

Town of Andover
INLAND WETLANDS & WATERCOURSES COMMISSION
Monday, March 1st, 2021 - 7:00 P.M.
Virtual Meeting via Zoom Website Platform

REGULAR MEETING MINUTES

Members present: Vice Chair George Elliott, Jed Larson, Jim Hallisey, William Munroe (alternate)

Member absent: Chair Meghan Lally, Ed Smith

Others present: Joseph Wagner – Wetland Agent, Mindy Gosselin – Board Clerk, Scott Person, Erik Loteczka, Brandon Handfield, George Logan, George Correia, Hank Gruner, Andrew Bushnell, Jeff Murray

1. CALL TO ORDER: Vice Chair G. Elliott called the regular meeting to order at 7:00 p.m.
2. ROLL CALL/SEATING OF ALTERNATES: W. Munroe was seated for E. Smith.
3. ADDITIONS/CHANGES IN ORDER TO AGENDA

Add new Section 8. NEW BUSINESS and add Item 8a. IWWC 21-03: Doris Chamberlin Nature Pond

Subsequently renumber all items following

Remove Item 10a. Doris Chamberlain Nature Pond - brush clearing

Add item 11b. Resignation of IWWC Chair

Add item 11c. Revision on Regulations and Scheduled Hearings

J Hallisey MOVED to change the agenda as indicated above. J. Larson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

4. APPROVAL OF MINUTES
 - a. January 26th, 2021 Special Meeting Minutes

J. Hallisey MOVED to approve the January 26th, 2021 Special Meeting Minutes as presented. W. Munroe SECONDED. By roll call vote, MOTION CARRIED 3:0:1, with J. Larson abstaining.

- b. February 1st, 2021 Regular Meeting Minutes

Item 6a. “However, when this application goes through the building permit process it would need a B 100 A compliance plan that should **show** a code compliant area.”

Item 7b. IWWC 20-36: Eric Loteczka and George Correia, 26 Old Farms Rd (Andover, CT), application to ~~application to~~ construct a wetland crossing for a proposed driveway and new house construction.

Item 7b. G. Elliott commented that this crossing in length isn’t that much greater than what was permitted on ~~Towson~~ **Townsend** road (with the exception of the elevation/build up on this application).

J. Larson MOVED to approve the February 1st, 2021 Regular Meeting Minutes as amended. W. Munroe SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

5. PUBLIC COMMENT: No one was present to comment.
6. LEGAL GUIDANCE UPDATE

G. Elliott explained that there has been correspondence between Agent Wagner and Chair Lally regarding policy procedure and regulations with Attorney Mark Branse.

When to hold and when not to hold public hearings were addressed in these conversations. The close reading of the town’s regulation regarding public hearings was not necessarily what the regulation intended. Attorney Branse stated, when in doubt, have a public hearing. The default should be to have a hearing if an activity is deemed a significant impact.

Timeline for permit modification was also discussed. Even though it is a modification application, the 14-day waiting period still applies.

The last topic that was discussed involved the Army Corps of Engineers (ACOE) involvement with wetlands impact, regulations, and the permit process. It was a complicated topic but the bottom line is that it is no concern of the Commission’s. It is not germane to the wetlands permitting process. It is an entirely independent matter that may require coordination but, in the end,, it is the Commission’s decision to approve an application based on the Town regulations and State statutes.

7. OLD BUSINESS – PERMIT APPLICATIONS
 - a. IWWC 20-36: Eric Loteczka and George Correia, 26 Old Farms Rd (Andover, CT)- application to application to construct a wetland crossing for a proposed driveway and new house construction.

Eric Loteczka, George Correia, Andrew Bushnell (applicant’s engineer) and George Logan (applicant’s ecological consultant) were present for this application.

George Logan from REMA Ecological Services submitted a supplemental report dated February 26th, 2021. He walked the site with the applicants and read the meeting minutes. Two watersheds were analyzed, the western corridor is wider and has gentle slopes. Whereas, the eastern stream is much narrower and has steeper slopes. G. Logan cover searched the eastern stream for aquatic organisms, he found caddisflies which are adapted to thrive in low flow situations. He then explained the openness ratio and the proposed box culvert in the western stream.

G. Logan discussed mitigation as mentioned in his memo. There are opportunities for wetland habitat restoration/enhancement. The invasive species, Japanese barberry, could be removed mechanically. Then after two growing seasons of Japanese barberry removal, native shrubs could be planted. G. Logan believes that with the function and value of these wetlands, these plan revisions and proposed mitigation would be a feasible and prudent alternative.

J. Larson asked if this time of year would give a good picture of the stream's macroinvertebrates. G. Logan stated that you can see what organisms use the stream at this time of year and it gives better understanding of the stream's ecology.

H. Gruner stated that G. Logan is correct from the ecological connectivity standpoint. However, the challenge is that the system is complex. There is a hydrologic system coming off of uplands from larger wetland corridors and the Hop River. H. Gruner is concerned about the physical alterations to the characteristics and hydrology of the proposed site. He suggested that a feasible and prudent alternative could be to not do a crossing and to propose a common driveway off of Old Farms instead. E. Loteczka explained why a shared driveway would not be a feasible alternative due to correspondence with the neighboring property and the need for a variance due to a three-way easement.

A. Bushnell stated that he ran new calculations with the 3'x8' box culvert buried 25% on the west side and maintaining the 36-inch culvert pipe on the east side buried 25%. Just with the box culvert on its own, it can pass a 50-year storm event for both watersheds.

