

**draft Meeting Minutes**  
**Guilford Inland Wetlands Commission**  
**Regular Meeting**  
**December 9, 2020 at 7:00pm**

**DUE TO COVID-19, THIS MEETING WILL BE A WEB & PHONE MEETING ONLY IN ACCORDANCE WITH GOVERNOR LAMONT'S EXECUTIVE ORDERS 7B & 7I. ATTENDEES ARE ADVISED TO NOT GO TO THE REGULAR COMMUNITY CENTER LOCATION BECAUSE A PHYSICAL MEETING WILL NOT TAKE PLACE. MEETING LINK INFORMATION WILL BE FORTHCOMING AND LEGAL NOTICES, AGENDA & MEETING DOCUMENTS WILL BE AVAILABLE ON THE TOWN WEBSITE:**  
[\*\*WWW.CI.GUILFORD.CT.US\*\*](http://WWW.CI.GUILFORD.CT.US)

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\*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: K. Clark, J Parker, E. Besmer, and S. Williams

Member Absent:

Alternate Present: W. Furniss and J. Newton-Blackwell

Alternate Absent:

Staff: Kevin Magee – Wetlands Administrator

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

Appointment by Chair of member sitting for this meeting:

**A. APPROVAL OF AGENDA**

December 9, 2020

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

## **B. APPLICATIONS**

1. Helen S. Maher, 149 West Lane, Map 5, Lot 28, Subdivision Referral, Subdivide 149 West Lane into 2 parcels and restore 3,513 sq ft of upland review area, remove portion of existing drive way on review area.southern parcel and extend to proposed Home site. Approve proposed Rain Garden on northern lot within the 100' upland

Present for Applicant: Chuck Mandel of Thomas A. Stevens and Associates

Discussion: Chuck explained to the commission the 2 lot subdivision and that at last months meeting the commission approved an extension to the permit issued to the property for the restoration of 3,513 sq ft of upland review area, remove portion of existing driveway in the review area on the southern parcel, installation of rain garden and extend a driveway to the proposed house site within the 100' upland review area.

Commissioner K. Clark made the following motion:

VOTED: The Guilford Inland Wetlands Commission refers favorably to the planning and zoning commission the subdivision shown on map titled "Improvement Location Survey – Proposed, Inland Wetlands Regulated Activity Plan for Helen Maher, Assessor's Map 5, Lot 28, 149 West Lane Guilford," Prepared by Thomas A. Stevens, dated June 4, 2013.

The motion was seconded by Commissioner S. Williams and was unanimously approved by roll call vote.

2. Marilyn J. Mather, 2 Putzel Ave, Map 56, Lot 47, Regulated Activity, Construction of a addition to the existing house within the 100' upland review area.

Present for Applicant: Todd Anderson of Anderson and Associates

Todd Anderson explained to the commission the applicant is looking to construct an addition to the house and install a underground infiltration system for the increased roof water. The wetlands boundary is the highwater mark of the lake. The construction of the addition is just inside the review zone and there will be minor grading around the addition. The owners are planning on digging out the footings and placing the soil in a pile away from the wetlands. Todd indicated that he talked with the town engineer, Janice Plaziak who had some concerns about the silt fence being installed in the flood zone. The proposed plan has been revised to show the silt fencing at

outside the flood zone at elevation 160 so there is no concern regarding compensatory storage. Material will be taken off site and a small amount of stockpiling will be stored on site during construction.

Commissioner K. Clark made the following motion:

VOTED: That the Guilford Inland Wetlands Commission approves a regulated activity for 2 Putzel Ave, Map 56, Lot 47, for Regulated Activity, Construct and addition to the existing house as shown on, “Zoning Location Survey and Inland Wetlands Regulated Activity Plan for Marilyn J. Mather, 2 Putzel Ave, Guilford, Connecticut, prepared by Anderson Engineering & Surveying Associates, dated November 4, 2020 and revised to November 30, 2020” 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.
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. Additional grading up to silt fence line would be allowed
14. Install a double layer of erosion measures at low point by shed.

15. That any changes to the approved plan must be submitted to the Inland Wetlands Commission for approval.

16. 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 was no reasonable or prudent alternative in completion of this project.

The motion was seconded by Commissioner W. Furniss and was approved by roll call vote.

Approved: K. Clark, J Parker, E. Besmer, W. Furniss, and J. Newton-Blackwell

Opposed: None

Abstained: S. Williams

Vote: 5-0-1

3. Steven Martin, 88 Chestnut Grove, Map75, Lot 75, Regulated Activity, Relocation of the sanitary system to accommodate the construction of an inground swimming pool within the 100' upland review area.

