

**COVENTRY INLAND WETLANDS AGENCY
MINUTES
REGULAR MEETING OF WEDNESDAY, JUNE 24, 2020**

1. CALL TO ORDER:

By: Mathieu

Time: 7:04 p.m.

Place: Virtual

2. ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Martin Briggs		X
	Patricia Laramee		X
	Lori Mathieu, Chairperson	X	
	Sam Norman, Treasurer		X
	Thomas Woolf, Vice Chairman	X	
ALTERNATE MEMBERS:	Suzanne Choate	X	
	Mike Powers		X
STAFF:	Todd Penney, Town Engineer/Wetlands Agent	X	
STAFF:	Mindy Gosselin, Wetlands Agent Assistant	X	

3. AUDIENCE OF CITIZENS (2-minute time limit):

No one wished to speak.

4. OLD BUSINESS:

A. 20-07W – 1600 Boston Turnpike: Review corrected condition of approval

Penney reported when the motions and minutes documents were published the attorney for the applicant, Robin Pearson, called with concern about the vagueness of the last condition of approval. The concern was about the overall broadness of the language referring to the whole storm water management plan. If there is a location change on the plan, the application could require reapproval as she has encountered in other towns.

Motion: I move the Coventry Inland Wetlands Agency approve the language change for the

fourth bulleted condition for application 20-07W – 1600 Boston Turnpike to read “Meeting and adhering to the post construction litter control and maintenance requirements set forth in Appendix F of the “Stormwater Management Report”, revised May 22, 2020.

By: Choate

Seconded: Woolf

Voting:

For: Mathieu, Choate, Woolf

Against: None

Abstain: None

B. 20-12W – 285 Woodland Road – Applicant & Owner: Thomas Archambault; Agent: Towne Engineering – Re-establishing Single-Family Dwelling with Detached Garage and activities associated with their construction in 150-Foot Upland Review Area.

Choate recused herself from this application.

Thomas Archambault was present.

The packet included a letter from Towne Engineering, dated June 8, 2020, to Staff with the plan revisions. Staff recalled there were two outstanding issues from the previous meeting – the shifting of the sewer lateral away from the development and the overall development plan. Penney and Gosselin met with the applicant and Towne Engineering. This is a small, narrow lot. Penney feels the house and garage being proposed are of modest size but may be a little larger than the original structures. The revised plan calls for adding a riparian zone and in the area adjacent to the proposed structure and the wetland to the west wetland vegetation is being called for instead of grass.

Mathieu stated the revised plan and memo from Towne Engineering is very well done and addressed the concerns of the Agency. There was a discussion about the number of Members present and the number that would be voting. Choate has abstained from any discussion on this application. The questions the Agency asked about at the previous meeting have been addressed and there is no reason to deny the application. Mathieu is fine with going ahead with the voting, although she is a bit uncomfortable with only having two Members voting; Choate recused herself so she cannot even abstain. Penney feels the majority of the quorum will be approving the application. Penney will contact Ken Slater, Town Attorney, for an opinion. If Slater feels the vote is not valid the IWA could hold a special meeting.

Penney will be adding a new condition for lake area applications moving forward, that being, requiring applicants and owners to provide inspection reports on the storm water infrastructures when a house is sold. Penney received a legal opinion on this requirement from Ken Slater. Penney read the email from Slater into the record. This process will better track where these infrastructures are in place and they continue to function properly. Mathieu stated this is an important subject of tracking the storm water systems that have been designed to be sure they work as expected and are maintained properly so they continue to function. Also, Gosselin will be working on a proof of inspection of each storm water mitigation structure form that a homeowner will have to submit yearly to the Inland Wetlands Agent.

Tom Archambault commented he is hoping and praying this plan gets approved. He feels he has gone above and beyond anything he has had to do in twenty years of building to present a viable plan that does not hurt the wetlands and improves the neighborhood.

