

**APPROVED Meeting Minutes**  
**Guilford Inland Wetlands Commission**  
**Regular Meeting**  
**April 10, 2019 at 7:00pm**  
**Guilford Community Center – Faulkner Room**  
**32 Church St. Guilford CT**

GUILFORD TOWN HALL  
19 MAY -9 AM 9:30

**\*NOTE: Please be advised that at this time the following are strictly “Draft Minutes” until approved by the Inland Wetlands Commission\***

**Once approved the minutes will be marked as “Approved Minutes” and will be available in the clerk’s office or upon request.**

**Members Present:** D. Williams, S. Anderheggen, E. Besmer, K. Clark, J. Parker

**Member Absent:** None

**Alternates Present:** W. Furniss & J. Blackwell

**Alternates Absent:** None

**Staff:** Kevin Magee, Environmental Planner  
Erin Mannix, Inland Wetland Officer

Chairman K. Clark opened the meeting at approximately 7:00 P.M.

**Appointment by Chair of members sitting for this meeting:** W. Furniss, S. Anderheggen, J. Blackwell, D. Williams, K. Clark, J. Parker, & E. Besmer

**A. APPROVAL OF AGENDA**

April 10, 2019

Upon a motion by Commissioner S. Anderheggen and seconded by Commissioner W. Furniss, it was voted to unanimously to approve the agenda.

**B. APPLICATIONS**

1. Green Planet Company, 376 State St. Map 74, Lot 5(lot 3), Regulated Activity, Construction of a single family residence within 100’ jurisdictional review zone.

Present for Applicant: No one (need letter for extension)

Chairman K. Clark made a motion to table the application to the May 8, 2019 meeting and it was seconded by Commissioner S. Anderheggen, it was unanimously approved.

2. Guilford Gas, LLC, Soundview Rd, Map 35, Lot 9, Regulated Activity, Installation of dual wall, concrete 1000-gallon Convault fuel storage tank is proposed. A 6'x11' fuel storage tank is needed to support transportation activities of the firm. Additional area is required for the foundation slab within 100' jurisdictional review zone.

Present for Applicant: Robert Sonnichsen, P.E. of Waldo Associates

Discussion: Robert Sonnichsen reviewed with the commission where of the dual wall concrete 1,000 gallon fuel storage tank is proposed to be installed. The property is a 3 acre lot that was developed in the 1960's. There is approximately two acres of wetlands. There is a gravel driveway with a gate. The fire marshal requested that vehicles be parked near the southeast corner of the yard to keep the trucks away from the tanks and so when the fire department comes to the property they can see the tanks. They also need the area around the propane tanks clear so they have enough room to turn. In 2017 the owner had the wetlands flagged to see if they have any room for expansion. The 2017 flagging does not match up to the original flagging conducted when the area was subdivided in the 1980's. The original flagged wetlands were located inside the fenced in yard. The 2017 wetlands survey shows the flags primarily outside the fenced in yard.

Kevin Magee indicated that the 2004 aerial photograph shows the site as it looks today.

Csmr. D. Williams asked if there will be generating spoils

Rob Sonnichsen said no, the tanks will be on a pad and then tank on top of the pad.

Csmr. K. Clark asked about leveling

Rob Sonnichsen stated that the company puts down gravel every year.

Upon a motion made by Commissioner D. Williams

VOTED: That the Guilford Inland Wetlands Commission approves a regulated activity for Soundview Rd, Map35, Lot 9, Regulated Activity, Installation of dual wall, concrete 1000-gallon Convault fuel storage tank is proposed. A 6'x11' fuel storage tank is needed to support transportation activities of the firm. Additional area is required for the foundation slab within 100' jurisdictional review zone as shown on," Improvement Location Survey – Coastal Site Plan – Proposed Fuel Tank, Property of Guilford Gas, LLC Soundview Road, Guilford, Connecticut Dated Dec. 11, 2018 and revised to April 9, 2019 with the following conditions;

1. Inland Wetlands Enforcement officer shall be notified 24 hours prior to any construction activities and contact information for the site contractor be provided to the Wetlands Office
2. Modification of approved plan needs to come back to Inland Wetlands Commission

3. No stock piling of soil
4. That unless an extension is granted,
  - a. Construction must begin within one year of approval
  - b. This permit expires two years from the date of approval.

