

Town of Andover Connecticut  
Inland Wetlands & Watercourses Commission  
May 4, 2020 7:00 P.M.  
VIRTUAL MEETING VIA ZOOM WEBSITE PLATFORM

Regular Meeting Minutes

Members Present: Chair Meghan Lally, Jed Larson, and George Elliott, Jim Hallisey (serving as Wetlands Agent for the meeting)

Members Absent: Wayne Thorpe (Alternate), Ed Smith

Others Present: Town Administrator Eric Anderson, Wetlands Agent James Hallisey, Administrative Assistant Amanda Gibson, Recording Secretary Linda McDonald, Scott Person, Gerry Hardisty, James Blair, Jeff Maguire, George Correia, Kevin Arnesen, Eric Loteczka, Jansuz Jandzinski, and Hank Gruner

1. CALL TO ORDER: Chair M. Lally called the regular meeting to order at 7:01 p.m. and explained the rules for conducting online virtual meetings. She said the meeting is being audio and video recorded.
2. ROLL CALL/SEATING OF ALTERNATES
3. ADDITIONS/CHANGES IN ORDER TO AGENDA: M. Lally MOVED to add agenda item 6.d: Pre-permit application discussion, 26 Old Farms Road, new residential construction, and re-subdivision . J. Larson SECONDED. By roll call vote, MOTION CARRIED 3:0:0.
4. APPROVAL OF MINUTES:
  - a. April 11, 2020 Special Meeting (Site Walk) Minutes: J. Larson MOVED to approve the April 11, 2020 special meeting minutes. G. Elliott SECONDED.  
  
J. Larson MOVED to modify the minutes to reflect Jeff Maguire was present at the walkthrough. M. Lally SECONDED the modification to the minutes. By roll call vote, MOTION CARRIED 3:0:0.  
  
J. Larson MOVED to approve the amended April 11, 2020 special meeting minutes. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 3:0:0.
  - b. April 14, 2020 Special Meeting Minutes: G. Elliott MOVED to approve the April 14, 2020 special meeting minutes as presented. J. Larson SECONDED. By roll call vote, MOTION CARRIED 3:0:0.
5. PUBLIC COMMENT: No public comment.
6. PERMIT APPLICATIONS:
  - a. **IWWC20-20**: James Blair, 422 Lake Road (Owners Danielle and Jeff Maguire), wall reconstruction:  
M. Lally said new materials for this application include a letter of approval from ALMA, photos taken at the site walk meeting on April 14<sup>th</sup>, and cross sections of the proposed wall and patio. J. Larson commented, at the site walk, he viewed the work for both rock wall and the patio and

found the projects to be positive for the homeowner and the town. Everything for wetlands looked good to him.

G. Elliott MOVED to approve application IWWC20-20: James Blair, 422 Lake Road (Owners Danielle and Jeff Maguire) for wall reconstruction and patio construction. J. Larson SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

M. Lally read into the record the following special conditions for the application approval and asked that the permit approval be for a two-year period:

1. The proposed regulated activity (patio construction) shall not be installed closer than 8-10 feet to Andover Lake, as described on the application. Patio construction shall consist of permeable pavers with a 12-15-inch crushed stone base and shall be maintained so as to insure stormwater infiltration during precipitation events.
2. Soil erosion and sediment control measures shall be installed maintained in accordance with the 2002 Connecticut Guidelines for Soil Erosion and Sediment Control. In addition:
  - a. No machinery will operate in or be placed on the lakebed.
  - b. A silt fence will be placed immediately above the area of disturbance and approved by the wetlands agent prior to the commencement of any activity.
  - c. Tarps and plywood will be placed immediately in front of the wall in the lakebed and approved by the wetlands agent prior to the commencement of any activity.
  - d. At the end of each workday, any loose sediment or material shall be placed on tarp and/or plywood and securely covered.
  - e. Staked hay bales will be placed on the lakeside of the work area to prevent debris from entering the water.
  - f. Staked hay bales will be placed in any tracks or ruts that may develop. At the conclusion of construction these areas will be seeded and covered with straw mat to insure revegetation.
  - g. Soil erosion and sediment control measures shall be left in place until vegetation is well established.

M. Lally MOVED to modify to include the special conditions listed and the permit be valid for a two-year period. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

M. Lally MOVED to approve the amended application IWWC20-20: James Blair, 422 Lake Road (Owners Danielle and Jeff Maguire) for wall reconstruction and patio construction. G. Elliott SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

**b. IWWC20-21:** Manuel Correia, 12 Webster Lane, new residential construction in an upland review area:

M. Lally clarified this application was previously characterized at the last meeting as a subdivision application. That is not correct as this is a free cut. M. Lally asked Engineer G. Hardisty if notification of the Andover application mailed to the Town of Bolton. G. Hardisty responded no, but Bolton is aware of the application because he received a permit from Bolton on this project. M. Lally explained, in accordance to be compliant with the regulations, a letter must be sent to Bolton notifying them of the application pending in the Town of Andover. G. Hardisty said the town is still owed the state fee of \$60.00. There was confusion as the wetlands

regulations state a fee of \$30.00. M. Lally confirmed the current state fee is \$60.00 and once those two items are in the record, the application will be considered complete.

