

**COVENTRY INLAND WETLANDS AGENCY
MINUTES
REGULAR MEETING OF WEDNESDAY, OCTOBER 28, 2020**

1. CALL TO ORDER:

By: Mathieu

Time: 7:05 p.m.

Place: Virtual

2. ROLL CALL:

| | | PRESENT | ABSENT |
|--------------------|-------------------------------------------|---------|--------|
| REGULAR MEMBERS: | Martin Briggs | X | |
| | Patricia Laramee | X | |
| | Lori Mathieu, Chairperson | X | |
| | Open | | |
| | 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 | |

Choate and Powers were seated for Woolf and Open.

Powers was disconnected from Zoom and could not reconnect at 7:30 p.m.

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

Penney said an email was submitted on Monday from Mr. Minicucci and Cindy Harrigan; this was not in the Member's packet as it was received after the packets were distributed. These people were present and Ms. Harrigan read sections of their statement. They are writing in reference to the work at 30 Cheney Lane with concern about the wetlands integrity and lake conservation. Before and after photos were included. They have questions about the process of permits and remediation. There seems to be much excavation taking place. Minicucci and Harrigan had work done that required engineering and permitting prior to project start in support of lake conservation.

Penney said the IWA did not deem the work that was approved at the last meeting to be of significant impact and that it did not require public notice. Procedural when there is not a public hearing the Chairperson does not have to allow input on an application. The IWA has, however, allowed people in the audience to voice their stance. The IWA has given the public the opportunity to speak after the applicant has explained the application. Mr. Hamilton did start activity on the

property prior to getting a permit. When this activity was brought to Wetlands staff's attention a site visit was done and work was stopped. This occurred before the September meeting of the IWA. At that meeting the IWA told Hamilton that he could finish up the clean-up work of clearing and grubbing of overgrown vines, tree debris, and leaves that had been dumped. Clean-up of the rip rap slope area, away from the water, was approved by Penney. The porch addition would require a permit and Mr. Hamilton would need to appear before the IWA. In a phone message Penney learned that Hamilton had had sand deposited adjacent to the lake. This activity had not been previously discussed but has been added to the application. Approval from IWA at the September meeting included fluffing up the beach sand in place. The hauling in of sand and depositing it is basically top dressing the beach area. Penney said this application has not taken the normal path. There has been some latitude taken by the owner and Wetlands staff has been trying to work through the correct process with the owner. Penney said that legally, by regulations we are not supposed to hear from the public. We have allowed comments in the past and it has not been an issue.

Mathieu said that traditionally the IWA has allowed public comments on applications that may cause public concern. It is better when neighbors understand what is happening and the process. Good questions have been raised. We have not change the process. It was discovered by the IWA at the September 23, 2020 meeting that the owner was doing storm clean up and clean up in areas that not had been maintained by the previous owner. Hamilton was told he could finish up the clean-up and it was acknowledged there was a beach there. The owner was told that the work on the porch would require a permit. Unfortunately there are some people that go ahead and do things, and many of those are lake people. The lake is a wonderful resource and is protected by regulations and statutes. Our regulation is 150' from the lake. We are following the process we have always followed. Briggs said at times the IWA is made aware of work that is already in process and the process needs to be adapted because of the work already started. Laramee said it is easier to ask for forgiveness than it is to ask for permission; that is a big problem. Once people know the process they come to the table and pull together the documents needed to get the permit.

Penney said Minicucci and Harrigan own 118 Cheney Lane and they went through a lot in the permitting process to build a much larger house with mitigations measures. There was a lot of scrutiny of this project.

4. OLD BUSINESS:

A. 20-37W – 30 Cheney Lane – Applicant: Nelson Hamilton; Owner: Same; Agent: None – Lake front work, covered porch and patio.

Nelson Hamilton was present. An email from Penney, dated October 13, 2020, to Mr. Hamilton was included in the Members packet. Penney said the applicant is looking for approval to add a porch addition, add beach sand, and put in steps down to the beach area.

Nelson Hamilton said he wants to put a 480 sq. foot concrete patio off the back of house. This would have a hip roof attached to the house but no walls. The water runoff from this roof would be directed to a catch basin or stone garden on the side toward the lake. There would be about 25' to the lake edge leaving plenty of soil to absorb the water. This project would take about 2 weeks. The patio doors currently open to grass according to Hamilton.

