

Town of Andover
INLAND WETLANDS & WATERCOURSES COMMISSION
Monday, November 2, 2020 - 7:00 P.M.
Virtual Meeting via Zoom Website Platform

PUBLIC HEARING & REGULAR MEETING MINUTES

Members Present: Chair Meghan Lally, Vice Chairman George Elliott, Jed Larson, Jim Hallisey, William Monroe

Members Absent: Ed Smith

Others Present: Joseph Wagner – Wetland Agent, Mindy Gosselin – Board Clerk, Chris Casadei, Ruby and Nahin Puerto, Kurt Boehm, Austin Burrows, Jeff Miner

PUBLIC HEARING

1. **CALL TO ORDER:** Chairman M. Lally called the public hearing to order at 7:03 p.m.
2. **ROLL CALL/SEATING OF ALTERNATES:** W. Monroe was seated.
3. **IWWC Application #20-27: Ruby and Nahin Puerto, 129 Hebron Road (Andover, CT), application to 1) erect a concrete/stone wall and fence, 2) install an inground pool and utility shed, and 3) construct a 2-car garage with accessory apartment within an upland review area.**

M. Lally read the public hearing legal notice that was posted on October 23, 2020 and October 30, 2020. A summary of the application was then presented. The application was received on September 15, 2020 with all application fees paid. A site visit was held on September 19th, 2020. At the October 5th, 2020 regular meeting, based on the engineer B. Handfield's memo it was determined that this application may propose a significant impact of the wetland. Per town regulations, this public hearing was scheduled.

After M. Lally described the application and its proposed activities, she asked the applicants if that description accurately depicted what the applicants intend to do. The applicants expressed that they would like to amend their application to include the inground pool, utility shed, and 2-car garage with an accessory apartment. The concrete/stone wall and fence would no longer be included on this application.

G. Elliott asked if the videos and letters from A. Knox and the public that were submitted are on the record. M. Lally said yes it will be on the record and stated that the applicants need to amend their application.

G. Elliott stated that the consulting engineer, B. Handfield, made suggestions of relocation of the proposed activities in the Upland Review Area. The pool could have a direct effect on the wetland. G. Elliott asked if there will be consideration of these comments in the revised application that will be submitted.

The applicants stated that they considered the comments. They are willing to relocate the pool and the garage. They believe that the inground pool does not have impact on the wetland, but if it needs to be relocated it will be.

M. Lally stated that the engineer suggested that the garage be moved to the West, closer to the existing residence – to increase distance from the wetlands. The applicants said they can move it 10 feet closer to the house, away from the wetlands.

M. Lally referenced B. Handfield's other suggestion of moving the pool to the West closer to the house, or rotate it 90 degrees. The shed could also be shifted West or be placed to the North of the pool. The applicants discussed rotating the pool 90 degrees.

J. Larson referenced question from last meeting regarding the impact of back flushing of the pool to impact the wetlands.

Agent Wagner explained that back flushing the pool is cleaning the filter from debris with pool water. It would be 20 to 30 gallons or so. The hoses are long and flexible, the applicants could run it outside of the URA.

J. Larson said that on the revised site plan, the fence for the inground pool should be shown.

J. Hallisey had some concerns about the most recent plan. It was not clear what is existing and what is proposed – that should be clarified. The note of the existing dwelling on the site plan looks like a dwelling. Item 8b on the application gives clarification of material, there is a considerable amount of material that is going in around the pool and garage and that is unclear on the application.

M. Lally stated that she concurs with J. Hallisey, that the application provides the disturbance in the wetland area but disturbance in the upland review area also needs to be included.

J. Hallisey said there was a sidewalk along the driveway on the site walk and it is not apparent on the plan. The applicants stated that the sidewalk is outside the 100 feet so it is outside the Commission's jurisdiction. M. Lally said that activity outside of the 100-foot URA but it can be under the Commission's jurisdiction if that activity impacts the wetland. The commission needs to point out why that activity would connect to wetlands.

J. Larson stated that if the applicants are revising a site plan, it would be ideal if the plan would be the same as the plan going to the planning and zoning commission (PZC). PZC would need the sidewalk to be on the plan.

M. Lally asked if there was a significant difference between the two plans submitted. The applicants stated that there are no significant differences, the date was just changed.

M. Lally asked if the wetland delineation on the site plan is the same delineation that was performed by Mr. Davidson and was described in his summary letter dated 9/4/2017. The applicants stated that it was the same delineation. M. Lally explained that

in the site plan revision, the applicant should add the signature of the soil scientist who performed delineation.

