was hired to review the site plan and other application materials for the project at 12 Webster Lane. B. Handfield was not in attendance to answer any questions. The following are his recommendations for consideration by the commission:

1. It is noted a substantial portion of the site is located within a regulated wetland/watercourse or upland review area. A review of the plan indicates there are reasonable alternatives to reduce impact and/or proximity to the wetlands such as:
 - a. Rotation of the proposed house.
 - b. Alternate CTDPH approved leaching systems which would provide an increased effective leaching area with a smaller footprint, such as the Geomatrix GST6212.
 - c. Reversing the location of the proposed primary and reserved areas.
2. Show a 100' URA for the confined wetlands to the west. Confirm if these areas are vernal pools.
3. Provide E&S details and notes on the plan in accordance with the 2002 CT Guidelines for Soil Erosion & Sediment Control.
4. It is presumed the teal dashed line represents silt fence. This line should extend the full length of the driveway as wetlands are downgradient. Add additional silt fence at the interior property corner to protect the wetland areas to the west. Label silt fence or add it to the legend for clarity.
5. No run-off from new impervious surfaces (gravel & roof) should be directed towards the isolated wetland to the west. If it is, drainage computations should be provided to ensure there is adequate capacity within depression to accommodate any increase in volume without impacting the existing property.
6. The application states a disturbance of 0.27 ac within the 100' URA. A review of the plan supports a value closer to ± 0.40 ac Recommends several reasonable alternatives to reduce impact. Engineer not available for comment.

J. Larson noted on the plan submitted to the IWWC, the primary leach field is close to wetlands. He said the plan submitted to the Planning and Zoning Commission (PZC) has this reversed with the reserve leach field. J. Larson said there needs to be consistency with the two plans.

M. Lally recommended postponing decision on this application until the commission has the revised site plan addressing the items in H. Gruner's and B. Handfield's reports. J. Larson commented the

commission has to be sensitive to the abutting neighbor regarding the rotation and/or moving the location of the house.

J. Hallisey asked how the applicant and engineer would address BMP's in the approval process. M. Lally responded H. Gruner said he could educate the applicant.

G. Elliott MOVED to postpone discussion and possible action on IWWC20-21: Manuel Correia and Gerry Hardisty, 12 Webster Lane (Bolton, CT), subdivision and new residential construction in an upland review area to the August 3, 2020 regular meeting, pending submittal of a revised site plan. E. Smith SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

8.b IWWC20-24: Town of Andover, Shoddy Mill Road, drainage improvement project:

The commission noted the town has submitted a thorough application.

J. Larson MOVED to approve IWWC20-24: Application of the Town of Andover for a drainage improvement project on Shoddy Mill Road. E. Smith SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

8.c IWWC20-23: William R. and Donna J. Phillips, 57 Hendee Road, new residential construction in an upland review area, modification of a floodplain:

At the request of the Andover Inland Wetlands and Watercourses Commission (IWWC) H. Gruner conducted a review of a proposed new residential development located at 57 Hendee Road. In reference to section 10.2(a) of the IWWC regulations relating to the consideration of potential impacts from a proposed activity on a wetland or watercourses' capacity to support fish and wildlife, among other values, the focus of this review was to determine if there are any probable ecological impacts from the proposed project on nearby wetlands or watercourses, and to identify options that would avoid or mitigate any potential impacts. He participated on an IWWC site walk that was conducted on June 13.

He wrote the following in his review:

"Potential ecological impacts associated with the proposed project fall into two categories. The first are impacts associated with site preparation and construction. The proposed activities will not result in the direct loss of critical habitat for wood turtles or other species of wildlife of conservation concern."

"The second category of potential impacts are associated with on-going activities within areas of critical floodplain habitat located on the site. The open canopy floodplain habitat located adjacent to the Hop River and extending to its confluence with the Skunkamaug River provides important seasonal basking and nesting habitat for wood turtles, as well as habitat for a variety of early successional habitat-dependent wildlife. In recent years, mowing to maintain open fields and gardening activities have been among the land uses in this area. While these activities are not completely incompatible with wood turtles and other wildlife, they can result in significant impacts. Ideally, this floodplain habitat should be left to remain in a natural state, with minimal disturbance (i.e., foot paths, small gardens or clearings). However, if more intensive land use activities involving

mowing are planned, it is important to employ best management practices (BMPs) to minimize or avoid impacts.”

“The objectives of the proposed conservation recommendations are: 1) maintain the quality of critical floodplain habitat located on the site, 2) prevent barriers to movement of turtles and other wildlife along the Skunkamaug and Hop river floodplain corridors, and 3) avoid injury or mortality to individual wood turtles. • Exclusion fencing (sediment and erosion control fencing) should be established around the northern and western perimeter of the already cleared area proposed for fill excavation (western section of parcel 2). The post-excavation re-seeding plan for this area should be carefully reviewed to ensure that only a native seed mix is utilized.”

