

**Draft Meeting Minutes
Guilford Inland Wetlands Commission
Regular Meeting
November 13, 2019 at 7:00pm
Guilford Community Center – Faulkner Room
32 Church St. Guilford CT**

**GUILFORD TOWN HALL
19 NOV 20 PM 1:41**

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: J. Marchi, E. Besmer, J. Parker & K. Clark

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, J. Blackwell, J. Marchi, K. Clark, J. Parker & E. Besmer

A. APPROVAL OF AGENDA

November 13, 2019

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

B. APPLICATIONS

- 1. Town of Guilford – Parks and Recreation – Bittner Park, 1350 Durham Rd, Map 97, Lot 1D, Regulated Activity, Construction of Board Walk within 100’ jurisdiction review zone.**

Present for Applicant: Rick Maynard – Community Center
Noah R. Provencher – Eagle Scout

Discussion: Noah Provencher provided a slide show explaining to the commission the project he is proposing to do. He would like to construct and elevate the walkway across a wet area and provide rip rap to stabilize the area. The topography is slightly elevated on both sides of the wetlands crossing. Concrete blocks will be used as footings and will be secured by digging an approximate 6 inch hole in the ground. He will remove the logs and brush 8 feet off the boardwalk to allow for maintenance vehicles to pass by. The brush will be cut flush to the ground. The soil will be hauled away from the wetlands and will be spread out into the woods.

Upon a motion made by Commissioner E. Besmer.

VOTED: That the Guilford Inland Wetlands Commission approves a regulated activity for 1350 Durham Rd., Map 97, Lot 1D, Construction of board walk as shown on the Inland Wetlands application dated September 30, 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. That prior to any construction soil erosion and sediment control measures shall be;
 - a. installed as shown on the approved plan.
 - b. installation shall be done by hand.
 - c. The Inland Wetlands Enforcement Officer shall be notified of such installation so that an inspection might be conducted to determine compliance and authorize commencement of construction.
3. Prior to issuance of a final inspection, the Inland Wetlands Enforcement Officer shall be notified so that an inspection may be conducted to determine that all soil erosion and sedimentation control measures have been maintained in the manner in which they were approved on the site plan and are in compliance.
4. Soil Spoils/debris to be spread in the woods away from the wetlands and be covered by leaves.
5. Modification of approved plan needs to come back to Inland Wetlands Commission
6. 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 W. Furniss and was unanimously voted to approve the application.

2. **Jennifer Lattanzi/Owaneco, LLC, 69 Beech Rd, Map 59, Lot 88, Regulated Activity, Expansion of a small house, extend an existing dormer the width of the rear of the house , add new dormer on the front and add a porch with living space over it to the rear. A retaining wall repair is proposed with minor amount of fill within 100' jurisdictional review**

Present for Applicant: Mark Young – Waldo and Associates

Discussion: Mark Young explained to the commission the proposed expansion of the house, the septic system reconstruction and the repairs to the retaining stone wall on the lake to and to match the rest of the wall. Mark Young indicated that they are considering tearing down the house and building a new house in a similar foot print. Mark asked if the current plans were approved if they decide to reconstruct the house, can revised plans be submitted to town staff for approval. According to Russ Campaigne the foundation is good and can be rebuilt on. The modification would have a screen porch constructed on piers and the front entry way on a foundation. The commission recommended that since the property owners are leaning towards rebuilding the house that the a revised plan showing the modification be prepared for the next meeting.

Upon a motion made by Commissioner E. Besmer and seconded by Commissioner W. Furniss it was unanimously voted to table the application to December 11, 2019 Inland Wetland meeting.

3. **Sarah G. Wilson & Kimberly S. Godfrey, 67 White Birch Dr., Map 58, Lot 52, Regulated Activity, expand a lakeside home on a small lot. 4/5ths +/- of the lot is in the upland review zone. Small scale additions to increase livability and No new bedrooms are proposed. The septic system is relatively new (2012) and code-compliant for two bedrooms within 100' jurisdictional review zone.**

Present for Applicant: Mark Young – Waldo and Associates

Discussion: Mark Young presented to the commission the proposed plan to expand the lakeside home. Mark described the proposed plan showing an addition to the house, a screen room, and a deck. Silt fencing will be installed around the perimeter of the work area. The setbacks have been meet, however the project needs to be reduced in size due to other zoning issues. The impact will be the same.