M. Lally asked if there were members of the public that would like to speak. No one wished to speak.

M. Lally asked if there was a sediment and erosion control plan. The applicants stated that they do not have a plan. However, they will provide one in the revised plan. They are unfamiliar with sediment and erosion control measures.

G. Elliott urged the applicants to collaborate with their engineer. The commission cannot tell them exactly what to do. The engineer needs to have an accurate site plan that includes all the requirements of the permit.

Agent Wagner read the letter from an abutter on 8 School Rd titled, "Questions and Concerns submitted by Amy Knox" that was received via email on November 1, 2020. The video she submitted of the stream that runs from 129 Hebron Rd was played. Agent Wagner also read the letter submitted on October 30, 2020 from neighbors on 139 Hebron Rd, 125 Hebron Rd, 8 School Rd, 20 School Rd, 143 Hebron Rd, 146 Hebron Rd, 140 Hebron Rd, 4 School Rd, and 138 Hebron Rd. The letter expressed concerns about this application and urged that all pertinent facts be considered. Pictures and a map with the locations of where the pictures were taken were submitted and shown.

The applicant submitted a soil scientist report that verifies an intermittent watercourse and wetland on the 129 Hebron Road property.

M. Lally stated that based on the conversation tonight, the applicants need to resubmit an amended application and revised site plans. The revisions discussed tonight include: remove the stone wall and fence, potentially rotate the pool and move the garage closer to the house, add a fence around the pool, clarify what structures are proposed and what structures are existing, add the soil scientist's signature, add the amount of disturbance in Upland Review Area, and provide a sediment and erosion control plan.

G. Elliott MOVED to continue the public hearing to the next regular meeting on December 7th, 2020 at 7pm for **IWWC Application #20-27**: Ruby and Nahin Puerto, 129 Hebron Road (Andover, CT), application to 1) erect a concrete/stone wall and fence, 2) install an inground pool and utility shed, and 3) construct a 2-car garage with accessory apartment within an upland review area. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

4. ADJOURNMENT

J. Larson MOVED to adjourn the public hearing at 8:40 p.m. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

REGULAR MEETING

Members Present: Chair Meghan Lally, Vice Chairman George Elliott, Jed Larson, Jim Hallisey, William Monroe

Members Absent: Ed Smith

Others Present: Joseph Wagner – Wetland Agent, Mindy Gosselin – Board Clerk, Chris Casadei, Ruby and Nahin Puerto, Kurt Boehm, Austin Burrows, Jeff Miner

1. CALL TO ORDER: M. Lally called the regular meeting to order at 8:42 p.m.
2. ROLL CALL/SEATING OF ALTERNATES: W. Monroe was seated.
3. ADDITIONS/CHANGES IN ORDER TO AGENDA:

G. Elliott MOVED to relocate Item 11c. to become the new Item 5. J. Larson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

4. APPROVAL OF MINUTES

- a. [October 5, 2020 Regular Meeting Minutes](#)

The October 5, 2020 regular meeting minutes were amended as follows:

G. Elliott is mentioned throughout the minutes; Elliott was spelt incorrectly. ~~Eliot~~ or ~~Eliot~~ should be corrected to **Elliott**.

Agenda Item 5a. “J. Larson MOVED to approve the September 15, 2020 regular meeting minutes ~~as amended~~.”

Agendas Item 5b. “Change ‘seasonal watercourse’ terminology to ‘seasonal or storm event runoff’. **The terms watercourse and wetlands are defined in the regulations under sections 2.3.6 and 2.3.7. Any questions regarding these terms should refer to the regulations.**”

Agenda Item 6a. “J Larson MOVED to approve application IWWC 20-26... ~~J. Larson E. Smith~~ SECONDED.”

Agenda Item 6b. “...This would ~~automatically~~ trigger a public hearing on the application.”

Agenda Item 7a. “G. Elliott expressed that there may needs to be a next step.”

G. Elliott MOVED to approve the October 5, 2020 Regular Meeting Minutes as amended. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

5. Duly Authorized Agent Nomination: Joe Wagner

Agent Wagner completed the CT DEEP Municipal Inland Wetlands Agency Comprehensive Training Program on August 17th, 2020. He has been working for Andover since the July IWWC meeting.

M. Lally asked the Commission to consider duly authorizing Agent Wagner to do approvals in the Upland Review Area that are not considered a significant impact to the wetlands. The Commission can limit such approvals to certain types of activities if they wish.

The Commission opted to have applications screened by Agent Wagner. He could then handle the application himself or refer them to the Commission as needed.

