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Town of Andover Connecticut
Inland Wetlands & Watercourses Commission
February 3, 2020 7:00 P.M.
Community Room, 17 School Road, Andover, CT
Regular Meeting Minutes

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

Members Absent: Ed Smith, Wayne Thorpe (Alternate), and Rick Osborne (Alternate)

Others Present: Town Administrator Eric Anderson, Wetlands Agent Joshua Snarski, Recording Secretary Linda McDonald, Janusz Jandzinski, Philip Neubauer, Richard Repay, Ellen Repay, Anna Glowacki, Nick Glowacki, Pat Grimaldi, Vinny Grimaldi, Ronald Bisson, Kurt Boehm, Scott Person, Hank Gruner, Matt Haggerty, Benjamin Mike, Rick Osborne, Sandra Nichols

1. Call to Order: M. Lally called the meeting to order at 7:01 p.m.

Additions/Deletions to agenda:

M. Lally **MOVED** to change the order of agenda items as follows: 5. (Enforcement) to 4. (Enforcement) and 4. (Applications & Jurisdictional Ruling Requests) to 5. (Applications & Jurisdictional Ruling Requests) and move 4.a. Kurt Boehm for construction in an upland review area and deposition of material into a wetland without a permit at 33 Route 87 to 4.b and move 4.b Matthew Haggerty, Townsend Road, Assessors map 27, block 21, lot 16A for a citizen's complaint received regarding logging in a wetlands to 4.a.

J. Hallisey **SECONDED. MOTION CARRIED 4:0:0.**

M. Lally **MOVED** to add agenda item 5.c IWWC 20-16: New permit application of Vincent and Patricia Grimaldi to construct a new driveway over wetlands at 357 Lake Road. J. Larson **SECONDED. MOTION CARRIED 4:0:0.**

2. Approval of Minutes:

3.a. Approval of January 6, 2020 special meeting minutes: J. Hallisey **MOVED** to approve the January 6, 2020 special meeting minutes. J. Larson **SECONDED. MOTION CARRIED 4:0:0.**

The following amendments (**in bold**) were made:

3.a: The applicant made a modification due to being required to move the septic system approximately 3 ft closer to the lake per the **State of Connecticut** Health Department.

G. Elliott **MOVED** to approve the January 6, 2020 special meeting minutes as amended. J. Larson **SECONDED. MOTION CARRIED 4:0:0.**

3. Public Comment:

Conservation Biologist Hank Gruner read and submitted correspondence into the record regarding conservation recommendations for the pending jurisdictional ruling for timber management within a wetland and associated upland review area, Philip Neubauer, 242 Hebron Road. (Document attached)

4. Enforcement

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

J. Snarski reported he viewed the property today and noted a couple of trees cut down either in or along the wetland, sediment being tracked on the edge of the road and slightly onto the road and no sedimentation controls in place.

M. Lally said the complaint was made regarding the apparent debris left behind from the logging.

The members reviewed the previous summary ruling for approval to construct a new residence on the property which included installation of a new driveway which was granted by the commission on February 11, 2019.

M. Haggerty explained he is clearing the lot in preparation of new residence construction and putting a bridge where the driveway is going. He anticipates all debris will be cleaned up this spring and affirmed he will remove the debris in the wetlands. M. Haggerty said he installed some trap rock at the entrance to control sediment from leaving and moving into wetlands during logging.

J. Snarski strongly recommended silt fencing as soon as possible to control sedimentation. Agent Snarski will follow-up with M. Haggerty next week.

- 4.b. Kurt Boehm for construction in an upland review area and deposition of material into a wetland without a permit at 33 Route 87:

J. Snarski said a notice of violation regarding the unpermitted activity was sent. K. Boehm has submitted a wetlands application (no fee yet determined or received) and provided two drawings of the plan for construction and removal of deposited material in the wetland. J. Snarski said the main area of concern is the proximity of the larger shed (closest to the road) to the stream.

K. Boehm explained his plan is to remove 2-3 yards of debris next to the shed (shed will remain in place), line some of the slope with filter fabric, pulling back 2 feet depth of filled soil from the river, and stabilize the soil with seed and hay. Hay bales will be placed at the bottom of the slope during activity to remediate. J. Snarski said some sediment was added to create a platform next to the shed, altering the watercourse and noted there is a culvert where the river meets the road on the property line.

J. Larson **MOVED** to schedule a site visit Saturday, February 8, 2020 at 9:30 a.m. to review the existing site conditions at 33 Route 87. G. Elliott **SECONDED. MOTION CARRIED 4:0:0.**

5. Applications & Jurisdictional Ruling Requests:

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

Applicant Ron Bisson described the proposed activity to rebuild a stone wall at 400 Lake Road on the lake, a project expected to take 2-2 1/2 weeks to complete. The project would entail

removal of the stone wall by the lake down to the base level and a rebuild to the same height and width as the old wall. Approximately 20 yards of soil from behind the wall would be removed offsite and approximately 20 yards of $\frac{3}{4}$ " stone will be replaced in the same area at approximately 3 feet wide and 3 feet deep from the wall area. E&S measures include use of hay bales on the lawn area, plywood and poly on the lakebed area and poly over the stone at night.