Present for Applicant: Todd Anderson of Anderson Engineering

Discussion: Todd Anderson explained to the commission the proposed plan for the relocation of the sanitary system to allow for the construction of the inground pool. Todd indicated that he has spoken Shirley Mickens, health department sanitarian who had concerns regarding the septic system. Todd indicated that he has clarified the septic system layout with her and she then approved. This proposed area is the only location that will have the septic be code compliant without using the pump. Installing the septic system closer to the house would require a large amount of fill to be brought in due to the depth to ledge and this may result in a greater disturbance area. The proposed septic system will be 25 feet from the property line and 56 feet from the wetlands. The pool itself will be outside of the 100' review zone.

Commissioner K. Clark made the following motion

VOTED: That the Guilford Inland Wetlands Commission approves a regulated activity for 88 Chestnut Grove, Map 95, Lot 75, for Regulated Activity, Relocation of the sanitary system to accommodate the construction of an inground swimming pool as shown on, "Zoning Location Survey, Sanitary System Design & Inland Wetlands Regulated Activity

Plan, Lot 13, Chestnut Grove, 88 Chestnut Grove, Guilford, Connecticut, prepared by Anderson Engineering & Surveying Associates, dated November 25, 2020 and revised to December 3, 2020” 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. 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.
5. 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.
6. 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.
7. Steps taken to control sedimentation, erosion and downstream siltation shall include but need not be limited to:
  - e. The stabilization of all disturbed earth surfaces with suitable ground cover and/or hay mulch during and following construction activities.
  - f. 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.

- g. 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.
  - h. The placement of additional erosion controls as reviewed and approved by Inland Wetlands Enforcement Officer prior to commencement of clearing and construction activities.
8. 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.
  9. A planting plan for disturbed buffer and wetlands areas shall be submitted to the commission for approval.
  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.
  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 approved by roll call vote.

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

Opposed: None

Abstained: S. Williams

Vote: 5-0-1

4. Christine Vogt/Jen Goodwin, Regulated Activity, 644 County Rd, Map 105, Lot 17, Fill and grade the degraded wetland area with appropriate fill and top soil to improve drainage and restore 10' of degraded area adjacent to undisturbed wetlands with native wetland plants within the 100' upland review area.

Present for Applicant: Christine Vogt – Home owner

Discussion: Christine Vogt explained to the commission the proposed project involving the construction of a 28 by 38 foot garage within 10 feet of a degraded wetland area with grading to improve drainage. She would also like to restore 10 feet of the degraded wetlands area near the undisturbed wetlands. Christine reported that wetlands were delineated by Rich Snarski who delineated an area of degraded wetlands and the boundary of a non filled wetlands. The commission had a discussion regarding the degraded wetlands classification. Kevin Magee reported that according to the state requirements if the soil wetlands chroma is detected at a depth of 21 inches or less the area would be considered a wetlands. The commission would like to know the depth of the wetlands soil in the degraded area and would like to see any construction at least 25 feet away from the approved wetlands boundary based on the states criteria for wetlands classification. It was noted that the proposed garage could shift at least 12 feet towards the front line set back.

The commission asked Christine to contact the wetlands scientist to see if he had records on the depth to the wetlands soil chroma if not he would need to retest the area; the plan should be updated to show the true limits of the wetlands based on state regulations; and show the proposed garage at least 25' from the wetlands.

Commissioner K. Clark made a motion table this application to the January 13,2021 Inland Wetland meeting and Commissioner W. Furniss seconded. It was unanimously approved by roll call.



5. Gloria Mei, 388 Three Corners Rd, Map 70, Lot 5-48, Modification, Rebuild new home revised with the garage on an angle in existing foot print at the same elevation as the first floor and move driveway to accommodate garage within the 100' upland review area.

Kevin Magee explained to the commission that the applicant came in last week with a marked up survey map that did not provide all the required information and reminded the applicant the commission was looking for an engineered approved plan.

Commissioner K. Clark made a motion to table this application to the January 13, 2021 Inland Wetland meeting and Commissioner S. Williams seconded. It was unanimously approved by roll call.

**C. PERMITTED USE AS OF RIGHT**

No applications were received for Permitted as of Right activity.

**D. MINOR MODIFICATIONS**

No applications were received for minor modifications.

**E. EXTENSION AND TRANSFER OF PERMIT**

No applications were received for extension and transfer of permit.

