

Town of Andover
Inland Wetland and Watercourses Commission
January 6th, 2020 at 7:00 P.M.
Town Hall Community Room at 17 School Road, Andover, CT

Special Meeting Minutes

1. Call to Order

Chair Meghan Lally called the Special Meeting to order at 7:01 P.M.

Regular Members Present: Chair Meghan Lally, Vice Chair George Elliot, Jim Hallisey, Jed Larson, Ed Smith

Alternate Members Absent: Rick Osborne, Wayne Thorpe

Town Land Use Attorney, Mark Branse; Wetlands Agent, Josh Snarski; Board Clerk, Amanda Gibson; Town Administrator, Eric Anderson; Conservation Biologist, Hank Gruner; Fire Department Officer, Ben Mike.

*See attached for sign-in sheet.

2. Approval of Meeting Minutes

a. December 9, 2019 Regular Meeting Minutes

Vice Chair George Elliot MOVED to approve the December 9, 2019 Regular Meeting Minutes

Jed Larson SECONDED

Discussion: Minor corrections to the minutes.

George Elliot MOVED to amend the motion to approve the December 9, 2019 Regular Meeting Minutes with the following corrections:

Item 5b., Paragraph 2 - delete 'an extension' prior to 'a written extension'

Item 5g., Paragraph 2 - change name from R. Repay to P. Neubauer

Jed Larson SECONDED

MOTION CARRIED 5:0:0

3. Applications & Jurisdictional Ruling Requests

a. Permit Modification Request **#IWWC19-9(M)**: Lynn Dove, 294 Lake Road, subsurface sewage disposal system repair. (Initially Approval 10/17/19)

Wetlands Agent Josh Snarski: The applicant was recently approved through the commission to install a new septic system. The applicant made a modification due to being required to move the septic system approximately 3ft closer to the lake per the health department. Josh received a letter from the Eastern Highlands Health District with an explanation of the relocation reasoning.

George Elliot MOVED to approve the permit modification request.

Jim Hallisey SECONDED

Discussion: Jed Larson requested that the commission approve the application with the existing list of conditions provided to the applicant upon initial approval.

MOTION CARRIED 5:0:0

Susan Magri the Administrative Assistant in the Building Department to issue an approval letter to the applicant.

- b. Permit Application #IWWC19-10: Janusz Jandzinski, 40 Townsend Road, residential building demolition (via controlled burning).

Wetlands Agent Josh Snarski: Described the site visit with the home being approximately 132ft from the wetlands.

Fire Department Officer Ben Mike: (head of the training department for firefighters and EMTs) Presented an overview of how a controlled burn plan works and offered to answer any questions. Per the commission's concerns with the Staddle Brook stream being so close to the home, the Fire Department water use on the house is very minimal during the process. The water will run through the home and over time the water will filter through the earth. Water curtain will only be used on the barn structure near the home. During the training operations, the Fire Department abides by the Occupational Safety and Health Act (OSHA). The team sets one room on fire at a time. At the end of the training event, the fire consumes the entire structure, applying no water with everything being pushed into the basement. Thousands of gallons of water will be used on the barn which would come from the stream. One high safety hazard is wind conditions. If there is a high wind situation, the burn is rescheduled. He clarified that the Fire Department team voluntarily strips the shingles. The shingles are disposed of at Willimantic Waste by personal vehicles of the fire fighters. The asbestos removal would be the responsibility of the property owner.

Janusz Jandzinski: Not aware of asbestos in the home but will get an inspection report to confirm.

Jim Hallisey: The Building Department requires an approval from IWWC prior to providing a demolition permit.

Ben Mike: Described the burn plan as a huge training opportunity for Andover and other surrounding towns' fire department teams. Engine #115 would be located at the house. Engine #215 would be located on the street which would pump water up to #115.

Jim Hallisey MOVED to state that the burn plan is not significant activity to the wetlands.

Ed Smith SECONDED

Discussion:

Jed Larson: Expressed concerns on lack of storm water controls to prevent rain water from leaving the site and going into the stream.

Ben Mike: Assured the commission that if there is any room for hazard, the team would shut down operations immediately. When it comes to machine demolition, there is a lot of oil and the ground is torn apart. With a controlled burn, there is minimal damage to the soil.

Meghan Lally: As an employee of DEEP, she is concerned that runoff from burn water would cause fish kills and believes there is potential for this to be significant activity.

George Elliot: Confirmed that significant activity would require a Public Hearing.

Janusz Jandzinski: Offered to mitigate any runoff water.

