

Town of Andover
INLAND WETLANDS & WATERCOURSES COMMISSION
Thursday May 27th, 2021 - 7:00 P.M.
Virtual Meeting via Zoom Website Platform

SPECIAL MEETING MINUTES

Members present: George Elliott, Jed Larson, Jim Hallisey

Member absent: Ed Smith, William Munroe (alternate)

Others present: Joseph Wagner – Wetland Agent, Erik Loteczka, George Correia, Andrew Bushnell, Karl Acimovic, Christopher Bell, Evan Harbinson, Michelle

1. CALL TO ORDER: G. Elliott called the meeting to order at 7:00 p.m.
2. ROLL CALL/SEATING OF ALTERNATES: None.
3. ADDITIONS/CHANGES IN ORDER TO AGENDA: None.
4. APPROVAL OF MINUTES
 - a. May 3rd, 2021 Regular Meeting Minutes

J. Hallisey MOVED to approve the May 3rd, 2021 Regular Meeting Minutes as presented. J. Larson SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

5. PUBLIC COMMENT: None.
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 there has been some new information/materials received since last meeting. Agent Wagner stated that the Commission has received 2 supplemental information packages from Engineer Karl Acimovic dated May 25, 2021. One provides a drainage analysis for the floodplain and the other one elaborates more on the analysis. There is also a letter from Engineer B. Handfield that provides recommendations to the Commission.

A. Bushnell summarized B. Handfield's and K. Acimovic's reports in relation to the proposal. A. Bushnell stated that K. Acimovic analyzed the upstream and downstream conditions of the 25- and 100-year storms. Subdivision regulations only require a 25-year storm analysis. A. Bushnell stated that the report showed no increase in water levels upstream at the 25-year storm and at the 100-year storm it showed a slight increase of 9/10ths of a foot in the vicinity of the crossing. At the 100-year storm it shows an outlet velocity of 4.8 feet per second which is pretty low.

A. Bushnell stated that for the upstream impact, as far as flooding condition, 9/10ths of a foot is pretty minimal and theoretically it would happen once every 100 years. It is also contained to the area around that crossing, it will not affect the neighboring houses. For the 25-year storm there is no increase. A. Bushnell stated that for the 4.8 ft. per second velocity for the 100-year storm, there will be rip rap in the outlet and on the downstream side of the crossing. There will also be larger size rip rap with concrete – creating a sturdy outlet splash pad to slow that velocity down and spread it out. Upstream there is a gentle slope channel with natural debris. K. Acimovic and A. Bushnell went out to the site in the very beginning of this process and there was no flow. However, from looking at the stick and debris patterns they could pick up where the intermittent stream flow paths were. For any large storms, the path pattern that was observed is expected to have an intermittent stream. On the downstream side, the slope really starts to flatten out and the flow widens significantly. With the wide width of the channel in addition to the rip rap pad, he does not expect any downstream affects for storms.

J. Hallisey asked A. Bushnell if he would feel comfortable providing the two certifications that B. Handfield suggested in his memo. A. Bushnell said not really, he cannot certify everything – there are other factors that could cause problems in that channel that are out of our control.

K. Acimovic restated that for a 25-year storm, there is no impact at all. For a 100-year storm, there is not a large impact. In terms of what B. Handfield has suggested, the impact of the side slopes of the gully – K. Acimovic stated that the bottom is very smooth and the slopes are shallow. The approach velocity is very slow. K. Acimovic stated that there would not be any substantial impact.

In relation to the certification suggested by B. Handfield, K. Acimovic stated that there will not be any major impact but to anticipate every potential situation is not feasible.

K. Acimovic explained the house and ground elevation to the highest surface water elevation for the 100-year storm. There is a 9-foot difference from the low point on the back of the house to the water surface down in the low area.

J. Larson asked G. Elliott if there can be a condition of approval requiring the applicant to keep the culvert clear of debris. K. Acimovic stated that a condition requiring maintenance would be very useful. G. Elliott stated that a condition of approval like that would be beneficial but enforcing it may be difficult.

J. Larson stated that he is still confused on the size of the box culvert. G. Correia stated that it was originally 4'x8' and then it was realized that it was too large. The culvert was then revised to a 3'x8' culvert with a ¾ ft fill at the base. J. Larson stated that this is the first mention of the culvert being a 3'x8' instead of a 4'x8'.

K. Acimovic stated that the revised report to B. Handfield on April 29th, 2021 included a 3 ft. high by 8 ft. wide concrete box culvert filled 9 inches.

J. Larson asked E. Loteczka about the driveway cost estimate to upgrade from the 36-inch pipe to the box culvert. G. Correia stated that each box culvert is \$10,000 to purchase and that each section weighs 11,000 pounds, so a large piece of equipment would be needed to maneuver them and place them. There is also transportation cost. Total it would be \$17,000-\$18,000.

J. Larson MOVED to approve application **IWWC 20-36**: Eric Loteczka and George Correia, **26 Old Farms Rd** (Andover, CT) due to the proposed activities satisfying the criteria and that there are no prudent or feasible alternatives. The standard conditions of approval would apply, along with the following supplemental conditions:

- The property owner is responsible for maintenance of the culvert
- Implement the mitigation plan as submitted in G. Logan's 02/26/2021 report (regarding the removal of barberry and planting of native shrubs)
- Prior to the CO is issued for the first dwelling, remediation must have started and there must be a plan for its completion.

J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

7. ENFORCEMENT ACTIONS

- a. **SHOW CAUSE HEARING**: Christopher Bell, William Genovese, **497 Route 6** (Andover, CT) - Placement of stumps, tree limbs, and other woody debris within the 200-foot Upland Review area of the Hop River and the 100-foot Upland Review Area of a wetland/vernal pool. Order to Remediate issued 5/26/2021.

