

Town of Andover Connecticut  
Inland Wetlands & Watercourses Commission  
April 6, 2020 7:00 P.M.  
VIRTUAL MEETING VIA ZOOM WEBSITE PLATFORM

Regular Meeting Minutes

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

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

Others Present: Wetlands Agent James Hallisey, Administrative Assistant Amanda Gibson, Recording Secretary Linda McDonald, David Gostanian, H. P. Carbonneau, Kurt Boehm, Amy Knox, James Blair, Johan van Achterberg, and Jeff Maguire

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

Amanda Gibson sadly informed the board that Commission member Rick Osborne has passed away. A moment of silence was observed.

**2. APPROVAL OF MINUTES**

**a. March 2, 2020 Regular Meeting Minutes:**

The March 2, 2020 regular meeting minutes were amended as follows:

- 6. Enforcement: K. Boehm said Mark Williams ~~Estimation~~ **Excavation** would be doing the work.
- 6.c ~~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.~~

J. Larson MOVED to approve the March 2, 2020 regular meeting minutes as amended. E. Smith SECONDED. By roll call vote, the MOTION CARRIED 4:0:0 with M. Lally, J. Larson, G. Elliott and E. Smith approving.

**b. March 7, 2020 Special Meeting Minutes**

G. Elliott MOVED to approve the March 7, 2020 special meeting minutes as presented. J. Larson SECONDED. By roll call vote, the MOTION CARRIED 4:0:0 with M. Lally, J. Larson, G. Elliott and E. Smith approving.

**3. ENFORCEMENT**

**a. M. Haggerty, Townsend Road 27/21/16A, citizen complaint re: logging in a wetlands:**

Wetlands Agent J. Hallisey reported he visited the site over the weekend and hay bales were in place. Brush should be removed over the next month. He will continue to monitor the activity.

- b.** Owner TBD, 28 Shoddy Mill Road, complaint re: heavy equipment in a wetland:  
Wetlands Agent J. Hallisey reported he has not yet followed through with this complaint. A violation letter will be mailed out over the next few days.
- c.** K. Boehm and S. Nichols, 41 Route 87, deposition of material into a wetland without a permit. Order to Remediate issued 2/24/2020:  
Wetlands Agent J. Hallisey reported he sent a letter to Ms. Nichols requesting permission to allow K. Boehm access to her property to remove the material and was informed Ms. Nichols is consulting with her attorney. Kurt Boehm said he is ready to go and waiting for a letter permitting his contractor to enter the neighbor's property.
- d.** K. Boehm, 33 Route 87, construction in an upland review area and deposition of material into a wetland without a permit. Notice of Violation Issued:  
M. Lally noted K. Boehm has applied for a permit for shed construction in an upland review area at 33 Route 87, which is part of this meeting's agenda (4.a).
- e.** Owner TBD, 129 Hebron Road, regulated activity in a wetland and diversion of a watercourse without a permit:  
J. Hallisey said a significant 3-foot-deep trench has been built along the property line, running back to an intermittent watercourse. He said no trenching through wetlands has occurred. The activity is within the 100-foot upland review area. A cease and desist order will be issued to allow the property owner to come before the Commission.

#### **4. PERMIT APPLICATIONS & JURISDICTIONAL RULING REQUESTS**

- a.** Application #IWWC20-17: Kurt Boehm, 33 Route 87, shed construction in an upland review area:

Members viewed Google Earth aerial imagery showing the pre-condition of the property before the shed was constructed and the condition of the property after the shed was built. M. Lally pointed out the photos show that the area to the north of the shed was previously paved before the shed was constructed. M. Lally said the application is to leave the shed in place in its existing location with the following additional amendments noted on the application project description as follows: "We are going to put down stabilization fabric on the back side of the shed wrapping around the left side of the shed, following 6"-8" of rock to lock it in. Seeding and haying of exposed soil and using minimum excavator."

M. Lally said the application as presented is to move the shed 6' to the north of its current location.

Applicant K. Boehm said he hired an engineering company, Bushnell Associates LLC and their recommendations for remedial actions include relocating the shed 6 ft to the north toward the main driveway to build a platform behind the shed so it would sit better and the use of more durable fabric on the back of the shed. M. Lally verbally confirmed with the applicant that, if there is contradicting information, the commission should refer to the February 26, 2020 letter from Bushnell Associates.

Wetlands Agent J. Hallisey said he previously had concern that the commission would be entertaining a proposal that might be in violation of zoning. That is not the case as the shed location meets the setback requirements if it is moved or remains in place.

J. Larson questioned, if the areas had been previously paved, why did the applicant build up all this material to set the shed on it so close to the watercourse as opposed to leaving it on whatever pavement material that was there previously.

Applicant K. Boehm responded the driveway was never cut and when putting a shed on it all he did was put stabilization material under it to level it out. He said the project was never finished because he stopped when he got the letter from the Wetlands Agent. M. Lally stated for the record, that a cease and desist order was never issued as the applicant complied with the commission's request to stop.

E. Smith commented there is a lot more than 3' of fill of large rocks behind the shed and shed would have to be moved more than 6' to remove the fresh fill. Members viewed the site visit photos taken on February 8, 2020 showing the fill added to accommodate the shed.

