

Town of Andover Connecticut  
Inland Wetlands & Watercourses Commission  
Tuesday, September 15, 2020 7:00 P.M.  
VIRTUAL MEETING VIA ZOOM WEBSITE PLATFORM

Regular Meeting Minutes

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

Members Absent: Ed Smith

Others Present: Wetlands Agent Joseph Wagner, Board Clerk Linda McDonald, Ruby Miralda de Puerto, Gary Partridge, Elizabeth Partridge, Joan Foran, Mindy Gosselin, Sandra Nichols, and Gabrielle Anderson

1. CALL TO ORDER: Chairman M. Lally called the regular meeting to order at 7:00 p.m.
2. ROLL CALL/SEATING OF ALTERNATES: There were no alternates to seat.
3. ADDITIONS/CHANGES IN ORDER TO AGENDA: J. Wagner said IWWC20-27: Application of Ruby A. Miralda de Puerto, 129 Hebron Road, for a fence surrounding property , garage with accessory apartment, shed, inground pool in the upland review area was submitted on 5/26/2020 and requested the application be added to tonight's meeting agenda.

J. Hallisey MOVED to add agenda item 6.b: IWWC20-27: Application of Ruby A. Miralda de Puerto, 129 Hebron Road, for a fence surrounding property , garage with accessory apartment, shed, and inground pool in the upland review area. J. Larson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

4. PUBLIC COMMENT: None.
5. APPROVAL OF MINUTES:
- 5.a August 31, 2020 Special Meeting Minutes:

The August 31, 2020 special meeting minutes were amended as follows:

Agenda item 4.b, pages 3 and 4:

M. Lally MOVED to amend the prior motion to include the following ~~four~~ **two** special conditions from recommendations by H. Gruner in his review letter dated 7/14/2020 and that the permit has a two-year duration.

~~3. The unimproved path/roadway that extends into the floodplain following along the embankments of the Skunkamaug and Hop rivers should be allowed to naturally revegetate. If it is necessary to maintain this path/roadway, it should remain in an unimproved state (no paving or gravel). Any vehicular access in this area should be restricted to the dormant season (November 1- March 1).~~

~~4. Allow the floodplain habitats to remain in a natural state with minimal disturbance. Any mowing for pathways, or agricultural activities within the herbaceous floodplain should be restricted to the~~

dormant season (November 1–March 1) and not located within 30 feet of the river. If mowing is determined to be necessary during the active season, it is recommended that the following best management practices be employed: a) delay mowing until after June, b) mow in a pattern that progresses from the interior towards the river, c) maintain a 30-foot buffer along the riverbank, d) utilize a sickle-bar style mower rather than a rotary blade mower which has been shown to reduce mortality, and e) set the blade height to greater than seven inches.

G. Elliott MOVED to approve the August 31, 2020 special meeting minutes as amended. J. Larson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

## **6. PERMIT APPLICATIONS**

**6.a** New Application: IWWC20-26: Application of Gary Partridge, 151 Lakeside Drive, assessor's map 32, block 47, lot 12, to construct a 20' x 20' outbuilding/storage shed within the Andover Lake upland review area:

Agent Wagner said the application was submitted on 8/31/2020 with a \$210 fee paid. He said the application is complete.

G. Partridge stated the one-story 20' x 20' outbuilding would be placed on a crushed stone pad, with no excavation needed. The east side of the building is approximately 165' from the lake and 21' from the well. A boulder is west of the crushed stone pad and would not have to be removed. G. Partridge stated an application will also be submitted to the Zoning Board of Appeals, pending IWWC approval, seeking a variance for relief from Section 11.2 space requirements (AL District) of the Zoning Regulations.

G. Elliott asked if there were any plans to address and take measures to mitigate runoff from the shed roof, which adds 400' of impervious surface. The applicants said they will work with Agent Wagner on E&S measures.

M. Lally asked commissioners to do individual walks by the property before the next meeting. No action taken.

**6.b** New Application: IWWC20-27: Application of Ruby A. Miralda de Puerto, 129 Hebron Road, assessor's map 34, block 46, lot 3, for a concrete/stone wall fence surrounding the property, two-car garage with 26' x 32' one-bedroom accessory apartment, 18' x 40' inground pool with 15' x 12' utility shed in the upland review area.

Agent Wagner said the application has no calculation of the upland review areas disturbed.

G. Elliott MOVED to schedule a site visit on September 19, 2020 at 9:00 a.m. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

The applicant was asked to have engineer present at site walk, if possible. J. Larson noted the construction of the accessory apartment will require a permit from the Planning and Zoning Commission (PZC).

At this time, M. Lally MOVED to address agenda item 7.c as item 7.a. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

## **7. ENFORCEMENT ACTIONS:**

**7.a** Ruby A. Miralda de Puerto, 129 Hebron Road, Cease and Desist Order re: removal and deposition of material into a wetland without a permit:

Agent Wagner reported he visited the site on 9/10/2020 and said the trench has been filled in, natural re-vegetation is occurring and most of disturbance appears to be outside the upland review area. Photos of his site visit were reviewed. Agent Wagner said he does not see any additional action to be taken and recommended closing the cease and desist order issued 4/8/2020 and modified 5/4/2020.

J. Larson MOVED to close out the enforcement action (cease and desist order) for removal and deposition of material into a wetland without a permit at 129 Hebron Road issued April 8, 2020 and modified May 4, 2020. J. Hallisey SECONDED.

Discussion followed on the need for the property owner to submit a restoration plan as part of the cease and desist order of April 8, 2020. Consensus of the Commission and staff was that would be out of the jurisdiction of the IWWC.

By roll call vote, MOTION CARRIED 4:0:0.

