

**BOLTON INLAND WETLANDS COMMISSION
REGULAR MEETING, AUGUST 24, 2021, 7:00 P.M.
MOTIONS & MINUTES
VIRTUAL**

Lally called the meeting to order at 7:00 p.m.

		Present	Absent
Regular Member	Jane Darico		X
Chairman	Ross Lally	X	
Regular Member	Andrew Gordon	X	
Vice Chairman	James Loersch	X	
Regular Member	open		
Alternate Member	open		
Alternate Member	open		
Staff	Barbara Kelly	X	

Also present: Sandy Pierog, Brent Mayerson, Mather Clarke, Gwen Marrion

1. Approval of Agenda

Motion: The Bolton Inland Wetlands Commission approves the agenda with the change to hear item 3.B. first.

By: Loersch

Seconded: Gordon

Voting:

For: Loersch, Gordon, Lally

Against: None

Abstain: None

2. Old Business

None

3. New Business

A. IWC #2021-7 – Gwen Marrion – 0 Brandy Street – Rehabilitate existing 90-year old gravel access road to enable forest management equipment to access areas of Bobcat Woods property to manage woodlands for wildlife habitat enhancement and farm field restoration.

Gwen Marrion, President of Bolton Land Trust, was present. Brent Matherson and Mather Clarke are fellow members of the Land Trust.

Mr. Mayerson said this application is to improve access to the Bobcat Woods property and is part of the NRCS grant requirements. The access road begins where the shared driveway ends; the Land Trust has rights to share the driveway. Beyond that is a dirt/gravel road now. There is a kiosk at the entrance to Lombardi Woods.

Loersch ask what is wrong with the road that it has to be repaired? Mayerson said part of the grant is to clear some forest to allow an emergent forest to grown. That requires a forester to come in and clear six acres of the woods. The improvement will provide better access for the public to the Lombardi and Bobcat properties. Marrion said the early stages of an emergent forest attracts new mammal and bird species. The forest will regrow in 15 – 20 years. Marrion said the Land Trust will submit another application when the cut is planned. The access road is needed for the cutting. Lally said he is hearing the improved access will benefit users of the properties and allow for the equipment that will be brought in. Heavy forestry vehicles without the improvements will damage the wetlands. Mr. Clarke said vehicles using the road now are road vehicles only. The large trucks needed to remove cut trees cannot use the road in its current condition. Clarke said the plan is to use recycled crushed rock to provide 6” – 8” compacted base. The road will be 12’ wide. The NRCS plan calls for a seepage pad rather than a culvert as the culvert would have to be placed too deeply for the size of the trucks that will be used. The road material at the wetlands crossing will be of looser, larger material that will allow water to move through. Staff said she has watched such a technique work well over the years to provide access at the Tolland County Agricultural Center. Mayerson said the road will be a forever road for forestry operation and as a walking path to the properties. The road will be gated after it is completed where the two properties cross the road. Mayerson added the NRCS has rigorous controls that must be followed. Marrion said there is substantial erosion coming from both slopes; this will prevent siltation from getting into the wetlands as the seep drain will allow more water to move across the road. Clarke said that three water bars are also planned to divert water to shed into the woods in the non-wetlands area. Marrion said the contractor chosen has experience working under NRCS guidelines. Representatives from NCRS come out to the project site periodically to review the work. Grant money will not be provided unless the guidelines are followed so that is a huge incentive to be reimbursed for the cost of the work. Representatives from the Land Trust will be out at the project site at all times during the work.

Staff said she concurs with the plan where the edges of the wetlands are reflected.

Lally said IWC cannot take action on this tonight because it requires work in a wetlands. It will be a matter for a future agenda.

B. Jurisdictional Ruling – Emergency repair to storm damage to Mark Anthony Lane, crossing stream.

Sandy Pierog was present and asked Staff to share the video from Eyewitness News 3. After sharing the video Staff showed the GIS aerial of the location. This is Bolton Brook Pond just before it connects to Hop River. The culvert of the private road was washed out during tropical storm Henri. Pierog said although it is a

private road it is a tweener because the Town does use it for trash pick-up and emergency services. A temporary bridge is needed for emergency access so the Town is working with the homeowners on this. A longer term fix will take longer and a regular wetlands permit will be needed.

Lally asked where is this addressed in the regulations to take emergency action for getting a structure over the stream and to stabilize it from further erosion. Staff said Section 4, to some degree, addresses this as an activity permitted as of right for maintenance and enjoyment and use of the property. The culvert existed before the regulations. Pierog said the subdivision was approved in the 80s.

Loersch asked who the person of interest for the homeowners to take these activities on? Staff said Larry Fiano was the developer; a home owners' association (HOA) was formed to own and maintain the road. Over time other items have not be carried out. David Cook and David Lajoy took over the responsibilities without the formal HOA. A clear leader has not appeared since the culvert washed away. The home owners are meeting tonight to come up with a leader for the group. Pierog said the Town is not going to take this project on but is working with the homeowners to assist in finding funding avenues for the work. The Town's concern is getting a fire truck in there should it be necessary. There is a footbridge that could be used by one person at a time for a medical emergency. Urban Rescue is developing a plan should there be an emergency. First Responders have said that if a person has to come out of there a basket will be used. The Town Engineer looked at the culvert 1.5 weeks ago finding deterioration of the culvert at that time. A letter was sent to the homeowners informing them the culvert was in imminent danger for this storm and recommended evacuation. The homeowners chose to only remove their cars.

