

Guilford Inland Wetlands Commission
Draft SHOW CAUSE HERING MEETING MINUTES
December 17, 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:
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**A. APPROVAL OF AGENDA**

December 17, 2020

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

**B. APPLICATIONS**

1. **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.

Present: Paul & Mary Barker - Homeowners

Discussion: Erin Mannix explained to the commission she issued a Cease and Desist Order to Paul and Mary Barker was issued due to the removal of trees and deposition of fill within the upland review area. According to the definition of wetlands and watercourses, this pond meets the criteria.

Paul Barker explained to the commission that what he cleared was dead trees, vines, and was over grown. He had the wood stacked and the woodchips cover areas. He was giving away some wood and the wood that he was unable to get rid so he dug a hole and buried some. The plan was to plant some apple trees, a garden, and lawn. Paul Barker indicated that he talked with the neighbors and reported that the pond was manmade for ice hockey with a shed that was used to store the equipment. Mary Baker researched the files to see if any permits were pulled and when the manmade pond was added to the property. There was no permit pulled and the pond didn't show up on the GIS map until after 2005. The pond is lined with a rubber liner. The Barkers would like to fill in the pond due to safety concerns.

Kevin Magee reported that he was contacted by the Bakers regarding the pond and noted that he told the Bakers that the pond is considered a regulated area under the wetlands regulations and that any work conducted within a 100 feet of the pond it would be considered a regulated activity. Photograph's of the disturbed area was shared with the commission.

The commission discussed the history of the manmade pond, the function of the pond, and what determines a wetlands or watercourse. The commission would like to have a soil scientist come out and test to see if the area of the manmade pond is wetlands and to have this information possible by the February meeting. The commission would also like to have erosion controls placed around the pond put into place as soon as possible.

Commissioner K. Clark made the following motion to change the Cease and Desist order to a Cease and Correct Order:

At a Special Meeting of the Guilford Inland Wetland Commission held on December 17, 2020, the commission voted that:

Cease and Correct Order, Paul & Mary Barker, 2733 Long Hill Road, Guilford Ct

1. A Wetlands scientist delineate the edge of the wetlands by the Inland Wetlands Commissions February 10, 2021 meeting.
2. If wetlands are detected, the property owner shall utilize a wetlands specialist or licensed landscape architect to create a mitigation plan for the property. This plan shall include the location, type of plants, and number of plants to be installed in order to stabilize the cleared area, create a buffer, and restore the disturbed wetlands.
3. Soil and sedimentation erosion controls shall be installed along the edge of the wetlands and Watercourses including the pond by December 31, 2020 and be maintained until the site is stabilized.
4. Failure to comply with the time schedule will result in mandatory fines.

The motion was seconded by Commissioner Furniss and was unanimously approved by voice vote

2. **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

Present: Jeffrey & Lauren Testani - Homeowners

Discussion Erin Mannix explained to the commission that a Cease and Desist Order was issued due to the removal of vegetation and site grading within the upland review area. There was an approval in August 2020 for a septic repair. Work went further than the approved area for the septic repair. The owners are looking to put an infinity pool in. There is conservation land prior to the wetlands. The grading was done outside of the wetlands, but in the review area. Some siltation were deposited in the wetlands area along with some logs. There has been some erosion controls installed at the property but additional silt fence is needed. The wetlands line is in the conservation easement area that is within the wetlands. Photo's of the site disturbance area was shared with the commission.

Jeffrey Testani explained to the commission they are working with a landscape architect and they have installed additional silt fence at the bottom of the slope and top of slope to protect the easement. They are also working with Aquatic pools and a landscape architect.

The commission would like the site secured and to have a survey by February with an update in January and to possibly submit the final plans at the March meeting.

Commissioner K. Clark made the following motion to change the Cease and Desist order to a Cease and Correct Order:

Cease and Correct Order, Jeffrey & Lauren Testani, 532 Tanner Marsh Road, Guilford Ct

At a Special Meeting of the Guilford Inland Wetland Commission held on December 17, 2020, the commission voted that:

1. That a licensed surveyor survey shall stake out the wetlands line from the original subdivision approval.
2. That a registered land surveyor shall conduct an A2/T2 survey of the disturbed area of the property. The survey should show the existing location of the house and driveway, provide topography of the excavated area, the extent of fill into and/or adjacent to the wetlands, and the location of the debris placed in the wetlands.
3. A plan based on the A2 survey be submitted to the commission that shows all work conducted in the excavated portion of the property, the approved wetlands line, the conservation easement lines and a separate plan showing all the proposed work to be conducted between the house and the wetlands including but not limited to details of slope stabilization, any wall construction, swimming pool, pool house, as built sanitary system location, and erosion control measures.
4. The property owner shall utilize a wetlands specialist or licensed landscape architect to create a landscape plan for the property. This plan shall include the location, type of plants, and number of plants to be installed in order to stabilize the excavated area, create a buffer, and restore any disturbed wetlands.
5. If any sediment or debris has been deposited in the wetlands, a Wetlands scientist shall oversee the removal of material from the wetlands.

6. Soil and sedimentation erosion controls shall be installed at the top and bottom of the slopes and be maintained until the site is stabilized.
7. The mitigation plan shall be submitted no later than March 10, 2021
8. Failure to comply with the time schedule will result in mandatory fines.

The motion was seconded by Commissioner Besmer and was unanimously approved by voice vote.

**C. Adjourn**

Then, with no further business before it, upon a motion by Commissioner E. Besmer and seconded by Commissioner S. Williams, it was unanimously vote to adjourn the meeting of the Guilford Inland Wetlands Commission at approximately 8:10 P.M.

Respectfully submitted

Michelle C. Nazario