M. Lally said the basic wetlands filing fee for this application for a single-family residence is \$150.00 and an additional \$60.00 state fee. G. Hardisty said there is no work in the wetlands proposed. And there is an existing fence on the site that keeps everyone out of the wetlands.

A site visit was scheduled for Saturday, May 9, 2020 at 9:00 a.m. at 12 Webster Lane with G. Hardisty present. Standard social distancing measures will apply. M. Lally asked G. Hardisty to provide additional detail regarding question 9 on the wetlands application, to have applicant notify the neighbors and provide a written description of the construction sequence.

J. Hallisey said for the record the division of property has not been reviewed. Action on this item was tabled to a future meeting.

- c. **IWWC20-22:** New application of Jansuz Jandzinski, 40 Townsend Road, residential demolition: Agent Hallisey said the applicant had a pre-demo survey done with Mystic Air Quality and a copy of the lab report has been provided and the asbestos has been abated. As a note, Agent Hallisey said this is really a deconstruction project, not a demolition project. The plan is to remove the vinyl siding and there is no wood siding beneath the vinyl siding, thus there is no lead paint to be abated. The applicant plans to re-use most of the materials. J. Hallisey asked J. Jandzinski if he was planning to re-build on same foundation. J. Jandzinski replied no. He said there is a partial basement under the house that will be filled to grade.

M. Lally noted the commission had a previous site walk at this property for a prior application. Consensus of the commission members was no new site walk was required. Further discussion was tabled to the June 1, 2020 meeting. M. Lally asked Agent Hallisey to work out an E&S plan with J. Jandzinski for the next meeting.

- d. Pre-permit application discussion, 26 Old Farms Road, new residential construction, and re-subdivision:  
E. Loteczka shared a revised site plan for the project with the members and public. He said the property is on the market and he explained his family wishes to possibly purchase this piece of land to subdivide into two lots for his family and add a second buildable area. The property has road frontage on Pine Ridge Drive but is actually accessed thru 26 Old Farms Road through a shared driveway. There is an approved buildable area already on the property.

There are two possible ways to enter the lot to get to the conceptual location for rear lot 3. One is changing the two-way shared driveway easement on Old Farms Road to a three-way driveway. This would require approval from the other driveway user and crossing upgrade on a hill. The second option is to keep the two-way shared driveway on Old Farms Road and have a separate driveway using a strip of land on the property that goes to Pine Ridge Drive over a wetland area. With this option, the driveway would cross over a low-lying area of approximately 2500 s.f. (done by a field measure).

He is before the wetlands commission to find about getting access to the land and asked if the commission could form an opinion of whether this would work or what are the conditions that could make this work.

G. Elliott asked if any IWWC permit had been previously issued on this property. E. Loteczka responded there was a prior permit issued for house #1 noted on the plan and an E&S control plan submitted and approved. A run-off pond was set up, silt fencing installed, and work started on the driveway. House #1 is incomplete, and no foundation poured.

M. Lally said the commission makes their decision based on the impact to wetlands and it is not unreasonable for the commission to give feedback. G. Elliott said an applicant would be looking for permit for a wetlands crossing. M. Lally noted any activity within 100 feet of wetlands would require a wetlands permit as well and wetlands delineation.

E. Loteczka explained driveway access length from Pine Ridge Road to Lot #3 would be 500' and from Old Farms Road, not including the two-way split driveway, the driveway access length would be 1,600'. He said he spoke with Bushnell Associates who did the perc holes for house #1 and delineations and they feel the driveway from Pine Ridge Road could be done with the least amount of impact. E. Loteczka said there is a seasonal watercourse that would flow under the driveway access from Pine Ridge Road. This watercourse originates from discharge at two catch basins by 20 Old Farms Road, comes down the hill, and ends up at a 30' drop the valley where they want to make their crossing and then continues on. M. Lally said E. Loteczka would have to make sure there was no flooding onto adjacent properties if this driveway option was used.

J. Larson said G. Correia came before the Planning and Zoning Commission (PZC) for feedback on this parcel. He is the brother-in-law of E. Loteczka and would be building on one of the subdivided lots. J. Larson said the PZC was concerned about the ability to provide frontage to both lots.

E. Loteczka said the width for an open space subdivision on an ARD lot is 25'. Agent Hallisey said he believes it is 25' and would seem to work for the rear lot. Agent Hallisey views the watercourse that runs from the catch basins as an intermittent stream and a structure could be put across to span it.

M. Lally commented the commission would like the any plan to be environmentally conservative as possible and based on what was presented, there are certainly solutions. Agent Hallisey said the project would involve a significant amount of fill and a culvert. G. Correia said they would fill in to meet minimum slope requirements 10% grade and fill with gravel with about 1,000 yards of fill brought in.

