

Town of Andover
INLAND WETLANDS & WATERCOURSES COMMISSION

MONDAY, DECEMBER 6th 2021 - 7:00 P.M.

Virtual Meeting via Zoom Website Platform

REGULAR MEETING MINUTES

Members Present: Chair George Elliott, Jed Larson, William Munroe, Ed Smith (Alternate)

Member Absent: None.

Others Present: Joseph Wagner - Wetland Agent, Abbie Winter - Board Clerk, Todd Perkins, Gary McCullough, Donald DuBois, Marcie Miner, and Eric Anderson

- 1) CALL TO ORDER: Chair G.Elliott called the public hearing to order at 7:00 p.m.
- 2) ROLL CALL/SEATING OF ALTERNATES: No alternates were seated.
- 3) CHANGES IN ORDER TO AGENDA: None.
- 4) APPROVAL OF MINUTES

G.Elliott MOVED to approve of the [November 1, 2021 Regular Meeting Minutes](#). J.Larson SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

- 5) PUBLIC COMMENT: None.
- 6) [NEW BUSINESS](#) - Discussion/Take Receipt

- a. [Permit Application IWWC 21-26](#): Todd Perkins, 1 Lakeside Drive- Rebuilding and re- mortaring existing stone wall on shoreline of Andover Lake.

Todd Perkins, the applicant, was present.

T.Perkins stated he applied for ALMA approval the same day he submitted the permit.

T.Perkins noted the lakefront wall was in poor condition when he moved into the house in 2016. It is now toppling into the lake. He has no plans to change the design, he intends to hire a professional to restack the stones and replace the mortar.

G.Elliott asked for clarification on the fresh dirt fill shown in the application's 5th site picture. T.Perkins stated Cheeney Brook is eroding the dirt on his property, so he filled in the eroded area behind the wall with dirt. G.Elliott stated that this filling activity should be included within the permit application as well. T.Perkins will submit this addendum to the current application to J.Wagner.

- b. [Permit Application IWWC 21-27](#): Gary McCullough, 3 Lakeside Drive- Placing sand on existing beach, and reconstruction of existing dock on shoreline of Andover Lake.

Gary McCullough, the applicant, was present.

G.McCullough provided detail on the site plan to add new sand to the existing sand bed on his property, and to replace the existing dock. G.McCullough stated that he contacted ALMA to ask about requirements regarding adding sand to an existing beach and has not heard back yet.

J.Larson asked if G.McCullough received ALMA approval yet. G.McCullough stated he emailed ALMA asking if permission is required to refurbish an existing sand bed, and did not receive a response. G.Elliott clarified that ALMA approved is required for any activity that intrudes on the lake bed.

J.Larson stated the concern that this addition of sand will increase the lake's rate of sedimentation, and this wetland fill negatively affects the lake's health. J.Larson added that in recent years, the IWWC regulations increased emphasis on managing wetland fill.

G.McCullough will contact ALMA for their feedback and the application will then be voted on next meeting.

- c. [Jurisdictional Ruling Review IWWC 21-28\(JR\)](#): Donald DuBois, 37 Boston Hill Road- Timber harvest of dead and dying oak and ash trees from approximately 24 acres.

Donald DuBois of DuBois Forestry and Land Management, on behalf of applicant Kathleen Sideris, was present.

D.DuBois explained the need to harvest the dead and dying oak and ash trees due to gypsy moth defoliation, emerald ash borer infestation, and defect.

D.DuBois explained the temporary portable bridge he will use to cross Staddle Brook, the temporary corduroy placement to cross an intermittent brook, the salvage / release thinning strategy he will execute, and hardening of the log loading area with riprap stone by contractor Hull Forest Products.

D.DuBois stated the project will take 90 days barring any unforeseen interruptions, and it will be conducted during either hard freeze or midsummer when water tables are at their lowest. D.DuBois reported the property abutters have been notified by mail, and that he will submit the IWWC permit application by the Commission's next meeting.

G.Elliott MOVED to require a permit for the portion of the activity that involves crossing watercourses. J.Larson SECONDED.

G.Elliott and J.Larson established that the Commission's jurisdictional authority to require a permit for watercourse crossings and wetlands disposition is preceded by the Commission's previous silviculture operation permit decisions.