Upon a motion made by Commissioner J. Blackwell

VOTED: That the Guilford Inland Wetlands Commission approves a regulated activity for 67 White Birch Drive, Map 58, Lot 52, Regulated Activity, expand a lakeside home on a small lot within 100' jurisdictional review zone as shown on "Zoning Location Survey – Property of Sarah g. Wilson & Kimberly S. Godfrey, 67 White Birch Drive, Guilford, Conn Map Title; prepared by Waldo & Assoc., LLC" Dated August 21, 2019 and revised October 7, 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.
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 outside of the proposed foot print must be submitted to the Inland Wetlands Commission for approval.
14. That unless an extension is granted,
 - a. Construction must begin within two years 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.

C. PUBLIC HEARING

1. Christopher Widmer, Green Planet Development, 376 State St, Map 74, Lot 5, Regulated Activity, Construction of eight – two and three bedroom private residences, shared wells and septic system, twenty parking spaces, associated landscaping, a community garden area with a screen pavilion and access driveway with a stream crossing within 100' of wetland review zone. (Public Hearing October 9, 2019)

Christopher Widmer sent a letter requesting the hearing be postponed to the December 11, 2019 meeting In addition Chris provided a letter granting 60 additional days to conduct the public hearing.

Upon a motion made by Commissioner W. Furniss and Commissioner J. Marchi, it was approved to table the public hearing until the next Inland Wetlands meeting December 11, 2019. It was unanimously approved.

D. PERMITTED USE AS OF RIGHT

None

E. MINOR MODIFICATIONS

None

F. EXTENSION AND TRANSFER OF PERMIT

None

G. ENFORCEMENT

1. William & Sarah E. Monroe – 37 Maplecrest Dr – Installation of drainage system and regrading of site

Mr. Monroe explained to the commission the work conducted on the neighbor's yard was not intentional, he thought the placement of the pipe was on his property. He offered to remove it or a cash settlement. Mr. Monroe is uncertain of what they want. He is opened to suggestions and clarification on how to proceed with the commission. There was a discussion regarding the original approval, the distance of the pipe from property lines, and the benefit of the pipe being cut back away from the property line to reduce the force of the water and ability of the swale to infiltrate water. The commission asked Mr. Monroe if he would be interested in creating a berm along the property line to 53 Maplecrest Drive to keep the flow of water on his property up to the point that the swale is to be installed. Mr. Monroe indicated that he would be agreeable with installing the berm.

Upon a motion by Commissioner Kevin Clark

Cease and Correct Order: William m. & Sarah E. Monroe, 37 Maplecrest Drive, Guilford, Connecticut 06437. An inspection conducted by Inland Wetlands staff on October 10, 2019 revealed that site work occurred along the western and northwestern portions of the property beyond the scope of a permit issued from the Guilford Inland Wetlands Commission on January 10, 2018. This site work consists of the installation of a drainage system including curtain drains, below-grade infiltrators, and overflow pipe extending beyond the western property line and surfacing on the adjacent property known as 53 Maplecrest Drive. A show cause hearing was held on October 30, 2019 that was continued to a site walk conducted on November 2, 2019 and a meeting held on November 13, 2019.

At the Guilford Inland Wetland Commission meeting held on November 13, 2019, the commission voted that:

1. The pipe be removed to a minimum of 50 feet from the northern property line and that a swale be installed from the end of the pipe to the property line.
2. All work be conducted by December 31, 2019

3. A berm to be created along the western property line to help guide water to the swale. The height of the berm is not to exceed 6” high and should start the front property pin to where swale begins.
4. Landscape fabric and erosion controls where needed.

The motion was seconded by Commissioner W. Furniss and was voted to approve the Cease and Correct Order.

Approved: E. Besmer, K. Clark, W. Furniss, J. Blackwell, & J. Marchi

Opposed: None

Abstained: J. Parker

Vote: 5-0-1

2. Wayne Graves – 53 Maplecrest Dr – Installation of drainage pipe

Mr. Graves provided the commission the before, during, and after pictures the regrading work conducted at the Monroe property. The photo’s showed silty water flowing from the Monroe property over the Graves property and into wetlands. The Graves were concerned with the number of trees removed along their property line and on the Monroe property due to the trees ability to absorb water. Mr. Graves explained that the drainage pipe and the septic are four feet from each other. Mr. Graves would like a certified engineer to review the work conducted on the Monroe property. Commissioner Kevin Clark notified the Graves that the commission acted on the Monroe violation and that the commission is reviewing the violation of the pipe being installed on their property within the wetlands regulated review area without a permit.