**7.b** Kurt Boehm, 33 Route 87, Order to Remediate construction in an upland review area and deposition of material into a wetland without a permit:

Agent Wagner updated the commission on agenda items 7.b and 7.c. He said K. Boehm informed him he has an opportunity to trade his existing 32' shed for a 24' shed. He said his plan is to move the shed 10' away from the hill to a part of the driveway which would make the back end of the shed approximately 18' from its current location and he could remove all the deposited material from the slope.

Agent Wagner said he recommended to K. Boehm that he file a remediation plan to remove the material and concurrently file a permit modification for a shed installation that could be approved on condition that the remediation has been completed for this meeting. No permit or remediation plan have been submitted to date.

M. Lally reviewed the language in the original order to remediate dated February 24, 2020.

Agent Wagner confirmed that no action has been taken by K. Boehm to remediate or stabilize the area.

S. Nichols reported K. Boehm is not allowed on her property to do the remediation until proof is shown that his contractor, Mark Williams, is licensed and shows proof of liability insurance. To date, he has not followed through.

M. Lally directed Agent Wagner to act as an intermediary between the two property owners and contact K. Boehm for this information and provide the information S. Nichols is requesting.

Agent Wagner said Attorney Mark Branse informed him the next step would be for the Town to take legal action through the State Supreme Court. The Commission directed Agent Wagner to contact Attorney Branse if no progress is made with K. Boehm and draft a motion of the next steps to take to discuss at the October meeting.

S. Nichols noted a letter from her attorney dated July 27, 2020 submitted to the IWWC Chair claims that K. Boehm has continued to clear and add debris to the pile within other parts of the designated wetlands areas. She said the new activity is occurring past the garage along the stream, further from the road and offered to send photos to the Wetlands Agent.

M. Lally asked Agent Wagner to investigate the claim of new activity.

**7.c** Kurt Boehm and Sandra Nichols, 41 Route 87, Order to Remediate deposition of material into a wetland without a permit:

The agenda item was addressed in 7.b.

**8. AGENT REPORT:**

Agent Wagner reported he visited Matthew Haggarty's property on Townsend Rd. 27/21/16A, regarding the complaint of logging in a wetland. He said M. Haggarty has installed silt fence and is waiting on equipment to install a silt fence along the wetlands. Agent Wagner said he will check on the progress on Thursday.

Agent Wagner reported Town Administrator Eric Anderson has informed him that the Shoddy Mill Road drainage repair project may be delayed due to storm damage.

Agent Wagner asked the members to familiarize themselves with the standard permit conditions. M. Lally asked Agent Wagner to run the standard permit conditions by Attorney Branse and research what other towns use for standard conditions.

M. Lally said the town is looking to install wooden stairs with handrails on the existing trail crossing near the ball fields for safety reasons in the upland review area. Could issue an upland review permit. G. Elliott recommended submittal of a permit for procedural reason.

M. Lally MOVED that the installation of stairs along the existing trail crossing on the town's recreational trail is permitted as a use of right per Section 4.2 of the Wetlands Regulations (non-regulated use) as the project is recreational in nature and does not require a permit application. J. Hallisey SECONDED.

Discussion followed. Agent Wagner said his opinion is the activity would need a permit per Section 4.3 of the regulations.

By roll call vote, MOTION FAILED 0:4:0.

G. Elliott MOVED to authorize Chairman Lally to issue an administrative approval for an anticipated permit application for the activity of installation of stairs along the existing trail crossing on the town's recreational trail on the Hop River. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

Agent Wagner provided an update on how other towns in the area expedite permits for some Town activities. He reported several towns utilize an administrative approval or a minimal impact permit, not an actual municipal permit. The Commission asked that Agent Wagner put his findings in writing and provide examples at the October regular meeting.

**9. OTHER BUSINESS:**

**9.a Alternate Candidate Applications:**

M. Lally noted that Wayne Thorpe has resigned from the IWWC and, on behalf of the Commission, thanked him for his service.

M. Lally reported Gabrielle Anderson was approved by the Board of Selectmen (BOS) at their 9.14.2020 meeting. As she has not yet been sworn in by the Town Clerk, consensus of the members was to allow G. Anderson to participate in discussion at tonight's meeting but with no voting right.

William J. Munroe stated he is interested in pursuing an Alternate position on the IWWC. He shared his background and said he could provide a different perspective on areas in Town with streams through his observations during his hiking activities.

G. Elliott MOVED to approve the application of William Munroe as an Alternate to the IWWC and recommend the appointment to the Board of Selectmen (BOS). J. Larson SECONDED. W. Munroe confirmed that he is a resident of Andover and a registered voter. By roll call vote, MOTION CARRIED 4:0:0.

**9.b Annual Report:** Members reviewed a draft copy of the 2019-2020 fiscal year IWWC annual report.

J. Hallisey MOVED to approve the 2019-2020 fiscal year IWWC annual report as written and to submit the report to the BOS. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

**9.c Annual CACIWC Membership:** M. Lally said there are funds in the budget for the current fiscal year CACIWC membership dues.

G. Elliott MOVED to approve renewal of the FY 2021 CACIWC membership. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

**10. NEXT REGULAR MEETING:** Monday, October 5, 2020 at 7:00 p.m.

J. Larson noted he is preparing for a meeting with ALPOA and ALMA regarding the proposed PZC Lake regulations and would like to share his presentation at the October 5, 2020 IWWC meeting.

M. Lally asked that discussion of IWWC bylaws be added to the October meeting agenda.

G. Elliott asked that discussion of going forward with hybrid meetings be added to the October meeting agenda.

**11. ADJOURNMENT:** J. Larson MOVED to adjourn the regular meeting at 8:58 p.m. G. Elliott SECONDED. MOTION CARRIED 4:0:0.

Respectfully submitted by Linda H. McDonald

*Linda H. McDonald*

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