Correspondence was received from Art Wood, representing the Andover Lake Management Association (ALMA) which stated "ALMA supports the proposal for repair of the entire lakefront wall at 400 Lake Road with the understanding there will be 18"-24" Of crushed stone behind the wall and that filter fabric will be used. If the Wetlands Commission has concerns about this project, ALMA would like to revisit it".

J. Snarski will visit the site and report back to the commission before the next meeting. The commission will revisit the application at the March meeting.

5.b. **IWWC 20-15:** New Permit Application: Anna Glowacki, 17 Lakeside Drive for a dock installation on Andover Lake:

A. Glowacki reviewed her application to put an aluminum dock on the property at 400 Lake Road posts in the water, not fastened to the lakebed, and submitted a photo of the worksite into the record. M. Lally requested a rendering of the proposed dock be submitted to the building department. N. Glowacki said some trees are in the way and six would have to be cleared, but the stumps will remain in place. As requested by the commission, the applicant will submit additional information to the building/land use department for consideration in the application to include the removal of the trees.

Correspondence was received from Marty Paskoff, board member of the Andover Lake Management Association (ALMA) which stated "This is to inform you that the ALMA Board has approved the application of Anna Glowacki, 17 Lakeside Drive for construction of a dock at her premises and she has been so informed. Her plan is to install the dock in the spring."

J. Larson **MOVED** to schedule a site visit on Saturday, February 8, 2020 at 9:00 a.m. for **IWWC 20-15:** New Permit Application: Anna Glowacki, 17 Lakeside Drive for a dock installation on Andover Lake. J. Hallisey **SECONDED. MOTION CARRIED 4:0:0.**

5.c **IWWC 20-16:** New permit application of Vincent and Patricia Grimaldi to construct a new driveway over wetlands at 357 Lake Road:

Applicants explained a review of the deed showed a historic subdivision of the property in 1956 that was missed during the prior wetlands approval for this project. Because of this oversight, the applicants were informed they would have to come back to the IWWC for a modification of the existing approved wetlands application.

After reviewing the approved application, consensus of the commission is the subdivision is separate from the wetlands application.

M. Lally **MOVED** there is no need for a re-application to wetlands given there is no change in the proposed activity or location of the activity or otherwise from the prior application. G. Elliott **SECONDED. MOTION CARRIED 4:0:0.**

5.d. Jurisdictional Ruling Request: Philip Neubauer, 242 Hebron Road for timber management within a wetland and associated upland review area:

The members reviewed new maps entered into the record. J. Snarski reported three weeks ago he walked the site with two members of Natural Resources Conservation Service (NRCS) and P. Neubauer. As a result, re-routes were made on the plans (1/22/2020) to two of the four trails to avoid wetlands. The western trail will still require a wetlands crossing. M. Lally asked if there are any disturbances to the wetlands associated with trail construction. J. Snarski said all timber crossings would have corduroy (cut trees could be laid perpendicular to the crossing and removed after activity) or timber mat coverings. P. Neubauer explained materials used will be based on weather conditions affecting the soil. P. Neubauer informed the commission that NRCS asked if the project could be amended to break out western trail section from the other trails.

As provided in Connecticut General Statutes Sections 22a-36 through 22a-45 as amended, and in accordance with Sections 4.1 and 4.2 of the Inland Wetlands and Watercourses Regulations, and in accordance with the 2011 Supreme Court Ruling in *Taylor v. Conservation Commission*, which stated, "*section 22a-40 (a) (1) does not permit the filling of wetlands for the purpose of road construction, regardless of the road's relation to the farming operation, because the statute clearly provides for the regulation of activities that require wetlands to be filled,*" J. Larson **MOVED** that the temporary road construction in a wetlands to support forest management activities proposed by Mr. Philip Neubauer at 242 Hebron Road be **ruled a regulated activity for which a permit is required**. J. Hallisey **SECONDED**. **MOTION CARRIED 4:0:0**.