**F. ENFORCEMENT**

1. Mathew Durkin - 2 Taylor Lane – Potential Violation – filling within 100ft of wetlands
2. Paul & Mary Barker- 2733 Long Hill Rd- Enforcement Order- removal of trees and deposition of fill within upland review area- Schedule show-cause hearing no later than December 19, 2020.
3. Jeffrey & Lauren Testani- 532 Tanner Marsh Rd-Enforcement Order- removal of vegetation and site grading within upland review area-Schedule show-cause hearing no later than December 19, 2020

Kevin Magee reviewed with the commission Erin Mannix email dated December 9, 2020 regarding the above violations. The commission decided to give Mathew Durkin until the January meeting to file the application.

The commission scheduled a Show Cause Hearing on Thursday, December 17, 2020 at 7:00 pm for Enforcement Action 2 Paul and Mary Barker 2733 Long Hill Road and Enforcement Action 3. Jeffrey and Lauren Testani

**G. APPLICATIONS TO BE RECEIVED (Walk December 19, 2020)**

1. P. Gregory Mickelson, 120 N. Madison Rd, Map 92, Lot 37, Regulated Activity, Level a semicircular section of sloped back yard approximately 25 feet in diameter just inside existing fence and install stone patio within the 100' upland review area.
2. Garrett Sullivan, 439 Boston Post Rd, Map 49, Lot 25, Regulated Activity, Outdoor playground for pre-school within the 100' upland review area.
3. Shelia Kaczmarek, 270 Sam Hill Rd., Map 67, Lot 2-12, Regulated Activity, Tree and stump removal within stream. Half of tree has been removed by previous owner. Removal of tree and stump will restore normal flow of water within the 100' upland review area.
4. Bryce & Rachel Rollins, 70 Cornwall Lane, Map 91, Lot 1-8, Regulated Activity, Installation of proposed pool, patio, and shed. Removal of existing shed. Installation of a yard fence and associated grading for proposed pool and patio within the 100' upland review area.

Upon a motion by Commissioner W. Furniss and seconded by Commissioner S. Williams, it was unanimously approved to receive the application and set a walk date for Saturday, December 19, 2020 for applications 1 thru 4.

**H. BILLS**

1. Shore Publishing – \$39.00 – November 18, 2020

Upon a motion by Commissioner K. Clark and seconded by Commissioner W. Furniss, it was unanimously voted to pay the bills.

**I. MANDATORY REFERRAL**

1. No applications were received for mandatory referral.

**J. AUTHORIZED AGENT APPROVALS**

1. Mark Pender, 67 Golden Hill Dr., Map 80, Lot 107 B07, Regulated Activity, Add 10' infiltrator within the 100' upland review area.

Kevin Magee reviewed the agent approvals with the commissioners

**K. CORRESPONDENCE / OTHER BUSINESS**

1. Review of 2021 Inland Wetlands Commission meeting and walk dates

Commissioner K. Clark made a motion to approve the Inland Wetlands meeting and walk dates for 2021. Commissioner W. Furniss seconded the motion. It was unanimously approved by roll call.

2. Review regulation changes

Kevin Magee explained to the commission the change to the regulations are to remove the fee schedule from the regulations since it is part of the Town Code. This will eliminate having to change the fee update in two documents. Article 19 of the Wetlands Regulations will be updated to indicate that “Application fees are those published in the Town Code of Guilford, Chapter 166 Article II .

3. Connecticut Association of Conservation and Inland Wetlands Commission (CACIWC)

Commissioner W. Furniss indicated that she attended the online CAIWC conference which she found it informative and engaging. She noted that in the legal section that the lawyers indicated that it is up to the wetlands commission to determine the quality of the wetlands. She also brought up the recusal verses abstaining, abstaining is not a vote. A recusal is when there is a conflict of interest and the commissioner should not vote or participate in discussion. It is recommended that the commissioner should leave the meeting.

Kevin Magee reported that there was discussion regarding court cases. The current case law requires a documented harm to the wetlands for a denial. The commission can not use the words may or probable in a decision. They need to connect the dots of a harm to the wetlands.

**L. APPROVAL OF MINUTES**

1. November 18 2020 – draft meeting minutes

Upon a motion by Commissioner W. Furniss and seconded by Commissioner E. Besmer, it was unanimously voted approve the meeting minutes for November 18, 2020

Approved: S. Williams, J Parker, E. Besmer, W. Furniss & J. Newton-Blackwell

Opposed: None

Abstained: K. Clark

Vote: 5-0-1

2. December 5, 2020 – draft walk minutes

Upon a motion by Commissioner W. Furniss and seconded by Commissioner E. Besmer, it was unanimously voted to approved the walk meeting minutes

**M. Adjourn**

Then, with no further business before it, upon a motion by Commissioner W. Furniss and seconded by Commissioner S. Williams, it was unanimously vote to adjourn the meeting of the Guilford Inland Wetlands Commission at approximately 8:30 P.M.

Respectfully submitted

Michelle C. Nazario