

TOWN OF COLUMBIA
INLAND WETLANDS AND WATERCOURSES COMMISSION

Adella G. Urban Administrative Offices
323 Route 87, Columbia, CT
Monday, December 4, 2023 - 7:00 P.M.

REGULAR MEETING

Minutes

Members Present: Chairman John Allen, Secretary Ron Wikholm, Mary Roickle, Ian Dann, Dave Holcroft, Jon Dilworth (alternate)

Members Excused: Tip Garritt

Staff Present: Wetlands Agent Isabelle Kisluk, Board Clerk Mary Kay Hyman

Others Present: Karen Lewis

1. Call to Order: J. Allen called the meeting to order at **7:02 PM**.

2. Roll Call-Seat Alternates: J. Dilworth was seated

3. Additions/Changes in order of Agenda: None

4. Communications/Correspondence: None

5. Audience of Citizens: None

6. New Business:

6.1 Election of Officers

R. Wikholm NOMINATED John Allen as Chair, J. Dilworth SECOND.

R. Wikholm NOMINATED Jon Dilworth as Vice Chair (currently an Alternate), M. Roickle SECOND.

M. Roickle NOMINATED Ron Wikholm as Secretary, J. Dilworth SECOND.

MOTIONS CARRIED **6:0:0**.

I Kisluk stated we will check with the Town Clerk regarding Jon Dilworth's shift from an Alternate to a Member.

D. Holcroft joined the meeting at 7:08 PM

6.2 Show Cause Hearing: Order to Cease & Correct activity at 18 Lakeview Park West

J. Allen asked I. Kisluk to fill the Commission in on what is going on at 18 Lakeview Park West.

I Kisluk referenced the photos of the site and copy of the Order sent to the Property Owner at 18 Lakeview Park West which were included in the Commission's meeting packet. She stated that on Saturday, November 25, 2023 she received a call from the Town Administrator Mark

Walter to look at 18 Lakeview Park West because he had been notified of an excavator on the lakebed. She visited the site and found an excavator and tools on the lakebed, as well as some concrete that had been taken down from the lake wall and piled near the end of the dock. She then stated she revisited the site and found that the excavator and tools had been removed from the lakebed and the ruts had been raked out. She then stated the only remaining violation at this time is the concrete piled at the end of the dock. She stated she has been unable to contact the Property Owner, M. Hartling, face to face or otherwise and he did not attend this meeting, as requested. She asked neighboring residents to contact her directly if they witness any more unpermitted activity.

M. Roickle asked what the next step is.

I Kisluk explained that the Property Owner was given the opportunity to attend tonight's meeting in the "Show Cause Hearing" as defined in the Regulations. She explained that when an Order is sent to the Property Owner, they are given the opportunity to attend this meeting to demonstrate why the Order should not remain in effect. She stated that the Property Owner did inform a BOS Member that he received the letter and would not attend this evening's meeting. She stated, at this time, the Commission can maintain the Order, as it was sent, modify it to include additional steps to be taken to rectify the situation, or they could lift the Order all together.

M. Roickle asked if the homeowner is being notified in reference to the town ordinance regarding encroachment on the Lake.

I Kisluk stated this would be a separate violation to be enforced through the Zoning Office.

M. Roickle asked how to prevent the Property Owner from returning to complete the job.

I Kisluk stated the best way to prevent further activity is to maintain the Order she has issued stating this cannot continue. The Commission can order additional steps of correction at this time, if they feel it is necessary. If the Property Owner does return, she will continue with enforcement and may have to refer to legal counsel.

M. Roickle asked if there are any penalties or fees associated with the violation if he should return.

I Kisluk stated that there currently is not an ordinance for fines for Wetlands and Watercourse Violations in the Town of Columbia. She stated, any remedy, if he refuses to abide by the Order, would have to come through court action.

M. Roickle asked if the town ordinance against encroachment, written in 1942, is separate and different from the steps the Wetlands Commission has taken through the letter sent by I. Kisluk.

I Kisluk stated this is correct.

M. Roickle stated that she believes there is a small daily fee associated with the encroachment town ordinance.

I Kisluk stated that may be the next steps for the Town, but as for the Inland Wetlands Watercourse Commission, the next step is to determine if there is a need for any additional steps to be taken by the Property Owner to correct the situation, which would be removing the concrete blocks at the end of the dock. If the blocks remain as an encroachment, there are additional avenues the town can take to enforce the encroachment ordinance.

J. Allen stated we will have to wait to hear from the Property Owner to see what his plan is to current the situation.

R. Wikholm asked if I. Kisluk is the only one with the Town that is monitoring the situation.

I Kisluk stated she is not the only one that is monitoring the situation, but she is the only Official that has sent out an Order. There are other Town Officials, as well as residents in the area, that are monitoring the situation.

R. Wikholm asked if the Property Owner needs to remove the concrete blocks

I Kisluk stated they are viewed as an encroachment and an existing violation. The Commission can modify the Order to direct him to remove the concrete blocks without bringing heavy equipment on the Lakebed.

