

Town of Andover Connecticut
Inland Wetlands & Watercourses Commission
March 2, 2020 7:00 P.M.
Community Room, 17 School Road, Andover, CT
Regular Meeting Minutes

Members Present: Chair Meghan Lally, Jed Larson, and George Elliott

Members Absent: Ed Smith, Wayne Thorpe (Alternate), Rick Osborne (Alternate), Jim Hallisey (serving as Wetlands Agent for the meeting)

Others Present: Wetlands Agent James Hallisey, Recording Secretary Linda McDonald, Anna Glowacki, Nick Glowacki, Kurt Boehm, Sandra Nichols, and Johan van Achterberg

1. Call to Order: M. Lally called the meeting to order at 7:00 p.m.

2. Changes to the Agenda:

M. Lally **MOVED** to remove 5.d from the agenda.

J. Hallisey **MOVED** to correct the address in item 6.c to 28 Shoddy Mill Road.

J. Larson **SECONDED** the agenda changes. **MOTION CARRIED 3:0:0.**

3. Approval of Minutes:

3.a. Approval of February 3, 2020 regular meeting minutes: J. Larson **MOVED** to approve the February 3, 2020 regular meeting minutes as presented. G. Elliott **SECONDED. MOTION CARRIED 3:0:0.**

3.b. Approval of February 8, 2020 Special Meeting Minutes: G. Elliott **MOVED** to approve the February 8, 2020 special meeting minutes as presented. J. Larson **SECONDED. MOTION CARRIED 3:0:0.**

4. Public Comment: No public comment.

5. Applications & Jurisdictional Ruling Requests:

5.a. **IWWC 20-14:** Permit Application: Ron's Professional Lawn Care LLC, owner Dianne Grenier at 400 Lake Road for a stone wall rebuild:

J. Hallisey commented the two-car garage on the plan has been there for 30 years and is not part of the project.

G. Elliott **MOVED** the application of Ronald Bisson of Ron's Professional Lawn Care LLC, on behalf of property owners Diane Grenier and the Andover Lake Management Association (ALMA), for the proposed regulated activities located at 400 Lake Road, Andover, CT to rebuild 75 feet of existing stone lake wall be **APPROVED** and a permit be granted with special permit conditions (listed below) and standard permit conditions. All prudent and feasible measures have been taken to minimize the impact on the wetlands and no feasible and prudent alternative exists. The short-term impacts have been addressed by the applicant's plan and should be sufficient to protect the resource provided the plan is implemented as designed. The

long-term impacts to the Resource have been mitigated to the fullest extent. The granting of this permit is contingent on the proper implementation of the plan and adherence to the conditions of the permit, including payment of any additional fees due.

Approval of this application, and granting of the associated requested permit, is contingent upon the following Special Permit Conditions specific to this application:

1. The Wetlands Agent is to be notified of a pre-construction meeting with the property owner prior to the start of work. The intention of the meeting is to discuss the construction sequence, the proposed erosion and sediment control measures required or necessary to protect the resource, and stabilization of the site maintained during and immediately following construction.
2. The Wetlands Agent, prior to the start of work on the wall, is to approve and verify hay bale erosion measure installed in the Lake below the proposed activity, a diversion measure in place above the work area ample and substantial to direct storm flows away from the work area and into a hay bale corral area above an undisturbed portion of the Lake wall. These items are all to be prepared and in place ready for inspection prior to start of work.
3. All material removed from the wall shall be placed on either plywood or a plastic tarp, this is for placement of material at the foot of the wall or up above the wall on the grass. All stockpiling of material shall be placed on plastic and covered with plastic at the end of the workday.
4. The wall will be constructed at or behind the existing lake front wall, the wall will be backed with up to 12 inches of washed stone and filter fabric and back filled, the stone behind the wall should come to the surface or by design a fabric placed over the stone and mulched. Excess material to be removed from the site, suitable material can be graded into the site below the surface diversion.
5. At the completion of the work, any disturbed soil must be seeded and mulched with 3 inches of hay, or otherwise replanted to insure a vegetative cover. The storm water diversion controls are to remain in place until the site is vegetated and controls are approved by the wetlands agent for removal. Hay bales in the Lake are to be removed at the completion of work.
6. The contractor is responsible for all Erosion and Sediment Control Measures on the site and coordinating inspections with the Wetlands Agent.

