

Town of Andover
Inland Wetlands and Watercourses Commission
Tuesday, April 14, 2020 at 7:00 P.M.
Location: virtual Zoom meeting

Special Meeting Minutes

1. Call to Order

Chair Meghan Lally called the Special Meeting to order at 7:01 P.M.
Meghan Lally recited rules and guidelines for the online meetings.

2. Roll Call/Seating Alternates

Members Present: Chair Meghan Lally, Vice Chair George Elliot, Jed Larson
Members Absent: Ed Smith, Wayne Thorpe
Board Clerk/Admin Assistant: Amanda Gibson
Board of Selectman: Scott Person
Wetlands Agent: Jim Hallisey
Applicants: Ruby A. Miralda de Puerto
Public Present: Amy Knox, Maria Taulman, Ben Taulman

3. Approval of Minutes

a. Monday, April 6th, 2020 Regular Meeting Minutes

George Elliot MOVED to approve the Monday, April 6th, 2020 Regular Meeting Minutes

Jed Larson SECONDED

Discussion: On page 3 in the 4th paragraph, to revise the following sentence to read: *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.*

MOTION CARRIED 3:0:0

4. Enforcement: Show Cause Hearings

- a. Cease and Desist Order: Ruby A. Miralda de Puerto (property owner), 129 Hebron Road, disturbance to a wetland and watercourse without a permit, removal and deposition of material in an upland review area without a permit. Meghan Lally: Explained the initial complaint with the situation at hand and showed the following documents which are currently listed on the town website: Violation Complaint photos, Wetlands Agent Site Visit Photos from April 2nd, CRCOG Parcel Viewer Map Ariel View, Cease and Desist Order from April 7th, 2020. Wetlands Agent Jim Hallisey: Read the Cease and Desist order aloud.

Ruby A. Miralda de Puerto: The property owner expressed her apologies to the town and commission as her and her family were not aware of the regulations. Offered to fix the issue with the goal being to fence in their property. Noted that she had previously spoke with the town's Building Inspector regarding their projects. Kindly asked for an explanation and for the commission to guide them in the right direction.

Meghan Lally: Explained that the current activity includes the front and side portion of the property and inquired on intentions for entire project. The wetlands are on the backside of the property, and there has been no digging in the intermittent stream water area.

George Elliot: Questioned one of the submitted photos photographed on April 1st with a hose pumping water out of the trench. The owner confirmed it was temporarily used to extract rainwater. Meghan Lally confirmed it was not connected to the watercourse in any way during her visit on April 6th, not altering drainage and there are no wetlands on the roadside of the property.

Meghan Lally: Confirmed that the property owner must hire a certified soil scientist to conduct a wetland survey in order to determine where the wetlands are located. George Elliot suggested for the owner to hire a professional civil engineer to help develop a plan for the application based on the soil scientist results and state-wide regulations.

Wetlands Agent Jim Hallisey: Confirmed the wetlands are approximately 175ft from the roadside. Any activity within 100ft of the wetlands needs to come before the commission. If it is greater than 100ft, then the commission has no jurisdiction.

George Elliot: Inquired if the roadside fencing is within the state's right of way. Ruby A. Miralda de Puerto shared that the Department of Transportation conducted a survey of the property and the roadside fence is on their property and not the state's.

George Elliot MOVED to retain the current Cease and Desist order in place as submitted with no modifications.
Jed Larson SECONDED

Discussion: Meghan Lally expressed concern that the language of the current order would require the property owner to completely undo the work already done, and it is appropriate for the owner to submit an application to the commission for the remaining project. Suggested for the commission to modify the order to help guide the property owner through the process if they wish to submit a permit application. Members agreed that based on Jim Hallisey's assessment and the facts at hand, the fence along the road is not a regulated activity by the commission.

Meghan Lally MOVED to amend the motion to leave the current Cease and Desist order in place, yet to modify the order to include the following: addition of the requirement for an erosion and sediment control plan to ensure the wetlands are protected from any storm water backflow that might occur; to discontinue all activity 100ft within wetlands; to submit a restoration plan.

Jed Larson SECONDED

MOTION CARRIED 3:0:0

Meghan Lally called for the commission to accept the amended motion with the modifications noted.

MOTION CARRIED 3:0:0

Meghan Lally: Requested for the Wetlands Agent to draft a revised order to send to the property owner. She suggested for the property owner to submit a permit application with included project vision and modified version of the fencing without impacting the wetlands.

Ruby A. Miralda de Puerto: Inquired on the application process. Members provided feedback to speak with Wetlands Agent Jim Hallisey following the meeting for help on completing the application process.

All applicants to send applications to Jim Hallisey, Wetlands Agent at wetlands@andoverct.org and Susan Magri, Building Administrative Assistant at buildingadmin@andoverct.org.

Meghan Lally MOVED that the Inland Wetlands and Watercourse Commission does not have jurisdiction over the roadside fencing project since it is over 100ft from the wetlands area.

Jed Larson SECONDED

MOTION CARRIED 3:0:0

5. Other Business

- a. Authorization of Chairman Lally as a duly appointed agent for approval of applications in the upland review area. Meghan Lally MOVED to table the agenda item given the absence of a quorum if she recluses herself from the vote.

Jed Larson SECONDED

MOTION CARRIED 3:0:0

6. Adjournment

George Elliot MOVED to adjourn the Special Meeting

Jed Larson SECONDED

MOTION CARRIED 3:0:0

Chair Meghan Lally adjourned the Special Meeting at 8:40 P.M.

*PLEASE STAY TUNED VIA OUR TOWN WEBSITE (WWW.ANDOVERCT.ORG) FOR UPCOMING VIRTUAL MEETINGS WITH INSTRUCTIONS ON HOW TO JOIN.

Helpfully submitted by the Board Clerk/Administrative Assistant, Amanda Gibson. *Amanda Gibson*

Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.