

Town of Andover
INLAND WETLANDS & WATERCOURSES COMMISSION
Monday May 3rd, 2021 - 7:00 P.M.
Virtual Meeting via Zoom Website Platform

REGULAR MEETING MINUTES

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

Member absent: Chairperson Meghan Lally

Others present: Joseph Wagner – Wetland Agent, Mindy Gosselin – Board Clerk, Erik Loteczka, Melissa Loteczka, George Correia, Andrew Bushnell, Joe Allard, The Duchesneau's

1. CALL TO ORDER: G. Elliott called the meeting to order at 7:00 p.m.
2. ROLL CALL/SEATING OF ALTERNATES: W. Munroe was seated for M. Lally.
3. ADDITIONS/CHANGES IN ORDER TO AGENDA: None.
4. APPROVAL OF MINUTES
 - a. April 13th, 2021 Public Hearing Minutes

Public Hearing Item 3: Whereas, the western stream will flow through a larger ~~4 ft wide by 8 ft tall~~ **8 ft wide by 4 ft tall** box culvert (25% embedded).

J. Hallisey MOVED to approve the April 13th, 2021 Public Hearing Minutes as amended. J. Larson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

- b. April 13th, 2021 Regular Meeting Minutes

J. Larson expressed that he is unsure how to proceed. He needs to think about the comments made regarding upstream ~~affects~~ **effects** and setting a precedent.

G. Elliott stated that upstream ~~affects~~ **effects** should be considered in the decision.

J. Larson MOVED to approve the April 13th, 2021 Regular Meeting Minutes as amended. W. Munroe SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

5. PUBLIC COMMENT:

J. Allard commented on the previous building history of the 26 Old Farms property. G. Elliott stated that Allard's statement has some misunderstandings. The history is another topic that was partially touched on last meeting. However, it does not directly pertain to the current application at hand.

J. Allard expressed his concern about upstream and downstream impacts to neighboring properties in regards to IWWC 20-36 26 Old Farms Rd. G. Elliott explained the wetland corridor and previous testimonies. He also stated that the Commission is cognizant of the potential wetland impacts.

6. OLD BUSINESS – PERMIT APPLICATIONS

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

G. Elliott stated that a review from engineer Brandon Handfield, at request of the Commission, was received since last meeting. This review was in regards to the potential for upstream and downstream impacts from the proposed activities.

G. Elliott asked A. Bushnell about B. Handfield's comment regarding the hydraulic grade line for 100 years storms. A. Bushnell stated that hydraulic grade line is the level of the water. G. Elliott brought up a hypothetical situation: if both culverts get completely blocked and the culvert acts as a dam, what would happen to the water? He then followed up with thinking that the water would just flow over the dam before it started backing up. A. Bushnell agreed, the water would flow over.

A. Bushnell stated that the materials that B. Handfield requested can be provided to him. This would allow him to review the application further.

J. Larson stated that he would like B. Handfield to address the question that was asked. He also asked if the public hearing should be reopened. G. Elliott stated that since this information was specifically requested by the Commission, it will be a part of the record through the decision-making process. The public hearing will not be reopened.

J. Hallisey stated that he reviewed the letters from both environmental consultants. He stated that the town's environmental consultant seems to still be concerned but there was no definitive path forward besides installing a bridge.

J. Larson stated that on the site plan, page 5 of 6, the culvert orientation was not clear. Additionally, the plans state 3'x8' when we have been talking about 4'x8'. A. Bushnell stated that it is 3' because 1' will be filled in to be a natural element. There will be 3 ft of clear space.

J. Larson brought up disconnect in the topographic data. A. Bushnell stated that it was all field topography through a certain area because it was a critical area. He also used an assumed datum/benchmark. He explained that when they went to do the resubdivision, they had the old topography from the original subdivision that was on a different datum. So, they used the original subdivision plan topography for the

subdivision part. A. Bushnell stated that there is no way to tie in to the original subdivision plan to get on to that benchmark.

G. Elliott MOVED to schedule a special meeting on Tuesday May 18th, 2021 at 7 p.m. and include this application on the agenda. By roll call vote, MOTION CARRIED 5:0:0.

E. Loteczka provided a review of the whole application and the process thus far. He explained the history of the design and how they arrived at the current proposed design. They have tried to conform to the concerns that H. Gruner and B. Handfield expressed. E. Loteczka stated that almost one year ago the conceptual design was brought to the Commission and comments were provided. After that meeting, the land was acquired and a more accurate wetland delineation began. A. Bushnell was then brought on board and then later on, G. Logan was as well. E. Loteczka has adapted the design to address all of the comments that have arose. He recognized J. Allard's concerns and also referenced that there are not any specific regulations that would prohibit what is currently proposed.

E. Loteczka also reviewed the Army Corps of Engineers' role in this application and their criteria. The definition of span does apply to the activity proposed in this project.