M. Lally commented G. Correia and E. Loteczka could work with Agent Hallisey if they desire to move forward.

## 7. ENFORCEMENT ACTIONS

- a. Matthew Haggerty, Townsend Rd. 27/21/16A, complaint re: logging in a wetland: Agent Hallisey reported M. Haggerty said the brush removal will be taken care of in June. He will follow up with M. Haggerty before the June meeting.
- b. Matthew Grant, 28 Shoddy Mill Rd., Notice of Violation re: disturbance to a wetland:

Agent Hallisey said he spoke to the owner and followed up with a letter that he needs a permit for any activity within 100' of a wetlands. He said M. Grant seems to have many projects going on involving the use of heavy equipment. Agent Hallisey said he will work with M. Haggerty.

- c. Kurt Boehm and Sandra Nichols, 41 Route 87, Order to Remediate deposition of material into a wetland without a permit: This agenda item was addressed under 7.d.
- d. 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 Hallisey said he spoke with S. Nichols, owner of 41 Route 87. She is working with an attorney and wants additional information on the contractor and wants oversight. He said he also spoke with K. Boehm, owner of 33 Route 87, and they discussed whether K. Boehm needed to move the shed off the property looking at moving shed off the property or whether the commission would entertain an alternative. There is not a lot of space on that property that is 100' from wetlands. K. Boehm is looking at the possibility of presenting an alternative application that would allow for placing the shed on the surface. Agent Hallisey said he is not required to put frost protection in per building code if the shed is under 600 square feet. That is an option K. Boehm would like to explore.

Agent Hallisey said he hopes to have better direction on the removal of material in the next few weeks.

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

M. Lally said a cease and desist order was issued regarding removal and deposition of material into a wetland without a permit and a show- cause hearing was held on April 14, 2020. Agent Hallisey said Ruby A. Miralda de Puerto provided him with map of the wetlands soils on property which he will share with the commission members prior to the June meeting. Agent Hallisey said it is a rather ornate fence and he has been getting a lot of calls on it. He said an architect is preparing a plan and he hopes to have the plan shortly.

## 8. PUBLIC COMMENT:

Town Administrator E. Anderson said he has tried a few times to get the Town's potential project on the corner of Shoddy Mill Road and Wales Road looked at. M. Lally said this was not added to the agenda because the commission did not have anything to look at. She said anything the Town could provide for the commission to review would be helpful. M. Lally said there is no language for emergency repairs in the wetlands regulations, but if it needs to be done, a notice of violation can be issued, and an application submitted just to follow procedure.

## 9. OTHER BUSINESS

- a. Wetlands Enforcement Officer / Duly Authorized Agent Discussion:

M. Lally said she did complete the state's training and the commission, if they wanted, could authorize her to serve as a duly authorized agent to review and issue permits in the upland review area that seem to have little or no impact. Restrictions could be placed on the type

of permits she could review. This would help free up some of the work Agent Hallisey has in his role as interim Wetlands Agent for the town. G. Elliott commented he would like to appoint M. Lally to serve as a duly authorized agent and only hopes there will be a quorum in the near future to do so.

M. Lally thanked J. Hallisey for stepping up to serve as wetlands agent. She noted, however, this was to be an interim position. She reminded town management that the town needs a wetlands agent and would hope a solution could be reached before the June IWWC meeting.

A. Gibson said there are no applicants for the position of wetlands agent and thanked M. Lally for all the work and time she has put in and J. Hallisey for stepping up. A. Gibson said she would continue to work to spread the word.

M. Lally noted she had previously reached out Eastern CT Conservation District to explore possibly using them as a wetlands agent. At the time it was determined to be cost prohibitive. Recently she reached out to Central CT Conservation District who have hired a new wetlands agent with less experience with the hope of retaining that person in Bolton to do some of the administrative work at a reduced rate. M. Lally said she would like the town to consider taking on one of the conservation districts understanding that the price is substantially higher than the town was hoping to pay someone hourly, the number of hours available would be reduced.

M. Lally explained she cannot keep doing level of work she has been doing to support the commission. Nominations for officers will take place in June and she really needs staff support if she is to stay on as Chair if that is the wish of the commission. If there is not an agent in place, she will not raise her hand for the role of Chair.

M. Lally said more commissioners are needed as well. It will be a problem if one of the three currently active members are absent for a meeting, as there will then be no quorum. Discussion followed on how to reach out to people.

M. Lally offered a thought to create a joint conservation and wetlands commission. G. Elliott said it would require a revision in the Town Charter, but the Town Charter Commission could not reach quorum to meet either.

Selectman Scott Person said he would look into the procedural change for this. M. Lally said the state wetlands regulations allows towns to make changes through ordinance.

10. ADJOURNMENT: G. Elliott MOVED to adjourn the regular meeting at 8:51 p.m. J. Larson SECONDED. By roll call vote, MOTION CARRIED 3:0:0.

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.