

Town of Andover Connecticut
Inland Wetlands & Watercourses Commission
December 9, 2019 7:00 P.M.
Community Room, 17 School Road, Andover, CT
Regular Meeting Minutes

Members Present: Chair Meghan Lally, Jed Larson, James Hallisey, George Elliott and Ed Smith (arrived 7:02 p.m.)

Members Absent: Wayne Thorpe (Alternate) and Rick Osborne (Alternate)

Others Present: Town Administrator Eric Anderson, Wetlands Agent Joshua Snarski, Recording Secretary Linda McDonald, Jeff Miner, Janusz Jandzinski, Chris Morrell, Philip Neubauer, Sandra Nichols, Ellen Repay, Rich Repay, Selectman Scott Person

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

2. Approval of Agenda:

G. Elliott MOVED to change the order of the agenda to move approval of the minutes from item 3 to item 6. Discussion followed. MOTION FAILED 1:3:0 with M. Lally, J. Hallisey and G. Elliott opposed.

M. Lally MOVED to add the following items to Applications:

- item e: Application of the Town of Andover regarding a Community Connectivity Grant for installation of a paved walkway along Route 6 to Andover Library and cleaning and stabilizing existing drainage swale
- item f: Pre-application discussion with Rich Repay for a garage addition at 119 Lakeside Drive
- item g: Discussion with Philip Neubauer regarding NRCS collaboration application, 242 Hebron Road

M. Lally MOVED to change the order of the agenda as follows:

- item 5: Enforcement/Wetlands Agent Report – Notice of Violation to item 4 and agenda item 4: Applications to item 5

J. Larson SECONDED the motions. MOTIONS CARRIED 5:0:0.

3. Approval of Minutes:

3.a. Approval of November 4, 2019 special meeting minutes: G. Elliott MOVED to approve the November 4, 2019 special meeting minutes as amended with the corrected name spelling of George Elliott. J. Hallisey SECONDED. MOTION CARRIED 4:0:1 with E. Smith abstaining.

3.b. Approval of November 9, 2019 special meeting minutes: J. Larson MOVED to approve the November 9, 2019 special meeting minutes as amended with corrected name spellings of George Elliott and Jed Larson. G. Elliott SECONDED. MOTION CARRIED 4:0:1 with Jim Hallisey abstaining.

4. Enforcement/Wetlands Agent Report:

4.a. Notice of Violation issued 11/27/19 to Kurt Boehm for construction in an upland review area and deposition of material into a wetland without a permit at 33 Route 87:

Upon receiving a complaint, Wetlands Agent J. Snarski inspected the site and found gravel and loose debris dumped within 20 feet of the Hop River. Concrete was dumped by property owner as stated at the meeting. Agent Snarski issued a Notice of Violation (NOV) to the property owner. As stated in the NOV, "Corrective actions: Obtain a professionally prepared plan which addresses the following: Remove deposited material along the natural watercourse slope and stabilize the bank to prevent sediment inflow into the watercourse. Precautions must be taken during remediation process to ensure material does not enter the watercourse and the banks are re-established."

Dialogue followed with property owner Kurt Boehm expressing frustration and confusion with the permit processes in the Building and Land Use Departments.

M. Lally said there is no copy of a wetlands permit for these projects on file in the building department, even though K. Boehm claims to have pulled permits. K. Boehm stated he has not had time to develop a site plan of where the previous shed was located on the property.

For the record, J. Hallisey stated he, as Zoning Official, was cleared by legal counsel to serve and participate on the IWWC.

The Town will issue a cease and correct order if the NOV is not complied with (corrective actions).

Wetlands Agent J. Snarski will schedule time to follow up and meet with the property owner to review the specific violation and what corrective actions are needed. Owner will provide a plan for the January meeting.

5. Applications:

5.a. Permit Application of Jeff Miner for construction of a stone wall and related excavation at 410 Lake Road, Assessors map 44, block 47, lot 440:

M. Lally read into the record a letter from Jeff Hayes, Secretary of the Andover Lake Management Association (ALMA) which stated "The ALMA board has no issue with the wall being completed at 410 lake Road provided it is ok with the Wetlands Commission. If the Wetlands Commission has concerns, we may want to revisit it, but otherwise we are ok letting the landowner complete the wall."

