

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

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, Board Clerk Linda McDonald, Janusz Jandzinski, Philip Neubauer, Richard Repay, Ellen Repay, Anna Glowocki, Nick Glowocki, 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

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

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:

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

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

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 Glowocki, 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:

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:

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:

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:

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

6. Wetland Agent Report
7. Public Comment
8. Other Business
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