J. Larson MOVED to APPROVE the application #IWWC20-17 of Kurt Boehm, 33 Route 87, for shed construction in an upland review area as presented, including the addendum dated February 26, 2020 presented to Kurt Boehm by Bushnell Associates LLC and as presented to the commission. E. Smith SECONDED. Discussion followed.

M. Lally is concerned approving a structure in a wetlands area that she doesn't think the commission would have approved, will set a precedent that she doesn't want to set for the Town. She doesn't believe the commission would have approved this application if it hadn't been constructed before the commission was made aware of it and that it would not have been a hardship to the applicant to not have allowed this structure. She has concerns with the application as presented.

By roll call vote, MOTION FAILED 1:3:0 with G. Elliot in favor and J. Larson, E. Smith and M. Lally opposed.

M. Lally MOVED that the Wetlands Agent issue a cease and correct order at 33 Route 87 order and allow applicant Kurt Boehm the opportunity to present a restoration plan to the commission. E. Smith SECONDED. By roll call vote, the MOTION CARRIED 4:0:0 with M. Lally, J. Larson, G. Elliott and E. Smith approving.

**b.** Application #IWWC20-18: Johan van Achterberg, 233 Route 6, shed construction in an upland review area:

A site walk was conducted on March 7, 2020. G. Elliott summarized the observations during the site visit and the concern that the proposed structure would impact wetlands, noting a steep slope from the site of the proposed shed to the watercourse below. Locations further from the watercourse were considered but were periodically inaccessible to ground conditions. The pitch of roof would shed storm water toward wetlands. The members discussed ways of mitigating the roof runoff using stones.

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 to approve IWWC20-18, application of Johan van Achterberg, 233 Route 6, for shed construction in an upland review area. E. Smith SECONDED. Discussion followed.

G. Elliott MOVED to amend the original motion to include a special condition of approval that  $\frac{3}{4}$  inch or 1" stone be placed to extend a minimum of 12" past the drip line of the shed roof. E. Smith SECONDED.

By roll call vote, the amendment to the motion CARRIED 4:0:0 with M. Lally, J. Larson, G. Elliott and E. Smith approving.

By roll call vote, the amended motion CARRIED 4:0:0 with all standard conditions to apply and including special condition as noted with M. Lally, J. Larson, G. Elliott and E. Smith approving.

**c. Application #IWWC20-19: Andrew Dayon (Owner H.P. Carbonneau), 159 Lakeside Drive, septic system repair in an upland review area:**

J. Hallisey reported this is a relatively large lot with a mild slope toward the lake. It was noted that the applicant, as requested by the commission, submitted a revised site plan showing the addition of silt fence.

Wetlands Agent J. Hallisey noted some minimal water comes through a pipe under the driveway. No scouring has been observed.

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 to approve #IWWC20-19, the application of Andrew Dayon (Owner H.P. Carbonneau) for a septic system repair in an upland review area at 159 Lakeside Drive, Andover, CT with the additional special condition that silt fence be installed as noted on the revised site plan, updated and dated 11/2019. Standard conditions apply. J. Larson SECONDED. By roll call vote, the MOTION CARRIED 4:0:0 with M. Lally, J. Larson, G. Elliott and E. Smith approving.

**d. New Application #IWWC20-20: James Blair (applicant) (Owner J. Maguire), 422 Lake Road, wall reconstruction:**

J. Blair presented an overview of the application noting, the soil behind the existing wall has given out over time, making the wall unsafe and not good for the watershed. He said the project includes taking down the wall and saving the stones. A base would be installed using a stabilization mat and putting down a  $1\frac{1}{4}$ " layer of crushed stone to ensure the integrity of wall over a long time. The existing stone would be restacked, and the wall backfilled correctly. The timeline for the project is the beginning of November when the lake is drawn down.

J. Blair said the project includes the installation of a 20' x 20' patio with permeable pavers. The open grade base would be pitched away from lake. The

joints of the pavers would be filled with chipped stone to help eliminate run off and to mitigate the phosphate load. He said he would use silt fence and hay bales during the project, anticipated to take 3-4 weeks to complete.

A commission site visit was scheduled for Saturday, April 11 at 900 a.m. Commission members will use social distancing protocol and additional safety measures on the site walk. Wetlands Agent J. Hallisey will visit the site separately.

The applicant will stake out the proposed patio site before the site visit and take and submit to the commission, photos showing the present conditions of the project sites.

- e. New Application #IWWC20-21: Manuel Correia, 12 Webster Lane, new residential construction in an upland review area:

M. Lally reported the application fee has not been received. The properties in the application span the Town boundaries with the Town of Bolton and the commission has not yet received project permit approval notification from Bolton. No action was taken.

- 5. PUBLIC COMMENT: No public comment.
- 6. ADJOURNMENT: J. Larson MOVED to adjourn the regular meeting at 8:33 p.m. G. Elliott SECONDED. By roll call vote, the MOTION CARRIED 4:0:0 with M. Lally, J. Larson, G. Elliott and E. Smith approving.

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.

Revised by Amanda Gibson to include the minor change noted in the Tuesday, April 14<sup>th</sup>, 2020 Special Meeting Minutes.