

Town of Andover
INLAND WETLANDS & WATERCOURSES COMMISSION
Tuesday, January 12th, 2021 - 7:00 P.M.
Virtual Meeting via Zoom Website Platform

REGULAR MEETING MINUTES

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

Member absent: Ed Smith, William Munroe

Others present: Joseph Wagner – Wetland Agent, Mindy Gosselin – Board Clerk, Jim Dutton, Brandon Handfield, Ronald and Joan Churney, Erik Loteczka, George Correia, Kevin and Cathy Shea, Hank Gruner, Andrew Bushnell, Joseph Theroux, Scott Person, Jeff Miner.

1. **CALL TO ORDER:** Chair Meghan Lally called the regular meeting to order at 7:01p.m.

2. **ROLL CALL/SEATING OF ALTERNATES**

3. **ADDITIONS/CHANGES IN ORDER TO AGENDA:** None.

4. **APPROVAL OF MINUTES**

a. December 7, 2020 Regular Meeting Minutes

J. Hallisey MOVED to approve the December 7, 2020 Regular Meeting. J. Larson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

b. December 12, 2020 Special Meeting Minutes

Agenda Item 3., Site Walk for IWWC 20-35: Application by Kevin & Catherine ~~Shay~~ **Shea** to construct a residence approx. 2,200 sq ft in the Andover Lake Upland Review Area.

J. Hallisey MOVED to approve the December 12, 2020 Special Meeting Minutes as amended. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

5. **PUBLIC COMMENT:**

Hank Gruner requested on behalf of the Conservation Commission, to provide comment on application IWWC 20-34, 110 Cone Rd.

6. OLD BUSINESS- JURISDICTIONAL REVIEW

- a. **IWWC 20-37JR:** Brandon Handfield, **344 Lake Rd** (Andover, CT), Commission review of proposed changes to previously approved permit for an addition to a house within the 200' Andover Lake Upland Review Area.

Agent Wagner stated that the permit was posted online for the Commission to review. Documents pertaining to the original permit in 2018 were not found.

B. Handfield, the applicant's engineer, was present. He contacted the previous owners for information on the previously issued permit, however, they did not have any documents. B. Handfield is relying on the IWWC minutes from 2018, his discussions with J. Valente, original plans from the 2018 meeting and his revised plans.

M. Lally stated that a permit modification request is warranted. There are proposed changes from the previously issued permit.

B. Handfield stated that the revised footprint is within the previously approved footprint of the house. The only difference is that the septic system is not being replaced. There is a reduction in activities.

M. Lally said she recalls this application from 2018. Part of the approval was redoing the drainage of the town road; the approval was conditioned. M. Lally asked why was the septic system no longer looking to be replaced.

B. Handfield said it was a part of the sale. The original plan had a code compliant septic system for the house and to do that they had to remove the town drainage pipe that goes through the property without easement. It ended up not being a prudent or feasible activity. The previous owners sold the home and as a part of the sale, the leach field had to be repaired. So, instead of a replacement with a code compliant system they did a repair which doesn't necessarily need to be code complaint. That repair was completed and is reflected on the proposed plan. The current owner wants to put an addition on the home and there needs to be certain separating distances to the repair. The addition is slightly smaller and set back from that lake to respect the separating the distance from the leaching field.

G. Elliott stated that this should not warrant a new application because all of the activities are within the scope of the original permit.

J. Larson expressed concern regarding the septic system. In reviewing the original application, J. Larson stated that it says that one of the primary functions of the proposed plan is the installation of a repaired septic system design and construction in accordance with public health code. It also stated that the existing septic tank and leaching field are both undersized and located less than 40 feet from the well which is approximately one half the minimum separation distance allowed by the code. The need for repair is imminent.

J. Larson stated that upgraded septic systems are exactly what is needed to protect the lake from poor undeveloped and undersized septic systems. He also stated that the applicants should reapply and state exactly what they intend to do so the Commission can review the appropriateness of the septic system to public health code.

B. Handfield stated that the septic system repair was permitted through the Eastern Highlands Health District (EHHD). An as-built and a repair design was submitted to them and accepted by the health department as part of the repair construction and sale of the property. The existing system is currently accepted by the health department and a substantial improvement from what was there before the repair. But as part of repairs there are certain things that may not comply and, in this case,, it was designed for a house that is slightly smaller than what was originally approved. The current proposal is to stay with the smaller house and not with that house that was previously approved by the commission.

B. Handfield explained that what is being proposed is a smaller footprint of a house that has less bedrooms and less flow which can be accommodated by the previously existing septic system and the repair.

M. Lally stated that the commission is discussing a permit modification without having a permanent modification application submitted and the corresponding payment to the town. Other applicants go through the procedure of submitting a modification request.