J. Allen asked if the Property Owner removes the concrete block, will the site be back to normal.

I Kisluk stated she feels there are other possible disturbances between the Lake and the yard. She would like to hear back from the Property Owner to determine the best path to full Compliance. She stated at this time it does appear that the erosion and sedimentation damage, caused by this current violation, aside from the concrete block, has been corrected.

M. Roickle asked if the Town can simultaneously take action or would it be sequential to IWWC.

I Kisluk stated it can be done simultaneously. She stated she would like to work with the Property Owner and gain compliance, but the Town may have to pursue other methods if she does not hear back from the Property Owner.

7. Old Business:

7.1 IWWC-2324-16: Application of: Karen Lewis to replace an existing Lake Wall and existing Dock with a proposed extension at 214 Rte. 87

J. Allen asked I. Kisluk for a background on this Application.

I Kisluk stated we had a site walk on Wednesday, November 15th. She stated the Commission discussed where the construction path will be. She stated the Lake Wall will be made of natural stone, dry laid and will have crushed stone at the base and behind the seawall, which is standard construction.

The Commission then discussed the concern of the property lines in relation to the potential expansion of the Dock. I Kisluk referred to the CROG overview which shows the general location of the property lines, which do currently appear to extend beyond the edge of the dock, but are

not necessarily accurate. M. Roickle asked if the current dock is over the neighboring property line. I. Kisluk stated that the Dock appears to be right at the property line and more toward the center of the property. M. Roickle talked about how the property lines extend into the lake and asked if the Dock currently infringes on the neighboring property. I. Kisluk stated that it might slightly if extended but is difficult to determine. M. Roickle mentioned this was a concern brought up at the LMAC meeting. I Dann asked if the Lake is Town property. M. Roickle referred to the Town Construction guidelines, that state a person's property line extends into the Lake and a Dock cannot infringe on the abutting property. I. Dann asked if this is an IWWC issue or a LMAC issue. M. Roickle agreed it is a concern of LMAC and said it will be discussed at the next LMAC Meeting. She then stated that if the Dock does already infringe on the property, extending it another few feet may be grandfathered. I. Kisluk stated that the IWWC, if they chose, can go ahead with their decision with a Summary Ruling that does not supersede LMAC's decision with respect to extending the dock.

J. Allen then asked I. Kisluk to read the Summary Ruling with Conditions, into the record.

J. Dilworth **Moved** to **APPROVE**, with conditions as read, **IWWC-2324-16**: Karen Lewis to replace an existing Lake Wall and existing Dock with a proposed extension at 214 Rte. 87
M. Roickle **SECONDED**. MOTION CARRIED **6:0:0**.

8. Approval of Meeting Minutes:

8.1 Regular Meeting Minutes of November 6, 2023

R. Wikholm **Moved** to **APPROVE** the Regular Meeting Minutes of November 6, 2023. M. Roickle **SECONDED**. MOTION CARRIED **6:0:0**

8.2 Special Meeting Site Walk Minutes of November 15, 2023

M. Roickle **Moved** to **APPROVE** the Special Meeting Site Walk Minutes of November 15, 2023.
J. Dilworth **SECONDED**. MOTION CARRIED **6:0:0**

9. Audience of Citizens:

K. Lewis thanked the Commission and clarified that the next step will be for LMAC to send a recommendation to the BOS for a final decision.

I Kisluk stated the IWWC will place a Legal Notice in the Chronicle, and explained the remainder of the approval process. LMAC will make their recommendation to the BOS regarding, primarily the size of the dock, and they will issue a separate permit.

10. Commission Open Discussion:

D. Holcroft stated he will be stepping away from his position on the IWWC, as he has been elected to the PZC. He stated he will speak with J. Allen regarding his replacement. The Commission wished him well.

11. Administrative Reports:

11.1 IWWC-2324-19: Administrative Approval: Application of Raymond Andersen for an 8X10 Shipping Container Shed at 2 Hickory Ct.

I Kisluk stated the shed will be placed on an established lawn in the Upland Review Area. She stated the Wetlands will not be impacted. She also stated that the Property Owner may return to the Commission regarding a Wetlands Violation performed by a previous Property Owner that the current Property Owner would like to correct.

I Kisluk added two Administrative Approval Applications:

IWWC-2324-18: Submitted 11/07/23 (11/06/2023 Meeting) Administrative Approval: Application of Bradley Korth of Korth Engineering, LLC for Septic System at Dartmouth Village 299 Route 87.

I Kisluk stated this Application had been previously discussed at the October Regular Meeting for a Repair and Replacement of the Septic System. The project is still ongoing, and the silt fence is functioning well. The Site is well maintained and controlled.

11.2 IWWC-2324-21: Submitted 11/27/23 Administrative Approval: Application of James Lathrop to Build a 34x32 Attached Garage to Existing Garage at 8 Parker Bridge Rd.

I Kisluk stated the Garage was previously approved in 2019 when the house was originally built. The Garage is placed away from the Wetlands and sediment should not impact the Wetlands. The site is well maintained and controlled.

12. Adjournment:

D. Holcroft **MOVED** to adjourn the meeting at **7:36 PM**. M. Roickle **SECONDED**. MOTION CARRIED **6:0:0**