J. Larson **SECONDED**. Special condition #1 was amended to read :

“1. The Wetlands Agent is to be notified of a pre-construction meeting with **the contractor and** the property owner prior to the start of work. The intention of the meeting is to discuss the construction sequence, the proposed erosion and sediment control measures required or necessary to protect the resource, and stabilization of the site maintained during and immediately following construction.

MOTION CARRIED 3:0:0.

5.b. **IWWC 20-15:** Permit Application: Anna Glowacki, 17 Lakeside Drive for tree clearing and temporary dock installation on Andover Lake:

M. Lally **MOVED** the application of Anna Glowacki for the proposed regulated activities at 17 Lakeside Drive, Andover, CT for tree removal and temporary dock installation be **APPROVED** and a permit be granted with standard permit conditions. All prudent and feasible measures have been taken to minimize the impact on the wetlands and no feasible and prudent alternative exists. The short-term impacts have been addressed by the applicant's plan and should be sufficient to protect the resource provided the plan is implemented as designed. The long-term impacts to the Resource have been mitigated to the fullest extent. The granting of this permit is contingent on the proper implementation of the plan and adherence to the conditions of the permit, including payment of any additional fees due. All standard permit conditions apply with exception of #7.

J. Larson **SECONDED**.

M. Lally **AMENDED** the motion to add the special permit condition that any vegetation removed from the project location not be stockpiled on the site.

MOTION CARRIED 3:0:0.

5.c. **IWWC 20-17:** Permit Application: Kurt Boehm, 33 Route 87 for construction of a shed in an upland review area:

M. Lally **MOVED** to continue discussion on IWWC 20-17: Permit Application: Kurt Boehm, 33 Route 87 for construction of a shed in an upland review area to next month's meeting. G. Elliott **SECONDED. MOTION CARRIED 3:0:0.**

5.d. **IWWC 20-18:** New Permit Application: Johan van Achterberg, 233 Route 6 for construction of a shed in an upland review area:

J. van Achterberg explained his plan is to build a 32' x 16' firewood shed adjacent to a parking area with concrete footings. The shed would be located 75' from the center of the brook on the property.

G. Elliott **MOVED** to schedule a site walk for IWWC 20-18: New Permit Application: Johan van Achterberg, 233 Route 6 for construction of a shed in an upland review area for Saturday, March 7, 2020 at 9:00 a.m. J. Larson **SECONDED. MOTION CARRIED 3:0:0.**

5.e. **IWWC 20-19:** New Permit Application: Andrew Dayon (owner H. Paul Carbonneau), 159 Lakeside Drive for a septic system repair in an upland review area:

H. Paul Carbonneau explained the septic system is over 40 years old and he has it pumped every two years. Per his request, the septic company tried to put a camera down into the tank during the last pumping to survey its condition but was unsuccessful. The tank was filled with water and was observed to be draining slower than in past years. H. Paul Carbonneau said he is being proactive with the installation of a new septic system before a problem arises. The septic company has dug test holes and he has submitted an evaluation from the Eastern Highland Health District as part of his application.

M. Lally **MOVED** to have Agent Hallisey review the site and report back to the commission at the next regular meeting. J. Larson **SECONDED**. **MOTION CARRIED 3:0:0.**

6. Enforcement

6.a. Kurt Boehm for construction in an upland review area and deposition of material into a wetland without a permit at 33 Route 87: Show Cause Hearing:

J. Hallisey read the "Order to Remediate" dated 2/24/2020 into the record which was sent certified mail to the property owners at 41 Route 87 (Sandra & Thomas Nichols) and 33 Route 87 (Kurt Boehm).

For the record, M. Lally noted that both Kurt Boehm and Sandra Nichols are present at this show cause hearing.

K. Boehm asked if the order only pertains to the material put on the neighbor's property at 41 Route 87. Agent Hallisey confirmed this.

S. Nichols said she would allow K. Boehm access to her property to remove the material only if he was supervised by a Town employee. K. Boehm said Mark Williams Estimation would be doing the work. S. Nichols said she is not comfortable with removal of the property boundary pins when the debris is removed unless surveyor Andrew Bushnell was present. K. Boehm offered to have the surveyor come out and confirm the replacement of the pins after the work is completed.