J. Larson stated that he had an expectation that the homeowners would want a septic that complies with the health code. If they live on the lake, they should want to make the lake better.

B. Handfield stated that that septic system repair was done through the health department and accepted by them and the current health code.

G. Elliott MOVED that IWWC 20-37JR, 344 Lake Rd does require a permit application. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 3:1:0 with M. Lally, J. Larson, and J. Hallisey in favor and G. Elliott opposed.

7. NEW BUSINESS – PERMIT APPLICATIONS

- a. **IWWC 20-34:** Joseph Theroux (Agent) on behalf of Ronald and Joan Churney (Property Owners), **110 Cone Rd** (Andover, CT), Receipt of permit application for temporary wetlands crossings for a timber harvest.

Agent Wagner stated that the application materials are the same from the original jurisdictional ruling presentation. The application is complete and the fees have been paid.

Hank Gruner read the Conservation Commission's advisory letter (dated 1/12/2021) which included recommendations for the proposed activity. The letter stated that in late 2020 the Conservation Commission initiated a natural resource inventory and mapping project, that identified potential vernal pools located on this property. Vernal pools and the forests surrounding are critical habitat and the following recommendations were submitted to encourage the application of best management practices:

- Conduct a field inspection to determine if vernal pools are present. Any suspected vernal pools should be flagged for identification in the field. The natural resource inventory identified the presence of potential pools based on aerial photo-interpretation. However, the presence of an obligate vernal pool-breeding biological community is required to confirm a vernal pool. Although this is typically accomplished during the spring-summer activity seasons for the majority of these species, examination of potential pools during the winter when there is no snow cover can often be a reliable indicator. Timing is also critical in order to complete timber harvesting prior to the onset of the spring breeding season which is typically early to mid-March.
- The following best practices are recommended where vernal pools are confirmed or suspected. The recommendations are based on deMaynadier and Houlahan 2008, and Mitchell et al 2006.
 - Forestry operations should ideally occur during the period November-February outside of the activity season for vernal pool-breeding species, and when the ground is typically frozen. Dry periods in July and August provide a secondary option outside of the winter season. Operations during the period March-June should be avoided.
 - Ideally, leave forest habitat, including ground cover, intact within a 100-foot zone surrounding any pools. If selective cuts are

planned in this zone, they should avoid the use of heavy machinery, and a minimum of 75% canopy cover should remain. Avoid any disturbance within the basin of the pool, including dropping trees within the basin.

- Minimize soil disturbance and avoid the creation of ruts throughout the area. Depressions or ruts created along access roads can fill with water and often act as decoys for breeding amphibians. If depressions/ruts are created that may hold water, they should be filled at the completion of the operation.
- Use existing access roads and avoid locating any new roads near pools. Graveling of access roads should be avoided to prevent the creation of barriers for migrating amphibians.
- Employ erosion and sediment controls as necessary in areas of disturbance around pools, however, it is critical to remove any silt fencing or other barriers used once the operation is complete and the site is stabilized.
- Maintain coarse woody debris, such as logs, throughout the area to provide cover and consider leaving limbs and tops where felled.

Joseph Theroux, the applicant's Agent and certified forester, was present. He explained that to facilitate removal of the timber there are two separate and unavoidable stream/wetland crossings that will need to be temporarily bridged (Stream Crossing 1 – SC1 and Wetland Crossing 3 – WC 3). These two areas are photographed in the site photos provided. These sites are narrow and very rocky. The bridge sections that are going to be used are placed on this essentially rocky wetland areas and they function by spreading out the weight of the machine when the machine crosses. The machine will not take a lot of trips across these bridges. The timber is marked according to a management plan that was done years ago. The trees that are being removed are over mature trees, poor formed trees, and some inferior species. A quarter or so of the basal area is being removed, so it falls within the guidelines of canopy cover.

J. Theroux stated that he is a soil scientist and he has not seen any vernal pools to his knowledge. He also stated that the proposed activity falls within the definition of a permitted use as of right and also falls within the guidelines and best management practices outlined by the comments of the Conservation Commission.

M. Lally suggested that since a decision cannot be made at tonight's meeting, the commission can do a site visit or Mr. Theroux, Mr. Gruner and Agent Wagner could schedule a visit together.

H. Gruner expressed concern about the timeline. He asked if this project should be completed by spring. J. Theroux stated that the project would ideally be completed by spring, however, it depends on this permit approval and ground conditions (how wet the ground is).

J. Hallisey requested that the applicant provide more detail on the staging/loading area and entry rip rap detail for the next meeting.