Motion: I move the Coventry Inland Wetlands Agency approve application 20-12W – 285 Woodland Road.

With the following conditions:

- Preconstruction Meeting to review plan details and sequencing with Site Contractor.
- Inspect silt fencing prior to the start of ground disturbance.
- All work at and adjacent to Coventry Lake be performed during winter draw down period. Winter draw down starts in October.
- No other improvements are to be incorporated to the plan than what is shown on the June 5, 2020 plan.
- The applicant/owner shall file the Notice of Presence of Stormwater Structure in the Land Records.
- The applicant/owner submit to the Wetlands Agent a proof of inspection for each Stormwater mitigation feature once a year in the spring on a form to be provided by the Town of Coventry.

By: Woolf

Seconded: Mathieu

Voting:

For: Mathieu, Woolf

Against: None

Abstain: Choate

C. 20-13W – 190 Avery Shores – Applicant: Anthony Skut; Owner: Same; Agent: None. Re-establishing Single Family Dwelling and activities associated with its construction in the Upland Review Area.

Anthony Skut was present.

Penney recounted this is a smallest of the small lots in the area of the lake. This lot is 3,400 sq. feet and is offset from the lake. The northerly portion of the property is within the 150' review area. The structure itself is not within the review area. There is a wetlands complex on the other side of Avery Shores. The original lot coverage was at 19.7%; the plan has 19.67% coverage. Storm water mitigation measures have to reduce the impervious lot coverage back to 10%. Penney is suggesting a couple of conditions of approval as the letter from the applicant's engineer did not address all of Penney's comments. One being, the proposed location of the rain garden and the suitability of the soil there.

Skut stated there is a sewer easement on the property restricting the placement of the rain garden. It cannot go farther back or to the easterly side without getting too close to the easement. Penney replied soil testing is the best way to determine the location of a rain garden. While Penney tends to agree the location may be the best one he wants a quick hole dug with an excavator to determine that.

Skut commented the lot is across from the sewer pump station and has another lot in front of this one on the lake. There is a gravel driveway that runs past his property for the row of houses on the lake. Skut asked who would be performing the yearly inspection of the storm water features? Penney replied the report will be a one-page form the owner has to submit to the Town. It will provide the Wetlands Agent the opportunity to inspect the features after receiving the report. It is a means of checks and balances on these measures the IWA is requiring for wetlands protection. It will not require an engineer to fill out and submit the form. The Wetlands Agent will log these reports in to create a database that can be used as a way to follow up with a homeowner. It will keep the Town proactive on the matter. It has been the IWA's experience that most don't work as designed, they get filled in, or stuff piled on top of them. The IWA wants these measures of water quality to work. Penney spoke with Dr. Kortmann about his experiences with such reports. Their correspondence was included in the Member's packet.

Motion: I move the Coventry Inland Wetlands Agency approve application 20-13W – 190 Avery Shores.

With the following conditions:

- Preconstruction Meeting to review plan details and sequencing with Site Contractor.
- Inspect silt fencing prior to the start of ground disturbance.
- The applicant/owner shall file the Notice of Presence of Stormwater Structure in the Land Records.
- The applicant/owner submit to the Wetlands Agent a proof of inspection for each Stormwater mitigation feature once a year in the spring on a form to be provided by the Town of Coventry.

By: Choate

Seconded: Woolf

Voting:

For: Mathieu, Choate, Woolf

Against: None

Abstain: None

Skut commented he is a builder in town and has listened in for the past two meetings. He feels the IWA and Staff does a great job. Staff does a very good job in being in touch with people. Staff does a lot of the necessary leg work. He has seen the IWA weigh the odds of impact to wetlands and listens to the applicants. Mathieu appreciates the comments; the IWA does pay attention and agrees that Staff goes a great job with attention to detail.

D. 20-18W – 2880 South Street – Applicant: Titan Construction Enterprises; Owner: Gerard DeCormier; Agent: None. 26' x 36' detached garage in the Upland Review Area.