J. Miner said there would be hay bales and silt fence on site to control any E&S issues that might arise with a heavy rain.

G. Elliott MOVED to approve permit application of Jeff Miner for construction of a stone wall and related excavation at 410 Lake Road, Assessors map 44, block 47, lot 440 with reference to the conditions previously approved and additional conditions of E&S controls and mitigation measures (hay bales and silt fence) as stated by the applicant. J. Larson SECONDED. MOTION CARRIED 5:0:0.

5.b. Permit application of Janusz Jandzinski for residential building demolition via controlled burning at 40 Townsend Road, Assessors map 27, block 20, lot 9A:

M. Lally explained the Fire Chief could not attend this meeting to give details of how the controlled burn would be executed (chemicals to be used, amount of water that would be released, what equipment would be used), information the Commission needs before a decision can be made on the application. She said the Fire Chief would not be available to attend the January 6, 2020 IWWC meeting.

M. Lally MOVED to request an extension a written extension to allow further time for the commission to make a decision . Otherwise, by law, the commission has to make a decision by January 9, 2020.

J. Larson SECONDED. MOTION CARRIED 5:0:0.

For the record, J. Jandzinski verbally granted an extension to February 3, 2020. He asked if the commission could decide on the application at the January meeting if another representative from the Fire Department could attend. M. Lally explained this application could go to public hearing based on the information received from the fire department. She encouraged J. Jandzinski to talk to the Fire Marshal for information on other permits needed for the demolition.

5.c. Jurisdictional Ruling Request, Town of Andover for tree removal on Long Hill Road:

M. Lally explained there are four (4) large standing oak trees that are dead, and the Town has concern with public safety and liability.

J. Larson MOVED that the proposed activity of the Town of Andover for tree removal on Long Hill Road is not within the jurisdiction of the IWWC. G. Elliott SECONDED. MOTION CARRIED 5:0:0.

5.d Permit Modification Request of Lynn Dove for subsurface sewage disposal system repair at 294 Lake Road, Assessors map 43, block 47, lot 174 (approved 10/17/19):

C. Morrell, representing the property owner, said the application was approved in October. Since the approval, the State Public Health Department modified the location to move the system 4 feet closer to the lake (a better fit for the property) and a new application and amended plan were re-submitted.

M. Lally said the IWWC can't legally act upon the application for 14 days after receipt of the application to allow for public comment.

Wetlands Agent J. Snarski will visit the site and the application will be acted upon by the Commission at the January 6, 2020 meeting.

M. Lally MOVED to table discussion/possible action on the permit modification request of Lynn Dove for subsurface sewage disposal system repair at 294 Lake Road, Assessors map 43, block 47, lot 174 to the January 6, 2020 meeting. J. Larson SECONDED. MOTION CARRIED 5:0:0.

5.e Application of the Town of Andover regarding a Community Connectivity Grant for installation of a paved walkway along Route 6 to Andover Library and cleaning and stabilizing existing drainage swale:

E. Anderson explained a prior wetlands application to the commission was rejected by the commission. Since then he met with J. Valente regarding the storm drainage structures and approximate location of the wetlands. He also met with the Town Engineer. E. Anderson said he will address any questions from the commission at the January meeting.

Consensus of the commission was no site walk would be necessary. Wetlands Agent J. Snarski will review the application with Town Administrator and report back to the commission at the January meeting and have Town Engineer G. Hardisty available for the meeting.

M. Lally MOVED to table discussion/possible action on the application of the Town of Andover regarding a Community Connectivity Grant for installation of a paved walkway along Route 6 to Andover Library and cleaning and stabilizing existing drainage swale to the January 6, 2020 meeting to allow Wetlands Agent J. Snarski time to review the application and have Town Engineer Gerry Hardisty present at the meeting. G. Elliott SECONDED. MOTION CARRIED 5:0:0.

5.f: Pre-application discussion with Rich Repay for a garage addition at 119 Lakeside Drive:

R. Repay described the project and said the garage would be attached to the house and sit on a concrete slab. The garage would be 185 feet from the lake and the project has received variance approval.