Jim Hallisey: Burn could not happen in the winter months due to the frozen ground conditions.

Ben Mike: The burn would be scheduled in the spring or summer.

MOTION CARRIED 3:2:0 (Meghan Lally and Jed Larson opposed)

Meghan Lally: Explained that a written request was mailed via Certified Mail dated 12/16/19 to the applicant with a request for expansion. The applicant announced that he did not receive the letter. Josh Snarski provided a copy of the letter which the applicant then signed and dated. The IWWC has to approve or deny by the next Regular Meeting on Monday, February 3, 2020. In the IWWC Regulations, it is a requirement to provide erosion, sediment controls and mitigation in the application.

Land Use Attorney Mark Branse: Suggested for the applicant to add details of the burn plan including time of year, storm water control, methods used to prevent environmental impact, etc.

Janusz Jandzinski: Stated that he will present updated plans at the next IWWC Regular Meeting on Monday, February 3, 2020.

Meghan Lally: Suggested for the applicant to meet with the Fire Chief Ron Mike and Burning Official Ed Kasacek. It is the applicant's responsibility to present any potential effects to wetlands and also encouraged the applicant to meet with the Wetlands Agent.

- c. Permit Application #IWWC19-12: Town of Andover, Route. 6, Project to install sidewalks & drainage improvements.

Town Administrator, Eric Anderson presented updated maps created by the Town Engineer, Gerry Hardisty with the location of the wetlands and culverts in both locations. Gerry Hardisty was not present for the meeting. Gerry Hardisty is not a certified wetlands scientist.

The culverts are connected to the wetlands and it is clear that they need sediment control so material does not enter into the two culverts. Commission has purview to the sidewalks due to their proximity to the wetlands area, suggesting hay bales at the sites.

Per the recommendation of Conservation Biologist, Hank Gruner there will be silt fencing to protect the endangered wood turtles. He believes there is an opportunity for enhancement to the Public Works property including relocating the salt/sand storage and large piles of landscaping dirt currently next to the catch basin. The town would follow all stipulations recommended by Hank Gruner hereto.

*See attached for written recommendations from local Conservation Biologist, Hank Gruner.

Eric Anderson shared that there is a historical drainage swale along Center Street and the Rails to Trails which is a 24" pipe that connected to the other side of Route 6. When DEEP worked on the trail years ago, they filled in the drainage swale. In order to improve this section of Center Street, the town has to reestablish the drainage swale which is on DEEP property. There are no wetlands being disturbed in the Center Street location, but since they are all connected it directly correlates to the wetlands below along Route 6 and Long Hill Road. The construction will not be done during rainy conditions. The town will use biodegradable erosion control fabric for the project. There is not a specified sequence of construction yet but assumes that the swale would be completed first.

Jed Larson inquired on erosion control measurements normally monitored on a weekly basis after a significant event. Mark Branse recommended that the project engineer perform the inspection and send reports to the Wetlands Agent who then spot checks. The town does not have the staffing to monitor the activity anyways. Josh Snarski and Mark Branse will work together on conditions of approval.

- d. Permit Application #IWWC20-13: Richard & Ellen Repay, 119 Lakeside Drive, garage addition within 200 feet of Andover Lake

Richard Repay: Presented plans with the map and mitigation included with their application. Application was received on Monday, January 6, 2020. Commission and applicant discussed details of the silt fence. Applicants to attend the Monday, February 3, 2020 IWWC Regular Meeting.

- e. Jurisdictional Ruling: Philip Neubauer, 242 Hebron Road, timber management within a wetland and associated upland review area

Meghan Lally requested guidance from Land Use Attorney Mark Branse to determine if the commission can conduct jurisdictional ruling or not. Per the State Statutes 22.4, the activity is agricultural yet if there is filling of wetlands, the applicant needs to submit an application to the IWWC. Philip Neubauer stated that the Natural Resources Conservation Service (NRCS) conducting the deforesting project is very interested in protecting the wetlands.

Josh Snarski noted that there are areas on the property that may be defined as wetlands. If materials are being placed inside wetlands area, it is not exempt despite being temporary. Commission confirmed that the applicant needs to hire a soil scientist to determine the locations

of the wetlands. The CRCOG GIS parcel map does not show the smaller wetland areas needing to be identified.

Mark Branse referred to the following IWWC Regulations:

Section 2.17 “ ‘Material’ means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, land, gravel, clay, bog, peat, mud, debris, sand, refuse or waste.”