Staff has not heard from the applicant. This matter will be continued to July meeting.

E. 20-20W – 55 Edgewater Drive – Applicant/owners: Gary and Joan Costello; Agent: Peter Panciera. Tear down and rebuild new single-family home in Upland Review Area of Coventry Lake.

Peter Panciera was present, as was Gary and Joan Costello.

Penney provided a review memo, dated June 17, 2020, to the owners, their agent, and their engineer. Penney feels the site plan is not complete. There is a legal opinion from Rich Roberts, Town Attorney, regarding accessibility issues and how that pertains to an IWA decision. Staff continued that he asked Roberts about the need for a ZBA variance on this lot and a decision from the IWA – which comes first? Roberts replied it does not matter as both are required. However, one decision is not contingent on the other. The owners may want to get the IWA permit first since this may be a point of discussion at the ZBA hearing. Ken Slater, Town Attorney, is of the opinion that based on the language of the ADA, previous cases, and local land use accessibility does not apply in an environmental scheme, i.e., the physical condition of an applicant is not a determinant in the IWA's decision making process.

Penney read his comments into the record. Penney has not had a chance to follow up with comments and response to the June 12, 2020 plans. There is some concern about the infiltration structures and groundwater overtaking those. The applicant did the perc for the rain garden, not Bushnell. Bushnell has not answered the questions Penney has about the soils.

Choate asked if there is an overflow of the infiltration system called out on the plan? Please address this in the future. Panciera stated the overflow will be to grade and is called out in the detail in the lower left hand corner of the plan. Penney is looking for the logistics of the erosion and sediment control plan and the square footage of impervious surface is needed. Mathieu added these items need to be more detailed than generic notes on a site plan. Penney added the owner is asking the IWA to approve an application of over the 10% allowable coverage. Getting their ducks in a row with having these details is important. The decision can then be well founded on why approval was granted. Mathieu commented the owners have hired an engineer to do this work. Take these comments back to him so the site plan can be enhanced. Penney's focus is to have a comprehensive plan that goes above and beyond to mitigate the proposed 18.5% lot coverage.

Choate added the IWA could consider a special meeting if the applicant wants IWA approval before appearing before the ZBA.

F. 20-21W – 10 Avery Shores – Applicant: Joseph Guardino; Owners: Joseph and Elaine Guardino; Agent: Andrew Bushnell. Tear down existing house and construct new house and associated grading.

Joe Guardino was present.

Penney has not developed a final review on the revised site plan dated June 18, 2020. Penney read through his comments of June 17, 2020, with Mr. Guardino's reply in red. The applicant is now meeting the existing lot coverage. Bushnell's storm water management report does meet some items Penney is looking for. There are manufacturer's guidelines on all of the infrastructure that is being proposed, but maintenance comments specific to this property is needed. The total disturbed area needs to be part of the permit application.

Guardino commented there seems to be elaborate plans to mitigate every drop of water that is

coming off the solid surfaces on this property. Penney stated the applicant must try to reduce the land use coverage; lawn is permeable but sometimes storm water runs off of a lawn. The more area devoted to mulching and landscaping there is less runoff. More details are needed for the storm water infrastructure plan and building specifications should be supplied. Penney wants the IWA to be comfortable with how these are constructed and maintained.

Mr. Guardino was guided to have Bushnell advise him on this information. Guardino heard the outstanding comments as being directly related to the site plan – putting some ideas of plantings, details on the water mitigation, the layers of material for the driveway. Penney commented the IWA is getting more attentive of the post construction with the inspection reporting form. Even permeable pavers have certain maintenance requirements over time such as requiring truck vacuums to suck out the buildup of sediment over time. The IWA is looking for long-term viability to maintain the permeability of the structure. Penney added a point to be stressed in the application is that the plan is mitigating storm water not just down to 10%; the IWA will consider that point. Guardino was informed an approval is valid for five years.