G. Elliott noted the project would add an additional 600 feet of impervious surface to the property. Commission discussion followed on whether this would be an area of special concern as per Section 2.26 (Regulated Activity) of the Wetlands Regulations.

J. Larson MOVED that the activity at 119 Lakeside Drive for a proposed 22' x 27' garage addition is a regulated activity as per the Andover Wetlands Regulations and would require an IWWC permit. J. Hallisey SECONDED. MOTION CARRIED 5:0:0.

Completed application could be received at the January meeting.

5.g Discussion with Philip Neubauer regarding Natural Resources Conservation Service (NRCS) collaboration application for responsible management of existing fields, while managing forest woodlands for early successional habitat, timber and firewood production, and recreational activities at 242 Hebron Road:

Agent Snarski reviewed the three areas on the property of wetlands concern, two for temporary watercourse crossings for logging trails and an area of clear (or patch) cutting. R. Repay said NRCS is creating a habitat for certain species and improve forest for wildlife. As-of-right activity, development rights are owned by the State, PA 490, NRCS would like forestry portion completed by March 2020 not to impact nesting period.

M. Lally said some pieces of plan might require a permit even though the activity is agricultural in nature. She quoted portions of Wetland Regulations sections 4.1 (Activities as-of-right) and Section 4.2 (Non-regulated activities).

P. Neubauer said the State is requiring the cut wood to be pulled out. He said there would be about 20 acres of logging and is applying to the Commission for the forestry part of the project.

M. Lally recommended the Commission submit the entire USDA Conservation Plan to special Land Use Attorney Mark Branse for review and to get an initial opinion on whether all or a portion of the project should be considered permitted use as-of-right or, if not, it falls under Section 4.2 of the Andover Wetlands Regulations as a non-regulated use. E. Smith SECONDED.

After further discussion, M. Lally MOVED to present the information on pages 7 and 8 of the Conservation Plan titled "Forest Stand Improvement" and the corresponding Map titled "Forest Practices Detail Map" to Attorney Branse, special Land Use counsel, for legal review. E. Smith SECONDED. MOTION CARRIED 5:0:0.

6. Public Comment:

S. Nichols asked, for the record, about the timeframe for the property owner to comply with the NOV at 33 Route 87. She entered into the record documents she said outlines the history of issues and photographs relating to the wetlands issue between 33 Route 87 and 41 Route 87, saying there are known issues documented back to 1995. She said she is concerned with the ripple effect of backfill in the brook and construction in the upland review area. Upon request, she received a copy of the violation from the commission

K. Boehm requested a copy of the submittal into the record by S. Nichols.

7. Other Business:

7.a Revised 2020 Meeting Schedule – 1st Monday at 7:00 p.m.:

J. Larson MOVED to approve the revised 2020 Meeting schedule as follows:

BOARD OR COMMITTEE: Inland Wetlands and Watercourses Commission (IWWC)
REGULAR MEETING DETAILS: Time: 7:00 PM Day of Week: 1st Monday (Tuesday of the week following the 1st Monday in event of reschedule) Location: Town Hall Community Room

January 6
February 3
March 2
April 6
May 4
June 1
July 14
August 3
September 15
October 5
November 2
December 7

E. Smith SECONDED. MOTION CARRIED 5:0:0.

7.b Legal Training Recap (12/2/19)

7.c FY 19 Annual Report and 2020 Budget Request:

M. Lally reported she will prepare the FY 19 Annual Report and 2020 Budget and asked the members to provide any information or anticipated purchases to be added to the budget.

7.d Application Packet and Regulation Update Status:

M. Lally reported she has sent an email to Attorney Branse to clarify if the Commission can move forward with revising the application without going to public hearing. She is working with staff to create tools to help keep track of permit applications and improve efficiency and

transparency and asked for any additional documents and tools from members. Beginning in 2020, wetland permit applications will have permit numbers. She said she is also working on an informational worksheet for applicants.

7.e Alternate Position Vacancy: No discussion.

8. Adjournment: J. Larson MOVED to adjourn the regular meeting at 9:26 p.m. E. Smith SECONDED. MOTION CARRIED 5:0:0.

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.