G. Elliott MOVED to authorize Joseph Wagner as a Duly Authorized Agent. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

6. PUBLIC COMMENT: No one wished to speak.

7. SHOW CAUSE HEARING / [JURISDICTIONAL REVIEW](#)

- a. **IWWC 20-31JR**: Chris Casadei (Agent) on behalf of Andover Sportsman's Club (Property Owner), **122 Route 6** (Andover, CT), timber harvest and associated activities in a watercourse and associated URA.

Agent Wagner explained the application materials and summarized the enforcement order from October 29, 2020.

Chris Casadei, a certified forester, explained the application's timber harvest map. This property was last harvested 15 years ago, there are existing town roads. There is one wetland crossing in Bolton and two in Andover. Both towns were contacted and Bolton has approved the application. The proposed activities include a timber harvest of dying emerald ash borer and dying oak trees. They would also like to thin the rest of the stand. The project is cut to length. The harvest edge and wetlands have been delineated.

Agent Wagner visited the site on November 2, 2020. Site pictures were shared, they included the wetland crossing as depicted on the timber harvest map provided. There is no new activity within the wetland or watercourse.

G. Elliott asked a question about whether the wetland crossing constitutes as deposition of material in a wetland. M. Lally stated that Agent Wagner's pictures show timber placed on already established wetland crossings. It does not appear that the wetland crossing was just created. G. Elliott agrees with M. Lally. J. Larson questioned if the corduroy should be removed once the harvest ends.

C. Casadei stated that in this situation, the timber on the ground protects the crossings for both passive recreation and timber harvest. The timber decomposes naturally into the forest floor and makes the ground more stable.

G. Elliott MOVED that this application IWWC 20-31JR is within the Commission's jurisdiction. J. Hallisey SECONDED. By roll call vote, MOTION FAILED 0:5:0.

The cease and desist order was discussed.

G. Elliott MOVED to withdraw the cease and desist order issued for 122 Route 6. J. Larson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

8. [AUTHORIZED AGENT APPROVAL](#)

- a. **IWWC 20-29:** Richard Risley, **85 Lakeside Drive** (Andover, CT), application to remove 2 trees in the upland review area of Andover Lake. **Agent received 10/8/2020; Approved with conditions 10/23/2020.**

M. Lally stated that this application was within the upland review area and had no significant impacts to the wetland anticipated. She approved the application as a duly authorized agent, on behalf of the Commission. Agent Wagner visited the site and agreed with M. Lally issuing the approval.

J. Hallisey questioned if this application would be non-jurisdictional. M. Lally stated that it is be a case by case basis.

9. [PERMIT APPLICATIONS](#)

- a. **IWWC 20-28:** Kurt Boehm, **33 Route 87** (Andover, CT), application to install a 12' x 32' shed in the 100' upland review area of an unnamed tributary to the Hop River.

Agent Wagner presented the application and described the site map. It was stated that the existing shed would be moved 10 feet onto the driveway, further from the wetlands. There would be hay bale erosion control measures in place. Banks would be stabilized with fabric and 6- to 8-inch rip rap to prevent erosion in the future.

M. Lally asked if this satisfies the remediation requirements of the cease and correct order. Agent Wagner stated that it does take into consideration the requirements and engineer Andrew Bushnell's recommendations. The initial suggestion was to move the shed 6 feet North, and the applicant is moving it 10 feet North. M. Lally also asked if this application involves wetlands. Agent Wagner said that the shed is in the Upland Review Area.

M. Lally asked if there will be removal of fill and concrete. Agent Wagner stated that the relocation of the shed will allow the material that was deposited in the wetland previously to be removed. It would then be stabilized with the rest of the bank.

J. Larson suggested a follow up site walk.

Agent Wagner stated that the shed would have to be moved before the cease and correct order was rectified. The shed would receive a permit first, and then the cease and correct order could be enforced independently.

M. Lally asked about what the site originally looked like, without the existing violation. Agent Wagner stated that there was fill placed to construct the driveway when the house was built.

The pictures from the 2/8/2020 site visit was shown. Agent Wagner described where the shed would move and the fill that would subsequently be removed. There would be seeding near the brook. M. Lally asked if there was a possibility of making a design where the slope was vegetated. Agent Wagner said there could be, that could be a condition of approval.

J. Larson asked if rotating the shed 90 degrees would be a better option, from the picture it was unclear. Agent Wagner stated that it would not decrease the impervious surface area.