G. 20-22W – 1022 Grant Hill Road Subdivision – Applicant: Mark Wheaton; Owner: Same; Agent: Same. Three lot subdivision with upland review area activity.

Mark Wheaton is present.

Penney commented a letter was received from John Ianni, Soil Scientist, dated June 11, 2020. Ianni reviewed the site improvements relative to the wetlands. The wetlands delineated on the plan agrees with his field delineation. Ianni's opinion of the wetlands along the northerly part of lot 3 is not a vernal pool but a slight depression in the landscape. The wetlands have minimal function value. The driveway will not have a significant impact and wetlands will continue to function as it currently does.

Penney has done a cursory review but a review memo was not produced. Penney does not have much concern. The construction of the driveway for lot 3 will have temporary impact to the wetlands. The driveway is in the most feasible and prudent location.

Mathieu stated the IWA has little jurisdictional review of this other than it being a subdivision. The driveway for lot 3 will have no impact on the wetlands to the north. To Penney's point there is not a good way to get back to that 18 acre lot. The overall acreage is ~29 acres. The plan has done a good job in staying out of the regulated area. Three lots on twenty-nine acres is protective of the numerous wetlands. Her concerns are her usual ones – no placement of large piles of soils that go unaddressed, all erosion and sediment measures are in place when construction begins., there is care in placing the piles of dirt, everything is kept out of the wetlands, ensure there is great care during construction.

The applicant added there is a sizable conservation easement in the middle with about 30% of the parcel (easement of 8.41 acres). Penney added that is adjacent to the Liberty Croft adding conservation of land in Coventry with adjoining parcels. Liberty Croft is 70 acres of privately held conservation easement in this case.

Motion: I move the Coventry Inland Wetlands Agency approve application 20-22W – 1022 Grant Hill Road Subdivision.

With the following conditions:

- Preconstruction Meeting to review plan details and sequencing with Site Contractor.
- Inspect silt fencing prior to the start of ground disturbance.
- The applicant/owner shall notify the Wetlands Agent when the driveway for lot 3 is being constructed in order to monitor the progress of the activity near the wetlands.

By: Choate

Seconded: Mathieu

Voting:

For: Mathieu, Choate, Woolf

Against: None

Abstain: None

5. **NEW BUSINESS:**

A. 17-23W (MOD) – 395 Daly road – Applicant: John Gannon; Owner: John and Emilia Gannon; Agent: None; Modification to house orientation to original permit

John Gannon was present.

Penney commented the Members have a copy of the modification. The applicant is looking to modify the foundation location. The IWA is accepting the application this evening. There is a 14 day statutory wait period. Penney has only done a casual review of the plan.

Mr. Gannon reported the way the house is currently plotted it sits forty-five degrees to Bellevue Drive. This location was staked out and it appears that layout will look like a mistake. The house would look better facing Bellevue taking on a more traditional look. The driveway would be moved perpendicular to Bellevue. The proposed plan calls for planting of wetlands shrubbery on the lake side and installation of another rain garden. When the property was subdivided we deemed 4 acres of the 5.1 parcel as easement leaving a small buildable lot. Twisting the house to make it parallel to the road increases the encroachment by three feet. Penney commented additional mitigation can be done to the riparian area. Also, the finished floor grade and basement floor grade must be shown.

Choate stated the silt fence plans needs to be revised; she would like to see that and the revised grades for the house and driveway.

Mathieu commented the original house orientation was permitted to limit the disturbance in the regulated area. The side yard setback regulation is 15' so there is no wiggle room there unless the owner tries to get a variance on a self-imposed hardship. Penney does not think a variance would be granted. A house can be put here but it would now be adding to the impact. Mathieu feels a mitigation measure to the review area is to move the house into the side-yard setback.