Section 4.1a “... Grazing, farming, nurseries, gardening and harvesting of crops and farm ponds...

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 for the expansion of agricultural crop land, or the mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purpose of sale;”

Meghan Lally to coordinate with Josh Snarski and NRCS to help determine the next steps.

The commission suggested for Philip Neubauer to meet with Josh Snarski.

Application #	Status	Applicant(s)	Location	Receipt Date	Site Visit(s)	Public Hearing	Min. Action Date	Max. Action Date*
IWWC19-9(M)	Pending Modification Request	(Dove)	294 Lake Rd.	12/9/19	N/A	N/A	12/23/19	02/12/20
IWWC19-10	Pending Application	Jandzinski	40 Townsend Rd.	11/4/19	11/9/19	TBD	11/28/19	02/03/20 -27d ext. granted
IWWC19-12	Pending Application	Town of Andover	Long Hill Rd. & Center St.	12/9/19	N/A	N/A	12/23/19	02/12/20
IWWC20-13	New Application	Repay	119 Lakeside Dr.	01/06/20	TBD	TBD	01/20/20	03/11/20
TBD	Pending Jurisdictional Determination	Neubauer	242 Hebron Rd.	12/9/19	TBD	TBD	N/A	N/A

**These dates may be extended up to 65 days if approved by the applicant*

4. Enforcement

- a. Notice of Violation (Issued 11/27/19): Kurt Boehm, 33 Route 87, construction in an upland review area and deposition of material into a wetland without a permit.

Josh Snarski and Jim Hallisey inspected the property with Williams Excavation with the goal to work with the homeowner and contractor to finalize plans, provide options and next steps. Kurt Boehm to present plans at the next Regular Meeting on Monday, February 3, 2020. If not, the IWWC would consider a cease and correct order.

5. Wetlands Agent Report

- a. Algonquin Gas Transmission 24-inch Mainline Maintenance Project: 225 Bunker Hill Road, Excavation and relining of natural gas mainline and L30B pipe in wetlands. Federal Energy Regulatory Commission (FERC) exempt.

Josh Snarski described the work being directly in the wetlands. Due to nature of the work, the project is exempt from the jurisdictional ruling of the IWWC.

6. Public Comment

Conservation Biologist, Hank Gruner presented comments regarding applications discussed:

- a. Permit Application #IWWC19-10: Janusz Jandzinski, 40 Townsend Road, residential building demolition (via controlled burning).
Recommended hay bales to prevent sediment runoff into the wetlands area.
Ideally, the controlled burn would not occur during laying/egg larvae season of the wood frogs and spotted salamanders which is March through July and instead conduct it in August, September or October.
- b. Jurisdictional Ruling: Philip Neubauer, 242 Hebron Road, timber management within a wetland and associated upland review area
Urged the IWWC that there would be effects to the wetlands animals and is happy to help with the process.

7. Other Business

- a. Agent Hours
Building Department now hosts consistent weekly hours with Josh Snarski from 4-7pm on Mondays.
- b. Publication of Legal Notices
Building Department Administrative Assistant, Susan Magri sends out the legal notices to the newspaper, Certified Mail to the applicants, etc.
- c. 2020-2021 Budget Submission
Deadline was Thursday, January 2, 2020. Chair Meghan Lally will be submitting the budget on behalf of the commission.

- d. IWWC Consultant Support RFQ
Mansfield has an RFQ system that they use to hire consultants during projects. Chair Meghan Lally has requested Mark Branse to review the RFQ document. Josh Snarski is not available to work more than 5 hours per week and so the commission is seeking additional help as needed for special projects.
 - e. 2020 Annual Report
Meghan Lally to present a 2020 Annual Report to the Board of Selectmen in the near future.
 - f. Application Packet Revision
Commission's goal is to update the application. Land Use Attorney Mark Branse informed the commission that they do not need a Public Hearing to change the application form EXCEPT if there is something added that is not already listed in the Zoning Regulations. There is no model application form offered by the State of CT and suggested for the commission to review surrounding towns' formats.
 - g. Regulation Update
Not addressed.
 - h. Alternate Position Vacancy
Not addressed.
8. Adjournment
Jim Hallisey MOVED to adjourn the Special Meeting
Ed Smith SECONDED
MOTION CARRIED 5:0:0

Chair Meghan Lally adjourned the Special Meeting at 9:50 P.M.

Meeting Minutes helpfully submitted by Board Clerk, Amanda Gibson.
Please see the minutes of subsequent meetings for the approval of these minutes and any corrections hereto.