This regulated activity is approved based upon the finding that there was no reasonable or prudent alternative in completion of this project.

The motion was seconded by Commissioner E. Besmer and was voted to approve the application.

Approved: W. Furniss, S. Anderheggen, J. Blackwell, D. Williams & K. Clark

Opposed: None

Abstained: J. Parker

3. Nancy Detra, Jared E, Jeffrey B. & Matthew E. Smith, Long Hill Rd, Map 96, Lots 1, 1C, 2 & 2A, Boundary Clarification.

Present for Applicant: Chuck Mandell of Stevens & Associates

Discussion: Chuck Mandell reviewed with the commission the wetlands map that is showing the boundary flagged by Bob Russo for the boundary clarification. The property is comprised of 4 parcel that is 76+ acres. Chuck revised the map to show the adjusted flags.

Csmr. D. Williams asked about the upland near the southwest corner of the property and if it is marked as wetlands.

Chuck Mandell indicated that it is marked as wetlands since it was surrounded by wetlands

Upon a motion made by Commissioner J. Parker

Applicant: Nancy Detra, Jared E, Jeffrey B & Matthew E. Smith

RESOLVED: That the Inland Wetland boundary as shown on map titled "Wetlands Boundary Clarification Plan Properties of Nancy Detra, Jared E., Jeffrey B., & Matthew E. Smith Inland Wetlands Boundary Clarification Map 96, Property of Nancy Detra, Jared E., Jeffrey B., & Matthew E. Smith, Guilford, Conn." Dated August 31, 2017 and revised to April 9, 2019 is substantially correct. A revised map to be submitted with the duplicated points removed.

The motion was seconded by Commissioner E. Besmer and was unanimously voted to approve the application.

4. Peter Rodriguez, 106 Lynn Dr, Map 95, Lot 63, Regulated Activity, Construction of single family home, 2400 sq.ft. includes septic and well within 100' jurisdictional review zone.

Present for Applicant: Mrs. Kelsey Rodriguez – Home owner

Discussion: Mrs. Kelsey Rodriguez showed the commission the updated proposed map of the construction of a new single family house. The property is 2.78 acres and the proposed driveway will cross the property of their neighbor. They have spoken to the neighbor and they have agreed to an easement. The primary leaching fields are located 100 feet from the wetlands and the reserve is approximately 70 feet away. Roof leaders are connected to three separate infiltration systems. Erosion control measures are shown on the plan.

Csmr. D. Williams asked about the location of the intermittent stream.

Kevin Magee indicated that it is located in the wooded portion of the site and silt fence is located between it and the site construction.

Csmr. J. Parker read Dennis Johnson, Director of Health for Town of Guilford his report.

Kevin Magee indicated that the Town holds the Conservation Easement that is located on the property adjacent to the lake. The current site work does not interfere with the term of the easement.

Upon a motion made by Commissioner J. Blackwell

VOTED: That the Guilford Inland Wetlands Commission approves a regulated activity for 106 Lynn Drive, Map 95, Lot 63, for Regulated Activity, Construction of single family home, 2400 sq.ft. includes septic and well within 100' jurisdictional review zone as shown on "Sanitary System Design Future Lot 4, West Lake Estates, West Lake Ave; prepared by Anderson Engineering & Surveying Associates Dated March 29, 2019 and revised April 3, 2019 with the following conditions;

1. That prior to approval of a building permit application, the application shall include the approved map, revised to include these conditions of approval.
2. Inland Wetlands Enforcement officer shall be notified 24 hours prior to any construction activities and contact information for the site contractor be provided to the Wetlands Office