Mr. Gannon has built other houses in Coventry and is sensitive to wetlands and setbacks. He built on some tight lots very successfully in Truman Meadows. We have good reputations

and are responsible as home owners. This is next to our property; we are very mindful of what is around us and how important the wetlands are to the environment. Mathieu is just saying to look at the alternatives. Gannon stated at the 15' setback the land does drop down a fair bit. It would not look that good and would be too close to 395 Daly road. There would be long-term appeal where we have plotted it now; it would look better and the functionality of the lot would work better.

This application will be on the next meeting agenda.

B. 20-24W – 105 High Meadow lane – Applicant: Larry and Eileen Hosey; Owner: Same; Agent: None – New house build next to existing property. Existing property to be demolished upon completion of new house.

Larry and Eileen Hosey were present. Mr. Hosey initially proposed to put a new house on the south side of the existing house. After meeting with Penney the owners are opting to put the new house on the other side for less impact to the upland review area. That changes the grade a bit but there are fewer issues with encroaching on the 75' buffer.

Penney reported the owners are proposing to stay and live in the existing house during construction and removing that once they have moved into the new house. The foundation of the new house on the north side does encroach in the 75' review area. This foundation will be farther away from the previous foundation that is 50' from the regulated area. The new foundation will be 65'+- away. If the new house was built on the south side of the existing structure it would have been 25' from the wetlands.

Mr. Hosey stated about half of the neighborhood has crumbling foundations, which is the case with their home.

This application will be on the next meeting agenda.

C. (20-25NJ) – 233 Dunn Road – Scott Arsenault, Sterling Aquatic LLC – Jurisdiction ruling, pond work proposal

Rachel McKenna, owner, and Scott Arsenault were present.

Penney stated he received a letter from Mr. Arsenault notifying him of potential activity that requires a non-jurisdictional ruling. Arsenault commented this is a farm pond used for agricultural purposes. Ms. McKenna is the farm owner and manager. There is an exemption from wetlands regulations for farms. The activity will remove the aquatic weeds that are socking in the pond right now. The pond will be cleared back to the edges and have the duck weed skimmed off.

Penney asked Ken Slater, Town Attorney, if maintenance of a farm pond is an as-of-right use as it is not called out in Section 4.1.a. Slater replied that as long as it is legitimately a farm pond it is permitted as-of-right. Penney asked Arsenault how the proposed means of clearing works? Mr. Arsenault said it works like a backhoe on water. There is a boom cutter that goes 5' under water to cut the vegetation. The front loader hydraulics uses vegetable oil. The equipment is specifically made for this type of vessel to work on reservoirs or sensitive area to scoop out roots and vegetations. In this case, once the vegetation is dried out

McKenna will use it for organic compost on the farm. Arsenault does not see an issue with infecting other parts of the farm by reusing the vegetation. These are naturally occurring invasive weeds in Connecticut.

Penney added there is no inlet and outlet to this pond; it may be spring fed. There are no worries of transmission downstream from this self-contained pond.

Motion: The Coventry Inland Wetlands Agency reviewed this application and deems it a non-jurisdictional rule as permitted by right of the wetlands regulation Section 4.1.a.

By: Choate

Seconded: Woolf

Voting:

For: Mathieu, Choate, Woolf

Against: None

Abstain: None

6. ADOPTION OF MINUTES:

A. May 27, 2020

Motion: I move the Coventry Inland Wetlands Agency approve the minutes of the May 27, 2020 meeting.

By: Woolf

Seconded: Choate

Voting:

For: Mathieu, Choate, Woolf

Against: None

Abstain: None

7. CORRESPONDENCE:

None

8. ADJOURNMENT:

Motion: I move to adjourn at 10:17 p.m.

By: Choate

Seconded: Woolf

Voting:

For: Mathieu, Choate, Woolf

Against: None

Abstain: None

Respectfully Submitted,

Yvonne B. Filip

Yvonne B. Filip, IWA Clerk

PLEASE NOTE: The minutes are not official until approved by the Inland Wetland Agency at the next Agency meeting. Please see the next Agency meeting minutes for approval or changes to these minutes.