Lally said he is concerned there is no one representing the homeowners; someone has to understand the limits under an emergency ruling. The homeowners do not have a plan of what they propose doing.

Pierog said the Town will continue to monitor what is going on there. We can't get trash, school bus, or a fire trunk in there. They are on an island. It would take two to three months to get drawings. Lally said the IWC does not have anyone to talk to so there is an understanding of what the emergency repairs are going to be and then a permit is needed for the long-term repair. Who is the IWC doing the jurisdictional ruling for and how do we know they are going to do that? Who does the IWC hold to an agreement? Loersch agrees with Lally; the IWC cannot give a permit for the work as a blank slate.

Gordon asked if the National Guard can be asked to put up a temporary bridge. Pierog said the Town did check with the General in charge of the National Guard for the state of Connecticut. The Guard declined this because this is private property. Also, the National Guard does not work for free. If they assist they will bill you. A temporary bridge of this size and insert from the Guard would start at ~\$650k.

Staff said the other alternative is to issue an order to correct. Lally said issue such an order to whom? Staff said the bridge is mostly on 634 Hop River Drive. Issue

to that homeowner or issue to all seven of the homeowners who are responsible for the road. Lally said he is more interested in an order to correct issuance for this case. Lally said the order can be for a temporary bridge and with the need to submit an application for a long-term solution.

Pierog said goal tonight is for the IWC to find a way to proceed with as much haste as they can summon. She said to send the order to all of them. Then a representative can work with Staff.

Lally said a jurisdictional ruling isn't going to work because we don't have anyone to talk to. Staff will write a letter to all of the homeowners talking about the Talk minimal work needed to stabilize the crossing for access; the final solution has to be submitted with a formal application. They are to continue to work with Staff and the IWC is to be kept apprised with update for the next meeting. Loersch said the work has to be done properly; they have to tell us what they are doing before we approve it. There have to be enough restrictions on this so they don't go building their final design without IWC approval, but not they continue to be cut off. This order is to protect the environment, the Town, and the homeowners.

Motion: I make the motion that the Bolton Inland Wetland Commission approve an emergency temporary repair for the homeowners' safety and preservation of their property provided the technical specifications are submitted, the repair is done properly, and all laws are being considered. The homeowners must come back to the Town for review and approval of a permanent solution.

By: Gordon

Seconded: Loersch

Discussion: Gordon wants to go down and take a look at this road. Pierog cautioned this is private property and they are a bit leery right now. Gordon understands this and will take his chances. Lally and friend rode down on bicycles and took some pictures; they were not approached by the property owners.

Voting:

For: Loersch, Gordon, Lally

Against: None

Abstain: None

4. Public Comment:

No one was present to speak.

5. Approval of Minutes

A. July 27, 2021 Regular meeting

Motion: The Bolton Inland Wetlands Commission approves the minutes of the July 27, 2021 regular meeting as presented.

By: Gordon

Seconded: Loersch

Voting:

For: Loersch, Gordon

Against: None

Abstain: Lally

6. Wetlands Agent Report

Staff reported:

- An engineer has been in touch in regards to 271 Boston Turnpike. An application is expected for the filling station and convenience store. It is to be a clean-up of an existing station.
- A bill has been passed that changes the statutory deadline for permits. This is to catch things from when the pandemic hit and would have expired as of March 2020. It does not apply to permits being issued now.

7. Other

Loersch asked if there are any more situations like the road washed out in town? Pierog said there are no other private roads that have bridge on them that washed away. The east side Steele Crossing Road had water erode the road so that is done to one lane. There was a wash out on Stony Road where the water took the rip rap rock and deposited at the intersection of Stony Road and Route 6. Public Works is working on putting that back. Baker Brood on Shoddy Road dammed itself up with debris. Lyman Road flooded at the intersection with French and Tinker Pond. The catch basins in a field at High Ridge Farm on Lorrie Road has been monitoring these because the grates fill with debris. They were cleared on Friday but on Sunday they overflowed into Mike Ermita's retaining wall and basement. Video shows there are trees roots in the pipe that have to be cleaned out.

8. Adjournment

Motion: The Bolton Inland Wetlands Commission moves to adjourn the meeting at 8:19 p.m.

By: Loersch

Seconded: Gordon

Voting:

For: Loersch, Gordon, Lally

Against: None

Abstain: None

Respectfully submitted,

Yvonne B. Filip

Yvonne B. Filip
Commission Clerk

PLEASE SEE THE MINUTES OF SUBSEQUENT MEETINGS FOR THE APPROVAL OF THESE MINUTES AND ANY CORRECTIONS HERETO.