As provided in Connecticut General Statutes Sections 22a-36 through 22a-45 as amended, and in accordance with Sections 4.1 and 4.2 of the Town of Andover Inland Wetlands and Watercourses Regulations, M. Lally **MOVED** all other aspects of the project presented by Mr. Philip Neubauer, 242 Hebron Road, map dated 1/22/2020 titled "Forest Trail Adjustments", excluding the western trail be ruled "**permitted as of right**" according to section 4.1(a) which states, "*Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds of three acres or less essential to the farming operation, and activities conducted by, or under the authority of the Department of Environmental Protection for the purposes of wetland or watercourse restoration or enhancement of mosquito control. The provisions of this subdivision shall not be construed to include road construction or the erection of buildings not directly related to the farming operation, relocation of watercourses with continual flow, filling or reclamation of "wetlands or watercourses with continual flow, clear cutting of timber except the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale."*

J. Larson **SECONDED**. **MOTION CARRIED 4:0:0**.

5.e. **IWWC 19-12**: Permit Application: Town of Andover, Long Hill Road and Center Street for a project to install sidewalks and drainage improvements:

Town Administrator E. Anderson, representing the Town, explained a site walk was conducted with the Wetlands Agent and Town Engineer Gerry Hardisty.

J. Snarski read the special and standard approval conditions of the summary ruling into the record.

As provided in Connecticut General Statutes Sections 22a-36 through 22a-45 as amended, and in accordance with Sections 4.1 and 4.2 of the Inland Wetlands and Watercourses Regulations J. Larson **MOVED** that the application (IWWC 19-12) of the Town of Andover for the proposed Regulated Activities: Installation of sidewalks and 'sharrow' along Long Hill Road and improvement of a parking lot on Center Street in association with the "Town's Community Connectivity Grant" be **APPROVED** and a **PERMIT BE GRANTED WITH THE CONDITIONS PREVIOUSLY DISCUSSED** because 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 applicants 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 above is contingent on the proper implementation of the plan and adherence to the conditions of the permit.

J. Hallisey **SECONDED. MOTION CARRIED 4:0:0.**

5.f **IWWC 20-13:** Permit Application: Richard and Ellen Repay, 119 Lakeside Drive for a garage addition within 200 feet of Andover Lake:

R. Repay submitted into the record an updated site plan. J. Snarski reported he visited the site. He reviewed and read into the record the special permit approval conditions in the summary ruling.

As provided in Connecticut General Statutes Sections 22a-36 through 22a-45 as amended, and in accordance with Sections 4.1 and 4.2 of the Inland Wetlands and Watercourses Regulations G. Elliott **MOVED** that the application (IWWC 20-13) of Mr. and Mrs. Richard and Ellen Repay, 119 Lakeside Drive for a garage addition within 200 feet of Andover Lake be **APPROVED** and a **PERMIT BE GRANTED WITH THE CONDITIONS PREVIOUSLY DISCUSSED** because 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 applicants 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 above is contingent on the proper implementation of the plan and adherence to the conditions of the permit.

J. Hallisey **SECONDED. MOTION CARRIED 4:0:0.**

5.g **IWWC 19-10:** Permit Application: Janusz Jandzinski for residential building demolition via controlled burning at 40 Townsend Road, Assessors map 27, block 20, lot 9A:

J. Jandzinski explained the Fire Department was unable to provide a burn plan as requested by the IWWC.

M. Lally responded the IWWC cannot make a decision regarding any possible contaminating runoff through erosion and sedimentation without a written burn plan in place.

J. Jandzinski said he only received the letter with the list of items the IWWC requested in order to review his application on 1/27/2020, not giving him time to comply. In addition, M. Lally reported she learned the Town does not currently have a local burn official for the applicant to discuss the application with.

M. Lally recommended J. Jandzinski look into the State burn permit approval process. She said, if he gets State permission for the residential building demolition via controlled burning, any package produced would probably be more than sufficient for the IWWC to review as State requirements are more stringent.

J. Jandzinski, stated for the record, he would be withdrawing his application (for residential building demolition via controlled burning at 40 Townsend Road) at this time.

6. Wetland Agent Report:

J. Snarski stated he will be resigning his position and will stay on for two to three weeks. M. Lally reported the Town Administrator asked Jim Hallisey to fill in as agent temporarily, pending legal advice/review as J. Hallisey is a sitting member of the IWWC. The position will be re-posted. The commission members thanked J. Snarski for his assistance and work as Wetlands Agent for the Town.

J. Snarski reported an anonymous complaint was received on 1/30/2020 for a possible wetlands violation at 28 Shoddy Mill Road involving heavy equipment. He will follow-up on the complaint.

7. Public Comment: No public comment.

8. Other Business:

8.a. Next Meeting: March 2, 2020 at 7:00 p.m. at Andover Town Hall

8.b. FOIA Training: February 18, 2020 at 6:30 pm. at Andover Town Hall

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

8.d. ALMA Meeting: February 10, 2020 at 7:00 p.m.: M. Lally reported she was informed by Town counsel that wetlands applications involving activities on the Andover Lake lakebed need ALMA signature. She will be attending the ALMA February meeting.