Agent Wagner stated that he issued a cease and desist and an order to remediate on 05/26/21 for violation of the issued IWWC permit. He then explained the conditions.

Agent Wagner stated that the applicant's are in the process of removing the stumps.

The applicant's engineer, Chris Bell P.E., was present. He stated that he has been telling the applicant to remove the stumps for the past month. Stump removal began on Friday the 21st and concluded today (5/27/2021) in the afternoon with the final load being removed around 12pm.

There was also a site visit today at 10am with Agent Wagner, Agent Hallisey, Hank Gruner, and Chris Bell.

C. Bell shared the original site plan with an overlay of the revised plan and restoration plan. He continued to explain the existing conditions in relation to the

stations and when it will be resolved. Part of the silt fence is failing, it will be repaired in the coming days.

J. Larson asked G. Elliott about this application going forward with the application extension in regards to the permit expiring in late June and it also needing to go to PZC. Agent Wagner stated that after the wetlands area is restored/completed there would not be work in the upland review area which could make it a moot point for the Commission. J. Hallisey stated that it is a matter of course and that the zoning agent will ask the wetland agent if the cease and desist order has been addressed. There was agreement that the wetlands agent would be able to lift the cease and desist order.

G. Elliott summarized that there was action taken and that the applicant's engineer and the construction company are actively responding. Agent Wagner will lift the orders as soon as response is completed.

- b. 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 had provided site photos and updates. He stated that the driveway was cut as of last meeting and the shed was moved 10 ft away from the stream according to the plan. The site contractor, Mark Williams, then removed some material from behind the shed and some of the extra material piles. He laid out large stone on the slope behind the shed. Agent Wagner stated that he told M. Williams to not disturb the stream bed, just to the area 6 ft up from the stream.

Agent Wagner conducted a site visit today (5/27/2021), he confirmed that M. Williams completed everything. The angle is much better than it was previously. There is some grass seed needed. He also met with the owner of 41 route 87 and they discussed the extent of work.

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 there are not any updates on this approval, it is still going through zoning.

- b. Administrative Permit (Agent) Approval- Scott Person (Town of Andover), **Riverside Drive (Long Hill Ball Fields)**. Construction of a stairway on a walking trail within the 200-foot Upland Review Area of the Hop River.

Agent Wagner stated that he issued a permit for the Town of Andover's application to install a 12 ft long by 4 ft wide wooden stairway. He visited the site with Scott Person. S. Person explained that there will be no excavation.

J. Larson stated that in the cover pages of this application it states that the Commission regulates all activities within 200 ft of Andover Lake including any activity within the lake itself. G. Elliott disagreed, he stated that the Commission shouldn't have to act on all activities but that it should receive higher scrutiny. G. Elliott continued to state that the Commission can continue to rely on Agent approval especially since there is increased communication about those actions. It was agreed upon to let Agent Wagner continue approvals for applications that qualify, and to keep the Commission in the loop.

- c. Paul Carbonneau, **159 Lakeside Drive** - Activity in Andover Lake 200-foot Upland Review Area without a permit.

Agent Wagner stated that he received a report of activity on 159 Lakeside Drive and through file research he found 2 building permits from October 2020 on file. There were not any wetlands permits. He spoke with the owner on May 17th, 2021, the owner was unaware that he needed a wetlands permit. It seems like there had been miscommunication with the someone internally at the town hall.

Agent Wagner stated that the owner is placing a propane tank and generator and digging a trench for the lines out to the pole. He believes it has been completed.

J. Larson stated that he has observed building stones on the property and asked Agent Wagner if there were any plans for a patio or something like that. Agent Wagner stated that there was not any mention of a patio but he will look through his file and see if there is anything documented.

- d. Pending Administrative Permit (Agent) Approval- **IWWC 21-08: Evan Harbinson, 84 Route 6 (Scott Electrocrafts)**. Replacement of a septic system within the 100-foot Upland Review Area of an unnamed tributary of the Hop River.

Agent Wagner stated that they're putting a septic tank within the 100 ft. URA. Evan Harbinson, the applicant, was present and explained the project. The existing system was being affected by ground water. Additional soil testing was conducted and there was another 100% code complaint area found that would better suit the system. The newly proposed septic system is 140 ft. long and about 30 ft. of that is within the 100 ft. URA. There is 60 ft. between the edge of the creek to the edge of the system. E. Harbinson stated that he met Agent Wagner out on site and explained where he would be putting silt fence and hay matting.

e. Other

G. Elliott asked for an update on Agent Wagner's approval regarding a property on Long Hill Road. Agent Wagner stated that he did get an updated map showing the correct property lines that went down to the stream. Therefore, the person did cut down his own trees. The application did discuss stump removal and it was approved.

The applicant expressed wanting to put a shed there in the future and Agent Wagner informed him that he would need a separate application for that structure.

9. OTHER BUSINESS: None.

10. APPOINTMENT OF NEW COMMISSIONERS

Agent Wagner stated that there have been some people interested in joining IWWC – Tim and Michelle. G. Elliott stated that sending the agenda to the prospective members would be a good idea.

11. NEXT REGULAR MEETING: Tuesday July 13th, 2021 @ 7:00 p.m.

12. ADJOURNMENT

J. Hallisey MOVED to adjourn the regular meeting at 8:34 p.m. J. Larson SECONDED.
By roll call vote, MOTION CARRIED 3:0:0.

Respectfully submitted by Mindy Gosselin,

Mindy Gosselin

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