J. Larson asked why they went with the box culvert. G. Correia stated that the four-sided box culvert is more available than the three-sided box culvert. The four-sided box culvert is also structurally stronger.

J. Larson stated that he is still thinking about H. Gruner's comments. Previously, having 2 box culverts was brought up and he is wondering if that's a better alternative. E. Loteczka stated that one aspect is cost, these culverts are very expensive. Additionally, the current one culvert proposal already satisfies the 100-year storm. Another culvert would just be preserving more of the stream bed.

J. Larson stated that he reviewed the submitted photos and brought up the vastness of the wetlands. G. Elliott stated that the extensive/vast area of wetlands is just downstream of the crossing. E. Loteczka agreed.

7. 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 he sent a letter via email on April 15th, 2021 to K. Boehm about how the Commission wanted progress before this next meeting. K. Boehm told Agent Wagner that his contractor would be out soon. Mark Williams, his contractor, was out on site and has his equipment there as well. K. Boehm told

Agent Wagner that they plan on moving the shed within the next day or two. He also sent Agent Wagner site pictures (of the driveway getting cut, etc.).

This will be on the special meeting agenda.

8. AGENT REPORT

- a. Pending Administrative Permit (Agent) Approval- IWWC 21-04: Rick Risley, **85 Lakeside Drive**- Placement of a 12-foot x 10-foot prebuilt shed within the Andover Lake 200-foot Upland Review Area.

Agent Wagner stated that he is waiting for zoning – a nutrient allocation worksheet may be needed. This may change the plan from the wetland’s perspective.

J. Hallisey stated that the utility shed is not in compliance with zoning and he did mention it to the owner, but he may have not understood. The owner has not submitted a zoning application.

- b. Pending Administrative Permit (Agent) Approval- IWWC 21-05: Timothy Gilmore, **191 Long Hill Road**- Cutting of trees and removal of stumps within the 100-foot Upland Review Area of an intermittent stream

Agent Wagner stated that someone cleared a large area of trees in the 100-foot upland review area. He indicated that he wanted to remove the stumps next, Agent Wagner told him that he needed an application and he is currently working with him on that.

J. Hallisey stated that fill will most likely need to be brought in and that was not included in the application. The application’s scope of work may be a little off from what it is in reality.

J. Larson stated that he looked at the Town’s online maps and it appears that the homeowner only owns to the stone wall. This would mean that the area that he cleared belongs to the person next door. That is something to look into. Agent Wagner stated that he will look into that further.

- c. Pending Administrative Permit (Agent) Approval- IWWC 21-06: Richard Froehle, **109 Lakeside Drive**- Enlarging parking area, constructing stone wall to replace railroad tie wall, and walkway construction within the 200-foot Upland Review Area of Andover Lake

Agent Wagner explained the proposed project which is located in the front yard in between lakeside drive and the house at 109. He has been working with the homeowner on the permitting process and instructed him to get some hay bales

installed for sediment and erosion control. This proposed work is all landscaping type work.

G. Elliott stated that M. Lally emailed him about activities in the upland review area of Andover Lake. G. Elliott continued to say that perhaps the upland review area for the lake might deserve a little more scrutiny because it is a sensitive and congested area.

J. Larson stated that he is not opposed to continuing the method that is currently set up. He likes that Agent Wagner briefs the Commission on the applications that he is responsible for.

J. Larson has seen constant activity on this property and was confused because it states above that it is pending approval. Agent Wagner stated that due to its location and progress, it would make more sense to continue with it and get it done – it would be less of an erosion risk.

J. Larson also pointed out that in the application, the applicant's indicated that their activity is not within the upland review area, which is incorrect. Agent Wagner stated that he was unaware of that and he will look into it.

J. Larson stated that the lake does have increased sensitivity and it is important that everyone knows where the upland review area is.

J. Hallisey asked Agent Wagner about the grade on the property.

d. Other

G. Elliott asked Agent Wagner if there has been any further development on the Lake Road project. There was concern about the extent of clearing and need for permit modification. Agent Wagner stated that they have not submitted anything, he thinks they are going with it as is for now. The last time Agent Wagner drove by all of the trees were still there.

9. OTHER BUSINESS

Amanda Gibson posted an ad in the River East looking for more IWWC members. Two people have expressed interest so far. Agent Wagner sent one of them more information.

10. NEXT REGULAR MEETING: Monday June 7, 2021 @ 7:00 p.m.

J. Hallisey MOVED to cancel the June 7th, 2021 regularly scheduled meeting. J. Larson SECONDED. By roll call vote, MOTION CARRIED 4:0:1, with G. Elliott abstaining.

11. ADJOURNMENT

J. Larson MOVED to adjourn the regular meeting at 8:21 p.m. J. Hallisey SECONDED.
By roll call vote, MOTION CARRIED 5:0:0.

Respectfully submitted by Mindy Gosselin,

Mindy Gosselin

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