J. Larson MOVED to schedule a site visit. G. Elliott SECONDED. By roll call vote, MOTION FAILED 4:1:0 with J. Larson in favor and M. Lally, G. Elliott, J. Hallisey, W. Monroe opposed.

M. Lally posed the question on whether this application should fall under agent approval.

J. Hallisey MOVED to refer the IWWC 20-28 shed application to Agent Wagner for duly authorized agent approval. W. Monroe SECONDED. By roll call vote, MOTION CARRIED 4:1:0 with M. Lally, G. Elliott, J. Hallisey, W. Monroe in favor and J. Larson opposed.

- b. **IWWC 20-30:** Patricia Klayman, **25 Cider Mill Road** (Andover, CT), application to construct a bridge across Staddle Brook and install a French drain within the URA.

Agent Wagner spoke to the applicants via phone but they applied on their own.

G. Elliott stated that there was not a purpose stated regarding why this bridge is proposed. There are not plans on how it would affect watercourse and topography is not shown.

M. Lally and Agent Wagner stated that the applicants intend for this to be a permanent bridge that will allow access of mini excavator for property maintenance.

J. Hallisey stated that looking at the pictures, the approach from either side would need fill that is not on the plan. It seems like there might be a driveway requirement.

The curtain drain description and picture of the site that was submitted was shared.

J. Hallisey MOVED to schedule a site walk on Saturday November 14, 2020 at 9am.

G. Elliott SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

- c. **IWWC 20-32:** Jeff Miner (Agent) on behalf of Richard Risley (Owner), 85 Lakeside Drive (Andover, CT), application to construct a new lake wall along Andover Lake

J. Miner explained his application to the Commission. The basis of the activities is to build a natural stone seawall that is 120 feet in length and spans from the ALPOA right of way to the property line. Around 90 feet of the wall will be 2.5 feet, then it will drop down the last 30 feet in length to 1 foot. There will be approx. 400 sqft of excavated area. Crushed stone and filter fabric will be behind the wall. This is a new wall construction, it is not existing. During construction there will be silt fence on the water line. There will be hay bales at the footing drain and the downspouts have catch basins. There is also a proposed fire place upgradient of the wall.

J. Larson asked if the wall has been approved by ALMA or ALPOA. The applicant stated that he has submitted application but has not heard back.

J. Hallisey MOVED to schedule a site walk on Saturday November 14, 2020 at 9:30am. J. Larson SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

- d. **IWWC 20-33:** Jeff Miner, 97 Lakeside Drive (Andover, CT), application to reconstruct a seawall and remove a dock along Andover Lake, and to construct a patio in the Andover Lake Upland Review Area.

J. Miner explained his application materials. The applicant wants to replace an existing fieldstone wall with a new fieldstone wall that spans the whole property line. There is an existing concrete base that will be utilized. There will be silt fence on the water line for sediment and erosion control. The down spout drains are over 130 feet from the site and will have straw bales around them. The proposed patio will be replacing an existing smaller wooden deck. Dimensions are not listed for the patio; however, the approximate size is 18 feet from the width of the back of the house, by 9 feet. It will be 20 feet at the bump out. The patio will be made of pavers. The design is limited by the septic system.

M. Lally stated that there should be some sort of mitigation detail due to the impervious surface.

G. Elliott MOVED to schedule a site walk on Saturday November 14, 2020 at 10am. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

10. ENFORCEMENT ACTIONS

- a. Kurt Boehm / Sandra Nichols, **41 Route 87**, 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 wanted to begin with getting the shed application approved. Then the material will be removed. The applicant wanted to schedule the contractor that was going to remove the material to do everything at once.

Mark Williams, the applicants engineer, will be scheduled soon to work on 41 Route 87 and 33 Route 87 at the same time.

Agent Wagner stated that Sandra Nichols gave Mark Williams permission to access her property.

M. Lally asked how will the material be disposed of. Agent Wagner stated that he is unsure and he will double check with the applicant and his engineer.

- b. Kurt Boehm, **33 Route 87**, 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.

Discussed during the previous item.

11. AGENT REPORT

There was nothing to report.

12. OTHER BUSINESS

- a. Resignations and Appointments

Nothing new to report. There are 2 alternate vacancies.

- b. 2021 Meeting Calendar

The meetings that fell on holidays were rescheduled to the second Tuesday of the month because of conflicts of other meetings.

J. Larson MOVED to approve the 2021 Meeting Calendar as presented. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 5:0:0.

13. NEXT REGULAR MEETING: Monday, December 7, 2020 @ 7:00 p.m.

14. ADJOURNMENT

J. Larson MOVED to adjourn the regular meeting at 10:30 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.