3. Prior to construction:
  - a. Soil erosion and sediment control measures shall be installed as shown on the approved plan.
  - b. That all installation shall be done by hand or by a mini excavator with a 1 foot wide bucket.
  - c. That the Inland Wetlands Enforcement Officer be notified of such installation so that an inspection might be conducted to determine compliance and authorize commencement of construction.
4. A stone or rip-rap anti-tracking pad shall be installed at the entrance and exit areas of the site in order to prevent erodible material from being tracked onto paved areas and subsequently being deposited into adjacent storm drainage systems, inland wetlands or watercourses.
5. During construction, piles of fill, erodible material and debris shall not be created within 100 feet of regulated inland wetland and watercourse areas unless specifically authorized in this permit. All soil spoils be contained with silt fence or hay bales.
6. No grading, clearing, landscaping or other ground surface disturbance shall occur within 100 feet of the regulated inland wetland and watercourse area unless specifically authorized in this permit.
7. Any material, man-made or natural, which is in any way disturbed and / or utilized during work herein authorized shall not be deposited in any wetland or watercourse, either on- or off-site, unless specifically authorized in this permit.
8. Steps taken to control sedimentation, erosion and downstream siltation shall include but need not be limited to:
  - a. The stabilization of all disturbed earth surfaces with suitable ground cover and/or hay mulch during and following construction activities.
  - b. The installation of a temporary erosion control fence or other suitable erosion control measure as indicated on the permit map or as required by Inland Wetlands Enforcement Officer. This erosion control measure will be installed prior to the start of construction activities. Its location will be reviewed and approved in the field by Inland Wetlands Enforcement Officer.
  - c. The limitations of all construction activities to a specified area reviewed and approved by the Inland Wetlands Enforcement Officer and as defined by the permit map.

- d. The placement of additional erosion controls as reviewed and approved by Inland Wetlands Enforcement Officer prior to commencement of clearing and construction activities.
9. The permittee shall immediately inform the Inland Wetlands Enforcement Officer of problems involving sedimentation, erosion, downstream siltation, or any other adverse impacts, which develop in the course of or are caused by the work herein authorized.
10. That all soil erosion and sedimentation control measures shall be maintained in the manner in which they were approved on the site plan and are in compliance for a period of one year or one growing season after completion of the project and that vegetation is established to the satisfaction of the Inland Wetlands Enforcement Officer prior to removal of such soil erosion and sedimentation control measures. In the event that the property/permit area is transferred to another party prior to a period of one year or one growing season after completion of the project;
  - a. A bond will be set by the Inland Wetlands Enforcement Officer in an amount adequate to ensure that in the event of failure of such soil erosion and sedimentation control measures or in the event that they become ineffective and or in disrepair, the Town of Guilford may enter upon such property and re-establish such soil erosion and sedimentation control measures as shown in the approved plan,
  - b. And that the property owner shall enter into an agreement with the Guilford Inland Wetlands Commission to place a cash bond which will be held in an account by the Town of Guilford in the amount as established by the Inland Wetlands Enforcement Officer,
  - c. The bond will be held by the Town of Guilford in a savings account for the period of one year or one growing season; to ensure that all soil erosion and sedimentation control measures shall be maintained in the manner in which they were approved on the site plan; are in compliance for a period of one year or one growing season after completion of the project; and that vegetation is established to the satisfaction of the Inland Wetlands Enforcement Officer prior to removal of such soil erosion and sedimentation control measures.
11. This permit does not obviate the permittee's obligation to obey all other applicable federal, state and local laws or obtain any applicable federal, state and local permits.
12. This permit may be revoked or suspended if the permittee exceeds the conditions of approval of this permit or has secured this permit through deception or inaccurate information.

13. That any changes to the approved plan must be submitted to the Inland Wetlands Commission for approval.
14. That unless an extension is granted,
  - a. Construction must begin within one year of approval.
  - b. This permit expires five years from the date of approval

This regulated activity is approved based upon the finding that there is no feasible or prudent alternative in completion of this project.

The motion was seconded by Commissioner W. Furniss and was unanimously voted to approve the application.