H. Gruner’s recommendations are as follows:

“Prior to site preparation or construction activities for the proposed residential structure to be located on the eastern section of the site, exclusion fencing should be installed at the extent of clearing along the northern (river-facing) perimeter of the area. Standard sediment and erosion control fencing and installation design can be used to serve this purpose. If timing of the project results in the site preparation and construction work occurring in this area during the spring months (March-June), exclusion fencing should be extended along the western extent of clearing along the existing pathway to prevent turtles from attempting to nest in recently cleared areas. • The unimproved path/roadway that extends into the floodplain following along the embankments of the Skunkamaug and Hop rivers should be allowed to naturally revegetate. If it is necessary to maintain this path/roadway, it should remain in an unimproved state (no paving or gravel). Any vehicular access in this area should be restricted to the dormant season (November 1-March 1). • Allow the floodplain habitats to remain in a natural state with minimal disturbance. Any mowing for pathways, or agricultural activities within the herbaceous floodplain should be restricted to the dormant season (November 1-March 1) and not located within 30 feet of the river. If mowing is determined to be necessary during the active season, it is recommended that the following best management practices be employed: a) delay mowing until after June, b) mow in a pattern that progresses from the interior towards the river, c) maintain a 30-foot buffer along the riverbank, d) utilize a sickle-bar style mower rather than a rotary blade mower which has been shown to reduce mortality, and) set the blade height to greater than seven inches (Erb and Jones 2011).”

M. Lally noted to Andrew Bushnell P.E, representing the applicants, that the commission does not have the updated site plan as requested. She asked that he contact Agent Wagner and Engineer B. Handfield.

G. Elliott commented the lime application should be based on a high nitrogen fertilizer that would provide nutrients with less potential for phosphate contamination.

M. Lally said the site plan needs to have delineation of the upland review area added and the commission will need a copy of that in order to proceed with a decision. She asked that the engineer to do a site plan review on the updated plan when received.

Further discussion and possible action were tabled to the August meeting.

- 8.d** IWWC20-25: New Application: Jeff Polhemus of Skip’s Wastewater Services (J. & J. Benda), 157 Lakeside Drive, new septic installation in an upland review area:

J. Polhemus said the property owners need a septic replacement and have had soil testing done and received health district approval on the plan submitted to commission. J. Polhemus explained the project includes a new septic tank, new piping out to leaching structure, and new sand fill. He said the final grade will not change much and there will be no disturbance to the lake.

Consensus of commission was not to schedule a site walk for this application. Possible action may be taken at the August 3, 2020 regular meeting.

9. AGENT REPORT/ ENFORCEMENT

M. Lally explained Agent Wagner just started and has not had time to review the enforcement actions. J. Hallisey will meet with Agent Wagner to familiarize him with the ongoing enforcement actions.

G. Elliott recommended a special meeting when Agent Wagner is ready to discuss the actions. Agent Wagner commented he would prefer to wait until August 3, 2020 meeting.

M. Lally MOVED to postpone discussion on all agenda items under agenda item 9 to the August meeting. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

9.a Matthew Haggerty, Townsend Rd. 27/21/16A, complaint re: logging in a wetland: No discussion.

9.b Matthew Grant, 28 Shoddy Mill Rd., Notice of Violation re: disturbance to a wetland: No discussion.

9.c Kurt Boehm and Sandra Nichols, 41 Route 87, Order to Remediate deposition of material into a wetland without a permit: No discussion.

9.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: No discussion.

9.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: No discussion.

9.f Hendee Road violation: No discussion.

10. OTHER BUSINESS

a. Public Works Permit Requirements:

M. Lally explained Town Administrator E. Anderson asked whether or not the commission could provide some standard guidance regarding approvals for public works operations, i.e. could a standing approval be issued for certain types of public works activities so the town would not have to come before the commission for approval each time. This would streamline the permit process for routine public works activities. Consensus of the commission was to charge Agent Wagner to research how other towns address this issue and to follow-up with E. Anderson to understand the question. M. Lally encouraged Agent Wagner to reach out to Mark Branse, Town Land Use Attorney Mark Branse after conducting his research for legal guidance.

b. IWW Regulation Update:

M. Lally said she drafted IWWC regulations that include the required State model regulations updates. A public hearing is required for approval. She will send out the draft and asked the commissioners to review the application requirements and fee structure. Further discussion was tabled to the August meeting. No action taken.

c. Application Revision: M. Lally asked the members to review the revisions the IWWC application for discussion at the August 3, 2020 regular meeting.

G. Elliott suggested holding a workshop outside the public meeting process. M. Lally shared an application checklist she developed. She asked the members to come to the August meeting with specific recommendations.

11. NEXT MEETING: Monday, August 3, 2020 at 7:00 p.m.

12. ADJOURNMENT:

G. Elliott MOVED to adjourn the regular meeting at 8:50 p.m. E. Smith SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

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.