Upon a motion by Commissioner K. Clark

Cease and Correct Order. Wayne J. Graves, 53 Maple Crest Drive Guilford, Connecticut 06437. An inspection conducted by Inland Wetlands Staff on October 10, 2019 revealed that site work encroached onto the northeastern portion of the property located at 53 Maplecrest Drive beyond the scope of a permit issued from the Guilford Inland Wetlands Commission on January 10, 2018 for 37 Maplecrest Drive. A show cause hearing was held on October 30, 2019 that was continued to a site walk conducted on November 2, 2019 and a meeting held on November 13, 2019.

At the Guilford Inland Wetland Commission meeting held on November 13, 2019, the commission voted that:

1. The pipe be removed from the property and the area be regraded back to the original grade.

2. All work be completed by December 31, 2019

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

Approved: E. Besmer, K. Clark, W. Furniss, J. Blackwell & J. Marchi

Opposed: None

Abstained: J. Parker

Vote: 5-0-1

3. Kowalski, 1187 Moose Hill Rd – excavation of water course, installation of piping and regrading of site

Discussion: Mr. Kowalski explained that back in 2002 the town did reconstruction on Moose Hill and installed seven storm drains. Mr. Kowalski believes with reconstruction of the road which involved the installation of curbing channels additional water into the catch basins that discharge to his fields. He uses the field for haying and finds the fields have been wetter and hard to cut. He put in a pipe so he does not need to continue cleaning out the trench. He also feels the pipe helps to channel the storm water through the field to help keep the fields drier.

Erin Mannix stated that The Army Core of Engineers has been contacted and she waiting to hear back from them.

The commission viewed the NRCS soils map of the property which indicated that most of the field contains wetlands soils and reviewed the history of work conducted on the road and in the field. Members of the commission believe the work performed is considered filling and draining (diverting water) of a wetlands. The commission discussed the stability of the site. The field area has been stabilized however the section between the pipes and the end of the pipe need to be stabilized. The commission discussed how they would have handled a request for the installation of the pipe if it was made as part of an application. The commission believes if it was part of an application they would most likely not approved it. Now since it has been installed they need to determine does the pipe need to be removed or can a section of the pipe be left in place. The commission discussed the need for a professional to evaluate the impact that the construction of the pipe has on the wetlands, the potential dewatering of the wetlands, and has all the wetlands soil been removed compromising the wetlands hydrology.

Mr. Kowalski asked what he can do to remediate the situation today. The commission indicated short of removing the pipe and restoring the site they would need a professional opinion noting a wetland's delineation and a soil horizon identification to determine if they broke through an impermeable layer.

Upon a motion by Commissioner Eva Besmer

Cease and Correct Order Fredrick Kowalski, 1187 Moose Hill Road, Guilford Connecticut 06437, Parcel ID: Map 072 Lot 16-1. An inspection by Kevin Magee on October 16, 2019 revealed that site work was conducted in the northwest portion of the property without a permit from the Guilford Inland Wetlands Commission, specifically, the excavation of a watercourse, installation of piping, and regrading of site. This activity is in violation of Section 271-17 of the Town of Guilford Inland Wetlands and Watercourses Regulations. A show cause hearing was conducted on October 30, 2019 that was continued to a site walk conducted on November 2, 2019 and a meeting held on November 13, 2019.

At the Guilford Inland Wetland Commission meeting held on November 13, 2019 the commission voted that:

1. A wetlands scientist shall delineate the wetlands boundary. The wetlands boundary should be surveyed by a licensed surveyor and placed on a plan to be submitted to the Inland Wetlands Commission by January 8, 2020 so that the commission can utilize the information obtained to determine additional corrective actions.

The Cease and Correct Order was seconded by Commissioner Jennifer Blackwell and was voted to approve the application.

Approved: E. Besmer, K. Clark, W. Furniss, J. Blackwell, J. Marchi, & J. Parker

Opposed: None

Abstained: None

Vote: 6-0-0

4. Stephen & Maura Mongelli – 100 Orcutt Dr. – Clearing and grading within wetlands

John Cunningham of TEC Landscape Design explained to the commission that he has filed an application with the commission to install a in ground pool and a pool house with a seasonal septic system. During the design stage of the sanitary system, wetlands were observed on the property which were not mapped as part of the subdivision. At this point they contacted Rich Snarsky to flag the wetlands. The wetlands flagging then revealed that a portion of the in ground swimming pool was located within the wetlands review area along with site grading that was performed as part of the pool installation. With the colder weather approaching they will need to spray the gunite for the pool which is currently formed. John indicated that there is no impact to the wetlands with spraying the pool. John also requested that the commission approve the footings for the pool house. The commission indicated that they would like to keep that as part of the commission approval.