Approved: W. Furniss, S. Anderheggen, J. Blackwell, D. Williams & K. Clark

Opposed: None

Abstained: J. Parker

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#### **C. MINOR MODIFICATIONS**

None received

#### **D. EXTENSION AND TRANSFER OF PERMIT**

None received

#### **E. ENFORCEMENT**

1. Marianela Torres – 166 Jefferson Drive (Cease & Desist Order) – Discussion proposed mitigation and citation order update

Erin Mannix updated the commission regarding the cease & desist order. She went with Kevin Magee to 166 Jefferson Drive and meet with Marianela Torres and George Logan, the environmental professional & soil scientist. George Logan is requesting 2 week extension to submit the mitigation plan. There is slight regrading along property line to create 1 to 2 slope which will be seeded. Erin would like Guiliano surveyors to put in property pins instead of stakes. In 2 weeks a mitigation plan should be finished and submitted for the next meeting May 8, 2019. Marianela would like to request a payment plan of \$100.00 per month for the next 4 months to pay off the fee issued to her neighbors. She has paid off her portion.

Commissioner W. Furniss made a motion to have a payment plan of \$100 per month for the next four months and Commissioner E. Besmer seconded. It was unanimously voted to approve the motion.

Csmr. Kevin Clark indicated that he would like to hold a special meeting once the revised plan has been submitted.

**F. APPLICATIONS TO BE RECEIVED (Walk April 27, 2019)**

1. Lee & Jamie Rubin, 3 Adirondack Lane, Map 82, Lot 25A-7, Regulated Activity, Removal of poison ivy, thorn bushes and other invasive weeds. Replace with native evergreens within 100' jurisdictional review zone.
2. Town of Guilford/Rick Maynard, Bittner Park, 1350 Durham Rd, Map 97, Lot 1d, Regulated Activity, Construction of a bridge over a stream in Bittner Park for pedestrian use within 100' jurisdictional review zone.
3. Dennis & Kathy Gilloran, 220 Race Hill Rd, Map 109, Lot 35A-3, Regulated Activity, New home and driveway within 100' jurisdictional review zone.
4. Pattagansett Holdings, LLC, Peddlers Road, Map 73, Lot 1, Boundary Clarification for future subdivision within 100' jurisdictional review zone.
5. William G. Butterly, III, 5000 Durham Rd, Map 128, Lot 1, Permitted Use As of Right, Construction of antique barn within 100' jurisdictional review zone.

Upon a motion by Commissioner K. Clark and seconded by Commissioner E. Besmer, it was unanimously voted to approve the application one thru five to be walked on Tuesday, April 27, 2019.

**G. BILLS**

1. Shore Publishing – \$34.00

Upon a motion by Chairman S. Anderheggen and seconded by Commissioner W. Furniss, it was unanimously voted to pay the bills

**H. MANDATORY REFERRAL**

None received

**I. AUTHORIZED AGENT APPROVALS**

None received



## **J. CORRESPONDENCE / OTHER BUSINESS**

1. Pre Application discussion Smith Property, Long Hill Rd, Map 96, Lots1, 1C, 2 &2A

Chuck Mandell showed the commission maps of the proposed open space subdivision on Long Hill Road for 31 -3 bedroom houses. There will access to public water. Chuck also asked about the type of culvert and curbing to have. Chuck asked the commission for comments/suggestions/concerns to update the map. Commission members expressed concern regarding lots 5, 6, 13 and 25. Chuck indicated that the scale of the map approximately 1" to 200 feet makes the size of the lots deceiving.

2. Review of agent approvals application types

Kevin Magee reviewed the list of agent approvals with the commissions and what should be added.

The following types of applications are proposed to be approved by the inland wetland enforcement officer and the inland wetland administrator.

### **Sheds**

- Any portable shed under 300 square feet in floor area, ~~provided that the shed is set on loose crushed stone or loose set concrete blocks or any loose set block~~
- That the shed is not set on or at the top of a slope that is greater than a 15% slope upward from a wetland system.
- Sheds located 25' or greater from a wetlands or watercourse

### **Decks with the following conditions:**

- Decks within minimal excavation such as sona tube supports.
- Deck is located 25' or greater from the wetlands or watercourse

### **Fences**

- Installation of fence post outside of wetlands and watercourses.

### **Above-ground swimming pools with the following conditions:**

- That there be no release of backwash;
- That the pool be in a location not to exceed a grade of 2" (?);
- That the pool be 50' or greater from the wetland or water course.