8.e Draft 2019 Annual Report and 2020 Budget Submission: M. Lally distributed copies of the annual report she compiled to members for review. She reported there will be a request for increase of hours for the Wetlands Agent position in the 2020 IWWC budget submission to the Town.

8.f Application Packet Revision: M. Lally distributed a modified draft application checklist. Review and discussion followed.

8.g Alternate Position Vacancy: Discussion followed on ways to reach out to the public to fill the alternate vacancy.

9. Adjournment: J. Larson **MOVED** to adjourn the regular meeting at 9:41 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.

OPEN APPLICATION SUMMARY TABLE

Application #	Status	Applicant(s)	Location	Activity Description	Receipt Date	Site Visit(s)	Public Hearing	Min. Action Date	Max. Action Date
IWWC19-10	APPLICATION WITHDRAWN 2/3/2020	Janusz Jandzinski	40 Townsend Rd.	Demolition, controlled burn	11/4/19	11/9/19			
IWWC19-11	APPROVED 12/09/2019	Jeff Miner (George Lykotrafitis)	410 Lake Road	Stone wall rebuild					
IWWC19-12	APPROVED 2/3/2020	Town of Andover	Long Hill Rd. & Center St.	Sidewalk installation, drainage improvements					
IWWC20-13	APPROVED 2/3/2020	George & Ellen Repay	119 Lakeside Dr.	Garage addition					
IWWC20-14	NEW Application	Ron's Professional Lawn Care LLC (Diane Grenier)	400 Lake Rd.	Stone wall rebuild	02/03/20	TBD	TBD	02/17/20	04/08/2020
IWWC20-15	NEW Application	Anna Glowacki	17 Lakeside Dr.	Dock installation – Andover Lake	02/03/20	02/03/2020	TBD	02/17/20	04/08/2020
N/A	Permitted as of right, in part, 02/03/2020	Philip Neubauer	242 Hebron Rd.	Timber management	12/9/19	TBD	TBD	N/A	N/A
N/A	Ruled as a regulated activity, in part, permit required 02/03/2020	Philip Neubauer	242 Hebron Rd.	Timber management					

SIGN IN SHEET

IWWC FEBRUARY 3, 2020 MEETING

1. Nick Glowacki
2. PAT + VINNY GRIMALDI
3. Bonnie Brison
4. Kurt Borchers
5. Ellen + Rich Reporey
6. Scott Pearson
7. Hank Gruener
8. Janice Jandosh
9. Matt Haggerty
10. Anna Glowacki
11. Benjamin Mike
12. Phil Neubauer
13. Rick Osborne
14. Eric Anderson
15. Sandy Nichols
16. _____
17. _____

To: Town of Andover Inland Wetlands and Watercourses Commission

From: Town of Andover Conservation Commission

Re: Conservation recommendations for a pending jurisdictional ruling

Date: February 3, 2020

The Conservation Commission wishes to submit the following advisory recommendations regarding the following pending jurisdictional ruling:

Timber management within a wetland and associated upland review area, Phillip Neubauer, 242 Hebron Road.

Under a USDA-NRCS Conservation Plan, the landowner will manage existing fields and forest patches for early successional habitat, timber and firewood production, and recreational activities. The project also includes management of invasive plants, and the placement of wildlife enhancement structures such as, the erection of bat boxes.

The Conservation Commission is supportive of land use and management projects that promote biological diversity and other natural resource values. Initiatives that create and maintain early successional habitats, such as the proposed project, are a statewide conservation priority as these habitats have been declining as a result of development and reforestation. However, in reviewing the proposed management plan, the Commission offers the following recommendations regarding the annual mowing schedule for the early successional habitats on the parcel. Although the Commission recognizes that these recommendations are not associated with jurisdictional wetlands, they are relevant to best management practices associated with the broader conservation goals of the project.

In reference to the following planned activity: Early Successional Habitat Development/Management (647), Management of Seral Stage Vegetation – Mowing and mowing with Forgone Income

The proposed plan includes annual mowing of approximately 15 acres of early successional habitat, with suggested seasonal restrictions of no mowing during the period April 15th-August 15th in consideration of ground nesting birds, mammals and other wildlife. Under the current plan mowing would occur in September. The Commission recommends that the no mowing season be amended to April 1st-October 15th with mowing ideally occurring in late October or early November. If mowing in a particular field is deemed necessary during the April 1-October 15th activity period, blade height should be set to a minimum of six inches above the ground. These recommendations are aimed at preventing inadvertent mortality of reptiles (e.g., eastern box turtles, hog-nosed snakes, black racers, smooth greensnakes) that may seasonally utilize the early successional habitats associated with the parcel. Injury and mortality associated with agricultural mowing has been documented as negatively impacting populations of reptiles, and box and wood turtle populations are especially vulnerable to such activities. The recommendations included above are based on best development practices that have been developed to mitigate against these impacts in agricultural and other mowing operations.