D.DuBois clarified that the placement of the portable bridges does not classify as a deposition into a wetlands; however, the corduroy crossing placement could be considered deposition into a wetlands. D.Dubois therefore offered to use a portable bridge for the first crossing as well, instead of using the corduroy crossing, to avoid this potential deposition in the wetlands.

G.Elliott stated the Commission's legal counsel advised that temporary crossings are considered deposition. J.Wagner interpreted Section 4.1 of the IWWC Regulations to read that placing corduroy would be considered deposition and requires a permit, while a temporary bridge stream crossing is not considered fill and therefore does not require a permit. G.Elliott stated that Section 4.3 of the Regulations states that unless specifically permitted, an activity needs a permit. G.Elliott continued that temporary bridges and corduroys are not specifically permitted as an Activity of Right under the Regulations, and therefore require a permit.

D.DuBois reiterated he is willing to use a temporary bridge instead of corduroy at the first crossing of the intermittent brook.

J.Larson and W.Munroe requested more information on the temporary bridge installation and use from D.DuBois.

G.Elliott scheduled the Special Meeting site walk for either January 11th or the 18th at 9 am.

By roll call vote, MOTION CARRIED 3:0:0.

7) OLD BUSINESS - Discussion/Possible Action

- a. [Permit Application IWWC 21-21](#): James and Abby Cole, 83 School Rd- Rebuilding existing stone stairway into Andover Lake.

G.Elliott MOVED to approve the application. W.Munroe SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

- b. [Permit Application IWWC 21-22](#): Jeff Miner (Applicant), Ellen Gallnot (Owner), 326 Lake Rd- Rebuilding existing 75-foot long by 3.5-foot high lake wall using existing stone and new stone on shoreline of Andover Lake.

Jeff Miner, the applicant, was present.

G.Elliott MOVED to approve the permit with standard conditions and a 2 year duration. J.Larson SECONDED.

J.Larson asked if the plan includes using crushed stone behind the stone wall to function as a filtering medium. J.Minor confirmed it will use crushed stone and filter fabric until the top 6 inches of the wall, and then it will be backfilled with topsoil and seeded with an erosion mat.

By roll call vote, MOTION CARRIED 3:0:0.

- c. [Permit Application IWWC 21-23](#): Eric Anderson (Town of Andover), Corner of Lake Rd and Route 6 (M33/B34-35/L3&4) Improvement of existing roadside parking areas and construction of picnic areas for Hop River State Park Trail.

On behalf of the Town, Town Administrator Eric Anderson was present.

G.Elliott MOVED to approve the permit with standard conditions and a 2 year duration.
J.Larson SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

8) ENFORCEMENT ACTIONS

J.Wagner reported that the shipping containers at 93 Townsend Road were moved out of the upland review area on December 2nd.

9) AGENT REPORT

- a. Agent Approval- Permit Application IWWC 21-25: Barry Setterstrom, Parcel "A" (Map 43 Block 42, Lot 2) West Street- Construction of a gravel driveway and associated grass drainage swale within the 100-foot Upland Review Area of an unnamed brook.

J.Wagner provided detail on the project, and that the plan maintains the pre-existing contours and drainage pattern.

G.Elliott added that the project area is actually downhill of the brook, so minimal impact is expected.

10) OTHER BUSINESS

- a. Annual Report

G.Elliott requested feedback from the commissioners on the drafted Annual Report. J.Larson suggested the addition of a goal to recruit more Commission members.

J.Wagner suggested reconsidering goal 2 under Future Goals and Priorities that advocates for developing separate applications for administrative approval, permit modification requests, and jurisdictional rulings requests. J.Wagner stated one universal application for the Commission is wise; the Commission agreed and G.Elliott will remove the goal.

G.Elliott stated he has not received feedback from CT DEEP about the Commission's update and revision of the IWWC regulations. If G.Elliott does not hear back from them by the January meeting, the Commission will schedule a hearing to approve the regulation updates.

11) NEXT REGULAR MEETING: Monday, January 11th 2022 @ 7:00 p.m.

12) ADJOURNMENT

G.Elliott MOVED to adjourn the meeting at 8:36 p.m. By unanimous consent, MOTION CARRIED.

Respectfully submitted by Abbie Winter,

Abbie Winter

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