**Porch, screened porch, enclosure to an existing deck or a second story to an existing structure when no additional foundation structure is required;**

- Approval of a porch, screened porch, enclosure to an existing deck, or a second story to an existing structure, and no additional foundation structure is required, the Inland Wetland Enforcement Officer or the Wetland Administrator may, after a field visit to determine the addition will not adversely impact the Wetlands, approve the building and zoning compliance application [**Approved 09/14/05**]

#### **Utility trenches**

- Installation of a trench located 25' or greater from a wetlands or watercourse.
- Trench to be a maximum of 24" wide.

#### **Propane Tanks**

##### **Aboveground tanks**

- Approval of above ground propane tank set on precast concrete pad
- Approval of aboveground fuel oil tanks under 1,000 gallon capacity
- Propane tanks set next to foundation as of right activity

##### **Underground propane tank**

- Approval of underground propane tank located 25' or greater from a wetlands or watercourse.

#### **Tree & Brush Removal**

- Removal of dead or declining trees as of right activity (verification by agent required)
- Removal of invasive plants under supervision of master gardener or wetlands specialist

#### **Septic Systems**

##### **Emergency repair of septic systems in the regulated area Amended 2/9/2011**

- Approval of emergency repair of septic system within regulated area only for the number of existing bedrooms.
- Septic system needs to be documented with a failure such as septic above ground or frequent pumping of septic tank.
- Septic system repair to be located as far back from wetlands and watercourse as possible.

##### **Septic system upgrade in the regulated area.**

- Repair to be conducted greater than 50 feet from wetlands or watercourse.
- Slope no greater than 15% towards a wetland system.

##### **Household water treatment discharge**

- Installation of infiltration system for house hold water treatment system 25' or greater from a wetlands or watercourse.

**Approval of maintenance of Town culverts and drainage pipes outside wetlands Article 4 Section 271-10 Permitted use as of right subsection (F) [approved 09/14/05].**

The commission would like to review additional activities and discuss next month meeting.

3. Nominations

Nominations were submitted as K. Clark for Chairman, David Williams for Vice-Chairman and Eva Besmer for secretary.

Commissioner S. Anderheggen made a motion to have K. Clark as chairman, David Williams as vice-chairman and Eva Besmer as secretary. It was seconded by Commissioner J. Parker and was unanimously voted to keep the same positions.

4. Letter from Michael D. Warn – Martin-Bishop Field Bridge

Kevin Magee explained the problem that the 3 metal culverts under the driveway to the filed are collapsing causing a restriction in flow to the river and past rain storms have been washing out the gravel driveway causing the gravel to deposit in the river. On November 16, 2018, after the last storm in September Kevin Magee sent a letter to Michael Warn that the Guilford Volunteer Fire Department Association needs to come up with a plan to replace culverts.

Kevin Magee read a letter from Michael Warn dated March 9, 2019 which indicated that they are looking into other estimates for the reconstruction of the bridge. The current estimates of \$500,000 to \$800,000 is more than they can afford. The town engineer and the representatives from Bishop Field will set up a meeting to review options.

**K. APPROVAL OF MINUTES**

1. March 13, 2019 - meeting minutes

Upon a motion by Commissioner S. Anderheggen and seconded by Commissioner E. Besmer it was unanimously voted to approve the draft walk minutes for March 13, 2019.

2. April 2, 2019 – draft walk meeting minutes

Upon a motion by Commissioner W. Furniss and seconded by Commissioner E. Besmer it was voted to approve the draft minutes for April 2, 2019.

Approved: W. Furniss, S. Anderheggen, J. Blackwell, D. Williams & K. Clark

Opposed: None

Abstained: J. Parker

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3. April 6, 2019 – draft walk meeting minutes

Upon a motion by Commissioner E. Besmer and seconded by Commissioner S. Anderheggen it was unanimously voted to approve the draft minutes for April 6, 2019.

Then, with no further business before it, upon a motion by Commissioner D. Williams and seconded by Commissioner W. Furniss it was unanimously voted to adjourn the meeting of the Guilford Inland Wetlands Commission at approximately 9:15 P.M.

Respectfully submitted,

Michelle C. Nazario