Upon a motion by Commissioner Kevin Clark and seconded by Commissioner Jennifer Blackwell it was approved to install the gunite in ground pool as an Agent Approval. It was unanimously voted to approve the application.

H. APPLICATIONS TO BE RECEIVED & SET WALK DATE (December 7, 2019)

1. Theodore Fisher, 97 Vineyard Point Road, Map 9, Lot 001-A, Regulated Activity, Subdivision Referral and Boundary Clarification, Construction of a single family home, driveway,, septic system, well and associated grading within 100' of wetland review zone.
2. Jane P. Cantey, Nortontown Rd., Map 82, Lot 26B, Regulated Activity, Two bedroom house, septic system and driveway in the review zone on a vacant lot. House size has been limited to two bedrooms. The septic system has been located as far from wetlands as feasible. A rain garden has been proposed to receive storm water runoff within 100' of wetlands review zone.
3. Vigliotti Construction, 2103 & 2131 Long Hill Rd, Map 96, Lot 1, 1C, 2 & 2A, Regulated Activity & Subdivision Referral, Open space subdivision including the construction of a 1,405 LF Town Road and the creation of 31 lots with various lot improvements within 100' of wetlands review zone and road crossing with water, gas, electric within the wetlands.
4. Stephen & Maura Mongelli, 100 Orcutt Drive, Map 94, Lot 3A-4, Regulated Activity & Boundary Clarification, In-ground swimming pool, patio, pool house and associated sewage disposal system and utility services construction within 100' of wetlands review zone.

Upon a motion by Commissioner K. Clark and seconded by Commissioner W. Furniss, it was unanimously voted to receive applications 1-4 and to set the walk date for Saturday, December 7, 2019.

Upon a motion by Commissioner K. Clark and seconded by Commissioner W. Furniss, it was unanimously voted to make application 3 a Significant Activity and set a Public Hearing date for December 11, 2019.

I. BILLS

1. Shore Publishing – \$42.00 (October)

Upon a motion by Commissioner W. Furniss and seconded by Commissioner E. Besmer, it was voted to pay the bills.

Approved: E. Besmer, K. Clark, W. Furniss, J. Blackwell & J. Parker

Opposed: None

Abstained: J. Marchi

5-0-1

J. MANDATORY REFERRAL

None

K. AUTHORIZED AGENT APPROVALS

None

L. CORRESPONDENCE / OTHER BUSINESS

1. 2020 IWC meeting walk dates

Upon a motion by Commissioner J. Marchi and seconded by Commissioner J. Parker it was unanimously voted to approve the walk and meeting dates for 2020.

M. APPROVAL OF MINUTES

1. October 19, 2019 – draft walk meeting minutes

Upon a motion by Commissioner W. Furniss and seconded by Commissioner E. Besmer it was voted to approve the meeting minutes for October 19, 2019.

Approved: E. Besmer, K. Clark, W. Furniss, J. Blackwell & J. Parker

Opposed: None

Abstained: J. Marchi

5-0-1

2. October 9, 2019 – draft minutes

Upon a motion by Commissioner W. Furniss and seconded by Commissioner J. Blackwell it was unanimously voted to approve the meeting minutes for October 9, 2019.

3. November 2, 2019 – Special walk meeting minutes

Upon a motion by Commissioner W. Furniss and seconded by Commissioner E. Besmer it was voted to approve the meeting minutes for October 9, 2019.

Approved: E. Besmer, K. Clark, W. Furniss & J. Blackwell

Opposed: None


Abstained: J. Marchi & J. Parker

4-0-2

Then, with no further business before it, upon a motion by Commissioner J. Marchi and seconded by Commissioner W. Furniss it was unanimously voted to adjourn the meeting of the Guilford Inland Wetlands Commission at approximately 10:00 P.M.

Respectfully submitted,

Michelle C. Nazario



**GUILFORD
INLAND WETLANDS
2020 MEETING SCHEDULE
Guilford Community Center, Faulkner Room
At 7:00**

Meeting Date	Tentative Walk Date	Application Date
January 8	Dec 21	January
February 12	January 18	February
March 11	Feb 22	March
April 8	March 21	April
May 13	April 18	May
June 10	May 23	June
July 8	June 20	July
August 12	July 18	August
September 9	August 22	September
October 14	Sept 19	October
November 18	Oct 24	November
December 9	Dec 5	December