G. Elliott asked if these proposed changes were on an updated plan. A. Bushnell said no, they were waiting for feedback from the Commission and just finalized these changes.

J. Larson MOVED to schedule a public hearing on application IWWC 20-36 – 26 Old Farms Road before the Tuesday April 13th IWWC Regular Meeting. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

- b. IWWC 20-37M: Jean-Marc Bade, **344 Lake Rd** (Andover, CT), Proposed modification to previously approved permit (IWWC-1415-04), to construct an addition to a house within the 200-foot Andover Lake Upland Review Area

Brandon Handfield, the applicant's engineer, was present.

B. Handfield addressed comments from last meeting. The plans reference a 200 ft. regulated area and the entire property is within the 200 feet. The utility pole will be relocated, not sure how or when (the power company will be doing it) but it will most like be moved closer to the street – not closer to the lake. B. Handfield shared the site plan on the screen. He explained the proposed addition.

J. Larson asked about the soil stockpile; was the stockpile for the septic repair or this proposed project? B. Handfield stated that it is for the proposed project because they cannot stockpile on the leaching field. It would be enclosed by silt fence and may be smaller in size when the project commences.

G. Elliott stated that all the feasible and prudent alternatives have been evaluated and this ruling is within the scope of the Commission's jurisdiction.

J. Larson MOVED to approve application IWWC 20-37M, 344 Lake Road for a 5-year duration. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

8. NEW BUSINESS

- a. Application IWWC 21-03 Doris Chamberlin Nature Pond

This application is from the Town of Andover. The application proposes to remove overhanging branches around the perimeter of the pond and branch debris in the middle of the pond to allow for the recreational use of ice skating. Agent Wagner explained the submitted pictures from his site walk on 2/23/2021. Agent Wagner stated that they plan to do this work while the pond was frozen.

J. Larson asked if this activity needs a permit or if it is permitted as of right. J. Hallisey stated the recreational use is as of right but the construction of recreational use is not.

J. Larson MOVED to deem application IWWC 21-03 a significant impact. J. Hallisey SECONDED. By roll call vote, MOTION DEFEATED 0:4:0.

This project will be further discussed next meeting.

9. ENFORCEMENT ACTIONS

- a. Kurt Boehm, 33 Route 87 (Andover, CT), construction in an upland review area and deposition of material into a wetland without a permit. Order to Remediate issued 2/24/2020; Show Cause Hearing held 3/2/2020.

Agent Wagner stated that K. Boehm told him that his contractor Mark Williams did not move the shed because it was frozen to the ground. They are waiting for the ground to thaw.

- b. Hector Rivera, 27 Hendee Road (Andover, CT), Complaint of possible permit violation during construction activities.

Agent Wagner looked at the previously submitted site plan from May 17, 2018 that shows a silt fence. Agent Wagner stated that it appears that the silt fence is not currently installed. He sent a certified letter to H. Rivera to install the silt fence when the weather permits.

10. AGENT REPORT

Agent Wagner stated that two upland review permits were issued since last meeting.

A permit was issued to Hillside Self-Storage Center on 132 Route 6. The permit encompassed reinforcing the existing timber retaining wall and placing rip rap in the upland review area (URA). He met the project engineer, Andrew Bushnell, on February 5th, 2021 to review construction sequencing. The wetlands are delineated on site and flagged. The property owner stated that they'll most likely start March 8th.

A permit was also issued for 33 Gilead Road. The permit was to replace an existing 8'x8' shed with a 12'x24' prefabricated garage on the existing stone pad and part of the existing gravel driveway. This activity is within the URA and is surrounded by developed lawn area.

11. OTHER BUSINESS

- a. Possible action – Adoption of Revised IWWC Bylaws

G. Elliott explained the revisions of the IWWC Bylaws and the process of approving them moving forward.

J. Larson MOVED to adopt the revised IWWC Bylaws. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

J. Hallisey asked for clarification regarding the filling of vacancies. G. Elliott cited revised section 4.3 of the regulations. He explained that the initial appointment to fill would be made by the commission membership and would only be good for the

remainder of the term. That would be communicated with the Board of Selectman, the Board of Selectman would then take care of reappointment to the seat.

J. Hallisey also found a potential typo where the regulations reference the Town Council when it should be the Town Administrator. G. Elliott took note.

G. Elliott will now complete the revisions and date the document March 1st, 2021. They will be posted to the website.

b. Resignation of IWWC Chair, Meghan Lally

M. Lally submitted a letter of resignation effective immediately dated March 1st, 2021.

J. Hallisey MOVED to accept the resignation of Chair Meghan Lally. J. Larson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

G. Elliott is willing to step in for M. Lally. He is going to speak to M. Lally to discuss her future involvement in IWWC, she has expressed interest in remaining a regular member. There will be more discussions on filling the Chair and potentially Vice Chair roles next meeting.

c. Review Regulation and Scheduled Hearings

Attorney Branse acknowledged that the language of Regulation Section 9.1 is vague and confusing. There are some double negative implications. The Commission needs to clarify the language.

G. Elliott stated that the regulations need to be revised to include this language clarification. This revision would require a public hearing. J. Hallisey stated that the revisions may need an IWWC application and be approved by CRCOG and others.

12. NEXT REGULAR MEETING: Tuesday, April 13, 2021 @ 7:00 p.m.

13. ADJOURNMENT

J. Hallisey MOVED to adjourn the regular meeting at 8:53 p.m. J. Larson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

Respectfully submitted by Mindy Gosselin,

Mindy Gosselin

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