M. Lally MOVED to schedule a special meeting for Tuesday January 26th at 7pm and include application IWWC 20-34, 110 Cone Rd on the agenda. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

8. OLD BUSINESS – PERMIT APPLICATIONS

- a. **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 received detail about a crossing using 4x4 or 8x8 posts in the stream bed for a temporary crossing. A temporary crossing was discussed as an alternative last meeting and the applicants expressed interest in modifying their application from a permanent bridge to a temporary one as suggested. The bridge will allow for an excavator to cross the brook for this project only (french drain installation).

Agent Wagner discussed with the applicant a temporary low impact bridge that has posts in the stream parallel with the stream flow during a time of low flow. He received a drawing and description from the applicant last week.

M. Lally asked if this temporary bridge would be stored on site and put in the stream as needed. Agent Wagner said yes, that it would only be used for the duration of the project when it was necessary for the excavator to cross. It would then be removed when the work is complete.

S. Person stated that along with crossing the brook, the entrance and exit to the bridge should also be looked at. Protection of the banks on either side of the stream crossing is important. G. Elliott stated that the material that the applicant submitted had some detail on stream protection.

M. Lally mentioned a right of way access alternative and Agent Wagner explained that the homeowners did not wish to explore that option because of potential issues it would cause with a neighbor.

G. Elliott stated that the application needs to be properly revised with this new proposal and have more details. J. Hallisey also wanted more details on the slopes of the banks and details of the entrance and exit of the bridge.

This application was continued to the next regularly scheduled meeting.

- b. **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.

Agent Wagner received a revised plan (included patio detail and runoff control) and an ALMA approval letter.

Jeff Miner, the owner/applicant, was present and stated that there was concern about the down spout. To address this concern, he is proposing a pop-up drain emitter due to the location of his septic. He then explained how a pop-up emitter worked.

J. Miner stated that the concrete wall will be removed and replaced. The patio will be 350 sq feet and constructed with Techo Bloc pavers.

G. Elliott stated that what was discussed at the site walk has been addressed.

J. Hallisey asked about the timing of the wall work. J. Miner stated that the work will be completed when the lake is low. The property would not require any extra draw down.

J. Larson asked if there was any consideration to the driveway runoff. J. Miner said that the driveway could be of concern but he has not witnessed the water reach the lake. At the end of the driveway there is a washout, he has considered a catch basin but has not been able to get in contact with contractors. His major concern was the washout and septic system. There is some question to where the septic system is definitively located. The driveway runoff will be handled eventually.

G. Elliott MOVED to approve application IWWC 20-33, 97 Lakeside Drive with standard conditions for a 3-year duration. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

- c. **IWWC 20-35:** Kevin and Catherine Shea, **436 Lake Rd** (Andover, CT), application to construct an approx. 2,200 sq ft house within the 200' Andover Lake Upland Review Area.

M. Lally stated that there has been a site walk since the last meeting and the commission requested information on timing and storm water mitigation.

Agent Wagner said there was nothing significant found on the site walk.

J. Dutton explained the plan and the path of the roof runoff that ultimately flows back towards the lake.

M. Lally MOVED to request that Agent Wagner contact a professional engineer on behalf of the Commission to review application IWWC 20-35, 436 Lake Rd. J. Larson SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

M. Lally MOVED to add application IWWC 20-35, 436 Lake Rd to the January 26th Special Meeting Agenda pending the completion of the engineering review. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

J. Dutton stated that the septic system was approved by the Eastern Highland Health District on Nov. 20th and it is located outside of the upland review area. The total impact on the upland review area is about 14,000 sq ft and there are no direct wetlands impacts. Overall, the site contains 7,000 sq feet of impervious area which is less than 10% lot coverage. The house is set back from the lake and there will be a trail down to the lake shore. Some clearing in this area is proposed. Additionally, the wooden deck near the lake will be repaired as required.

J. Dutton continued to explain that the driveway will direct water to the South, then run overland, then back to the lake. A water quality swale is proposed for driveway and roof runoff. The foundation drain (clean water discharge) will likely need to be blasted to get the drain in – there will be surface discharge (100+ feet away from lake). There will also be well slurry containment with a second barrier closer to the lake.

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

M. Lally asked about the address of the parcel. E. Loteczka stated that the address is 26 Old Farms Road. For this particular application, there would be a subdivision and then a new address would be assigned for one of the two parcels coming from Pine Ridge.

Agent Wagner stated that a revised site plan was received since last meeting – there were changes to the culvert inlets and outlets and there was more detail in the cross-section of the wetland crossing. Agent Wagner also walked the site twice with Hank Gruner.