Scott Person
Phil Neubauer
Janusz Jondzinski
Ellen & Rich Repay
Robert Proulx (Repay Application)
Benjamin Mike
Hert Boehm

September 12, 2019

Mr. Eric Anderson
Town Administrator
17 School Road
Andover, CT 06232

RE: Connecticut Department of Energy and Environmental Protection NDDB letter dated February 8, 2019 (NDDB determination No. 201809196) regarding the Community Grant Project for proposed Hop River State Park Trail Parking Lot Improvements and Maintenance, Center St., Andover, CT

Dear Mr. Anderson,

In assessing potential impacts to State-listed reptiles and their habitats that are referenced in the NDDB letter I have conducted the following assessment:

- Review of the NDDB letter and the recommendations included for State-listed species of reptiles (eastern box turtle, wood turtle, eastern hognose snake and smooth green snake).
- Review of the site plan and proposed construction and maintenance activities for the project in the company of the Town Administrator.
- Conducted a field inspection of the site in the company of the Town Administrator.

Based on this review, and knowledge regarding the distribution and habitat use of amphibians and reptiles obtained from studying populations in the area over the past 35 years, I anticipate no direct or indirect impacts on the referenced species or their habitats. Proposed activities are planned for an existing unimproved parking area that is currently not providing habitat for these species, and no indirect impacts into surrounding habitats are anticipated. However, some precautionary measures are recommended to prevent inadvertent mortality of any individuals that might disperse through the area from surrounding habitats.

Turtles

Unimproved parking areas can attract various species of turtles to nest, including eastern box and wood turtles. However, the population of wood turtles in the immediate area is primarily restricted to habitat associated with the Hop River and its surrounding floodplain located north of Rte. 6 (the parking area is located south of Rte. 6). A small population of wood turtles occurs in Staddle Brook, a tributary to the Hop River that

flows east of the site. It is possible that individual turtles disperse along this watercourse and the Hop River system, however there are significant barriers to movement of turtles onto the proposed activity site (Rtes. 6 and 316), and it is unlikely, based on these barriers and the distance of the site from suitable habitat, that any turtles would find their way onto the site.

While, eastern box turtles have been documented from the uplands of Andover, they occur in small, widely scattered populations, with the majority of these associated with the Hop River and its floodplain. Forested habitat located to the west of the activity site could support box turtles as there are patches of early successional habitat inter-mixed within, however they have not been documented in this area.

Snakes

Similar to the turtles, the population of eastern hognose snakes in the area is primarily associated with the Hop River and its floodplain north of Rte. 6. Hog-nosed snakes utilize a mix of early successional and forested habitats and the habitat located to the west of the site could support a population, however they have not been documented in this area.

Smooth green snakes occur in small, widely scattered populations throughout Andover and have been documented in early successional habitat located approximately 0.5 miles west of the site. Because of the proximity of this population to the activity site, it is possible that green snakes might utilize the open, "edge" habitat associated with the parking area. Smooth green snakes are dependent upon open canopy, early successional shrub and grassland habitats.

Recommendations

- Prior to any activity on the site exclusion fencing should be installed to prevent any turtles or snakes from entering the work area. Exclusionary fencing should be at least 20" in height and should be secured with stakes to prevent sagging, and embedded in the ground at least 4" to prevent gaps from forming between the fence and ground level. Standard erosion control fencing may be used but should not consist of plastic netting or netted silt fence as these can entangle snakes. The fencing should be removed soon after completion of the project once the site is stabilized.
- The exclusion fencing should be monitored weekly and after any significant rain events throughout the duration of the project. Any sagging or gaps observed along the fence should be secured immediately.
- All construction personnel should be apprised of the possibility of encountering State-listed turtles and snakes and instructed to watch for them and to re-locate any individuals encountered within the work area. This is especially important during turtle nesting season from mid-May through early July. Any turtles or

snakes encountered should be re-located to adjacent habitat. In the event that a turtle or snake is located within the exclusion area the fencing should be thoroughly inspected for gaps and repaired as necessary.

Hank Gruner
Herpetologist
60 Townsend Road, Andover, CT

September 12, 2019

Mr. Eric Anderson
Town Administrator
17 School Road
Andover, CT 06232

RE: Community Grant Project for proposed sidewalk installation on Long Hill Road, Andover, CT

Dear Mr. Anderson,

In determining potential impacts to State-listed reptiles and their habitats that are referenced by the Connecticut Department of Energy and Environmental Protection Natural Diversity Database (NDDDB letter dated May 30, 2019)¹, I have conducted the following assessment:

- Review of the NDDDB correspondence and recommendations included for State-listed species of reptiles (eastern box turtle, wood turtle, eastern hognose snake and smooth green snake).
- Review of the site plan of proposed construction and maintenance activities for the project in the company of the Town Administrator.
- Conducted a field inspection of the site in the company of the Town Administrator.