All communication involving the removal of the material at 41 Route 87 will be directed through Agent Hallisey. Costs associated with the removal of the piles of material from 41 Route 87 will be the responsibility of K. Boehm.

J. Larson **MOVED** to leave in effect the current "Order to Remediate" issued to Kurt Boehm (33 Route 87) and Sandra Nichols (41 Route 87) on 02/24/2020 for deposition of material into a wetlands (regulated activity) without a permit at 41 Route 87.

G. Elliott **SECONDED**. Discussion followed.

M. Lally stated the main elements of the order specific to 41 Route 87 as follows:

- All material that was deposited by K. Boehm needs to be removed from the property
- That area needs to be stabilized and re-vegetated
- Hay bales are to be installed and remain in place until re-vegetation occurs
- Prior to any of that activity occurring, the haybales need to be installed and K. Boehm must notify the Wetlands Agent.

M. Lally said the expectation is that K. Boehm will carry out the items that were stated in the order. K. Boehm will coordinate through Agent Hallisey. Agent Hallisey will coordinate with the property owner (S. Nichols) to make sure permission is granted at the time the activity is proposed.

Regarding a disposal plan for the materials removed, K. Boehm was advised by the commission that if he is going to place the material on his property, not to place the material in the upland review area (not within 100' of the stream or wetlands).

Agent Hallisey said he would contact the surveyor requested by S. Nichols and have him speak with her directly. M. Lally said the surveyor needs to bill the Town directly if he needs to be onsite. The Town will incorporate the surveyor cost into the fees associated with the activities.

MOTION CARRIED 3:0:0.

- 6.b Matthew Haggerty, Townsend Road, Assessors map 27, block 21, lot 16A for a citizen's complaint received regarding logging in a wetlands:

M. Lally noted that at the last meeting, the commission M. Haggerty indicated he would place hay bales around the disturbed area associated with the driveway construction. The commission requested at the February meeting the hay bales be in place within 10 days. M. Lally said she has not observed any hay bales in place.

Agent Hallisey said M. Haggerty indicated he has put in a tracking pad, but not hay bales as directed by the commission at the last meeting. The commission directed Agent Hallisey to follow-up with M. Haggerty. No action taken.

- 6.c TBD, 28 Shoddy Mill Road, citizen complaint regarding heavy equipment in a wetland: an anonymous complaint was received on 1/30/2020 for a possible wetlands violation at 28 Shoddy Mill Road involving heavy equipment:

At the last meeting, M. Haggerty indicated he would place hay bales around the disturbed area associated with the driveway construction. M. Lally noted she has not observed that to have been completed.

Agent Hallisey reported he looked at the site. He said the brush clearing activity in an area approximately 50' x 50' is adjacent to a drainage swale along a stone wall by the roadside, definitely in a regulated area. He commented there is no heavy equipment remaining.

M. Lally asked Agent Hallisey if this warrants follow-up action by the commission. Agent Hallisey recommended that he contact the property owner and make him aware that he should have had a permit and that he should stabilize the area. Future activity will require a permit. The commission directed Agent Hallisey to send this in writing to the property owner and follow-up by phone.

7. Wetland Agent Report: No report.
8. Public Comment: No public comment.
9. Other Business:

8.a. Next Meeting: April 6, 2020 at 7:00 p.m. at Andover Town Hall

8.b. Site Plan Reading Training: March 17, 2020 at 6:30 p.m. at Andover Town Hall

8.c. ALMA Meeting: March 23, 2020 at 7:00 p.m.: M. Lally said she will attend the meeting to talk about overlaps with ALMA and IWWC applications.

8.d. Alternate Position Vacancy: M. Lally reported the vacancy has been advertised.

8.e. Application Packet Revision: J. Larson reported on his review of the revisions to the application packet. He noted he is not sure how the commission lets the public know about the 14-day waiting period after the commission receives an application.

J. Larson **MOVED** to notify the public through a widely distributed newspaper that a wetlands application is being received by the commission, so the public has time to act on it. G. Elliott **SECONDED**. Discussion followed.

J. Larson **WITHDREW** his motion on the table. G. Elliott **WITHDREW** his second of the motion. No action taken.

10. Adjournment: J. Larson **MOVED** to adjourn the regular meeting at 8:16 p.m. G. Elliott **SECONDED. 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.