H. Gruner read his memo from his site visits with Agent Wagner which included ideal options:

“a crossing would be designed that bridges the width of the riparian corridor, minimizing disturbance, and maintaining the natural hydrological dynamics and habitat characteristics of the watercourse(s), and mitigating downstream impacts. Admittedly, bridging is likely a costly option, however, exploring the feasibility of a timber-decked bridge might be a consideration.

Additional options to explore would be the combined installation of a pipe at the first crossing where the watercourse channel is relatively well-defined and tight up against the upland slope, and the installation of a wide box culvert (preferably 3-sided) to span the second crossing where the watercourse is not well-defined and has fanned out into a broader wetland system. “

G. Elliott stated that engineering advisory as to the feasibility of alternatives to the proposed design would be beneficial.

J. Hallisey expressed concern with the location of work off of Old Farms Rd. The driveway will be extended and utilities will be installed in close proximity to wetlands. J. Hallisey did not see any silt fence details in the plan.

A. Bushnell stated that he can add silt fence to the plan and make other changes to the culverts.

G. Elliott MOVED to request that Agent Wagner contact a professional engineer on behalf of the Commission to review application IWWC 20-36, 26 Old Farms Rd. J. Hallisey SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

M. Lally MOVED to add application IWWC 20-36, 26 Old Farms Rd to the January 26th Special Meeting Agenda pending the completion of the engineering review. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

9. ENFORCEMENT ACTIONS

- a. 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.

M. Lally asked about the progress on 41 Route 87 because it was not on the agenda. Agent Wagner said he went to the 41 Route 87 site on January 6th. Mr. Boehm and Mark Williams removed the material and laid hay bales along the stream and straw and seed were spread. Agent Wagner stated that the old stream bank is intact and erosion was not present.

M. Lally stated that a written report indicating that the enforcement action for 41 Route 87 was resolved should be submitted for the next meeting.

Regarding 33 Route 87, the shed has not been moved. Mark Williams is currently figuring out how to move the shed with his equipment. Once they cut the driveway and move the shed, they will remove the materials behind the shed and grade. The pile of materials shown in the pictures submitted will be used to finish the work and the rest will be removed from the property.

Agent Wagner has not received a time frame on when work would be completed.

This was continued to the next regularly scheduled meeting.

10. AGENT REPORT: No report.

11. OTHER BUSINESS

- a. CT Bar Association Biennial Land Use Law Program: March 6, 2021

If Commission members are interested in attending, contact Chair Meghan Lally.

- b. Andover Vernal Pool Mapping Initiative

H. Gruner explained that M. Lally mentioned UConn's climate corps municipal assistance program to the Conservation Commission's a few months back. For this program, possible projects are created/suggested and if there is enough interest from the UConn students, they get involved and support these municipal projects.

The Conservation Commission has discussed a potential mapping project for vernal pools through the town. This would be a joint initiative with UConn, Andover's Conservation Commission, and Andover's IWWC.

H. Gruner had a conference call with advisors at UConn and there was interest in the project, however, it is dependent on students also expressing interest because they will be doing a majority of the work.

The Conservation Commission would take the lead and communicate with the University.

The project would focus on mapping potential vernal pools town wide and calculate the intactness of the land around them. It would then be followed up with surveys (conducted by volunteers from the town), that would collect biological information. The mapping and collected information would then be combined to allow the vernal pools to be ranked by ecological importance. The project would run a little over a year with the mapping activities beginning this spring.

This project meets two big goals. It would assist the Conservation Commission with the natural resource inventory. The inventory will help prioritize and provide information that can guide planning for land acquisition easements and site reviews. Additionally, it would be informative for the IWWC regarding developments that are proposed near the identified vernal pools.

J. Hallisey MOVED to approve the Andover Vernal Pool Mapping Initiative, G. Elliott SECONDED. By roll call vote, MOTION CARRIED 4:0:0.

c. Permit Duration for Andover Lake applications

Someone from ALMA reached out to M. Lally regarding the duration of permits issued on the lake. M. Lally stated that the standard has been 2 year permits but deeper drawdowns only occur every 5 years. Applicants should be asked whether their activity needs a deeper draw down because that would affect the duration of the permit and whether or not they would need to come back to the IWWC with the same proposed activity. Applications can be approved for 2-5 years.

d. Bylaw Review/Update

Both G. Elliott and Agent Wagner made edits to the bylaws. Since both documents were edited independently, G. Elliott will review both, combine the edits, and provide a final product.

12. NEXT REGULAR MEETING: Monday, February 1, 2021 @ 7:00 p.m.

13. ADJOURNMENT

G. Elliott MOVED to adjourn the regular meeting at 9:12 p.m. J. Hallisey SECONDED.
By roll call vote, MOTION CARRIED 4:0:0.

Respectfully submitted by Mindy Gosselin,

Mindy Gosselin

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