Based on this review, and knowledge regarding the distribution and habitat use of amphibians and reptiles obtained from studying populations in the area over the past 35 years, I anticipate no direct or indirect impacts on the referenced species or their habitats. The footprint of the proposed activity is immediately adjacent to the road and not within primary habitat utilized by these species. However, because of the close proximity of the proposed activity to the Hop River, precautionary measures are recommended to prevent inadvertent mortality of individual turtles or snakes that might disperse through the area from surrounding habitats, especially female wood turtles seeking nesting sites.

¹ The review and recommendations contained in this letter apply only to the proposed sidewalk installation portion of the project located along Long Hill Road. The "riverside trail" referenced in the NDDDB correspondence is a separate project. While the State-listed species of reptiles potentially impacted are the same, the riverside trail project requires a more comprehensive review.

In addition to the State-listed reptiles referenced by the NDDB, I also address potential impacts to a floodplain wetland located across the road from the proposed activity. This wetland is connected to the site by a culvert. This wetland provides breeding habitat for a number of amphibian species including the wood frog and the gray treefrog, and may provide seasonal habitat for the State-listed spotted turtle, which has been documented as occurring along the Hop River floodplain.

Turtles

Open areas with exposed or sparsely vegetated soils that are located within close proximity to wetlands and rivers can serve to attract turtles seeking suitable sites for nesting. A portion of the proposed activity will be conducted adjacent to an unimproved parking area that is situated immediately adjacent to the Hop River. From mid-May through early July individual female wood turtles from the Hop River likely disperse into this area seeking suitable nest sites. Soil disturbance associated with the project could attract turtles to the construction area. Thus, the use of exclusion fencing around the work area is warranted.

Snakes

There is limited habitat for smooth green snakes within the immediate vicinity of the project and thus there is little concern for potential impacts to this species. Smooth green snakes require tracts of early successional grassland and shrubland habitats. Individual eastern hognose snakes dispersing from surrounding upland habitats could occur on the site during the period April through mid-October, further warranting the use of exclusion fencing.

Floodplain Wetland

A semi-permanent pool within the floodplain of the Hop River is located immediately adjacent to Long Hill Road on the east side of the road. An existing culvert drains run-off from the unimproved parking lot on the west side of the road into this wetland. Sediment, road salt and other chemicals contained within run-off can contaminate wetlands, negatively influencing water quality and impacting the eggs and larvae of breeding amphibians. The application of standard sediment and erosion control measures are warranted during project activities. Vehicles, road sand/salt, piles of landscaping materials, etc. are currently stored on this lot by the Town, thus re-design of the current landscaping around the culvert as part of this project provides an opportunity to improve onsite buffering capacity.

Recommendations

- Prior to any activity on the site, exclusion fencing should be installed to prevent any turtles or snakes from entering the area. Exclusionary fencing should be at least 20" in height and should be secured with stakes to prevent sagging, and embedded in the ground at least 4" to prevent gaps from forming between the fence and ground level. Standard erosion control fencing may be used but

should not consist of plastic netting or netted silt fence as these can entangle snakes. The fencing should be removed soon after completion of the project once the site is stabilized.

- The exclusion fencing should be monitored weekly and after any significant rain events throughout the duration of the project. Any sagging or gaps observed along the fence should be secured immediately.
- Seeding and/or plantings should be used to stabilize and cover any areas of exposed soil adjacent to the road that result from project activities to deter turtles from nesting in close proximity to the road following completion of the project.
- All construction personnel should be apprised of the possibility of encountering State-listed turtles and snakes and instructed to watch for them and to re-locate any individuals encountered within the work area. This is especially important during turtle nesting season from mid-May through early July. Any turtles or snakes encountered should be re-located to adjacent habitat.
- Erosion control measures should be put in place and monitored during the duration of the project to prevent sediment flow into the floodplain wetland via the existing culvert connection. Landscape design around the entrance to the culvert should consider extending (15-20') the amount of vegetated area (grass/herbaceous cover) around the culvert into the existing unimproved lot to enhance buffering capacity for filtering surface run-off.

Hank Gruner
Herpetologist
60 Townsend Road, Andover, CT