Penney said the owner wants to put a covered porch onto the back of the house. The plans are a bit vague. The existing lot is 1.3 acres so 10% lot coverage without mitigation per

zoning regulations is 5,600 sq. feet. The current coverage is 3,200 sq. feet; adding in the porch addition of 450 sq. feet brings will bring lot coverage to 3,650 sq. feet, well under the 10%. However, Penney and Hamilton talked about some way to mitigate the roof runoff from the new porch. Mathieu said she recalls it being said there is a concrete pad in the ground. Penney said the existing patio that is there (concrete pad) will be closed off and the covered patio will extend beyond that. The concrete slab is 6' wide; the patio will extend 16' more towards the water. Mitigation was discussed by installing a stone filter trench to collect roof runoff. Penney said that Hamilton is incorporating his suggestions. At 2' wide x 2' deep the stone trench would be able to store the first 1" of a rain event. This is a good approach to take even with lot coverage well under 10%. Penney said the question is - because the lot coverage is so far below the 10% will the IWA require an A-2 survey? There is a 4' high retaining wall along the lake that envelopes the high water. The edge of the new porch would be 25' from the lake versus the 40' it is now.

Choate said the GIS map shows this property as three separate pieces. Could one of the lots be sold? If these are considered separate building lots, it has to be considered as individual lots. Penney said there is only one septic system under one owner. One parcel is across Cheney Lane with lots of wetlands that likely could not support a septic system. Hamilton said the house and garage lots were joined together back in the day so these are one lot now that roughly equals ½ acres. Penney said 10% lot coverage would be 2,200 sq. feet. The driveway is crushed stone. Choate would like to see a deed that shows the two parcels as one lot. Maybe a Class D survey would suffice rather than an A-2 Survey. Penney said the IWA is bound by the regulated area. Choate said if Hamilton has not even gotten a zoning permit for lot coverage how does it affect the wetlands for the IWA to consider. Is there a precedence? Mathieu said the 10% lot coverage is used because coverages greater than that start to impair the watershed. The IWA precedent is for coverages somewhere around 15%. When the sewers went in house could be enlarged. Above 10% lot coverage does impact the water, there are water concerns. We've constantly looked at these structures to protect water quality.

Penney said the applicant needs to provide the IWA with a clear description of status of the individual lots. Hamilton said he can get the information from the Assessor's card.

Choate said what zoning might require might affect the IWA application. Laramee said with the porch 25' from the lake and the roof is drained properly without adding the runoff to the lake she is okay with the application. Penney said one way to mitigate the lot coverage may be to put some area of the lots into conservation easement. Hamilton is mitigating the area of the addition with the stone infiltration. Lot coverage is about zoning, not wetlands. Mathieu said we have always looked at it as it is also a water quality effort.

Penney said the owner has to have a map that clearly shows this property as being two lots and then maybe come to the IWA with his application that says he is going to take a portion of the lot across the street and utilize it for a wetlands issue.

Mathieu moved onto the email from Penney to Hamilton. Penney shows the 2016 aerials with a beach area with sandy material. Now Hamilton has deposited sand in the area. Hamilton top dressed the area which is a deposition of material which is a regulated activity. Per the 2009 aerials Penney calculated there was 1,850 sq. feet of sandy area. The applicant said at the September meeting that he was going to fluff up the existing sand, not bring in sand. The original application is up in the air as the sandy area is almost next to the garage.

So now we have an issue of what the owner is showing is not to scale. The homeowner is providing the drawings. Maybe the property needs to be surveyed or better mapping done by Wetlands staff. Mathieu agrees this application needs to be better documented with mapping. This is a task for the applicant – hire someone to do a map that better depicts the property graphically. Clean-up of a property is a fine line that is an as-of-right activity.

Hamilton said he bought the property in September with one tree with five leaders falling three days after he bought it. Being a new lake owner he thought he was doing the right thing by calling a tree company to cut up the tree. It took a couple of days for Hamilton to clean up the cut up wood, which made a mess of the beach area. He was trying to clean up the mess from removing the tree debris. That was the catalyst of everything that is going on. The previous owners blew leaves, left cinder blocks, and other junk in the sandy area. Some areas had top soil showing. He thought by covering the top soil with sand and blending new sand with the existing sand that was in the best interest of the lake. Mathieu said the IWA does not like sand brought in; we like sand to be reclaimed. Fluffing up the existing sand was approved by the IWA at the September meeting. Permission was not giving for adding sand.

Tasks for Hamilton are submitting a site map on the work done and the work that is planned. He needs an engineered plan. Choate would like the documentation to quantify what happened? What is the amount of material brought in? What material was removed as far as wetlands disturbance? Penney said there is an invoice from Haines Material that shows 5.3 tons of sand. Briggs said this is a difficult situation for the IWA as the owner has already started the work. Laramie said the sand is already there to which Mathieu said the IWA could tell the owner to remove the sand. The project has to be done the right way to make sure it is not being put back into the lake. We have done that with the Town beaches.

The discussion turned to the five steps the owner is planning for getting down to the beach area. Hamilton wants to add stone steps to get access to the beach area. There used to be stone steps there but they have decayed and crumbled. Penney said this portion of the application is pretty innocuous. Choate said it doesn't seem like this portion is an issue. Mathieu does not have a concern with this as you need a way to get down to the beach.

Mathieu informed Hamilton to work on the lot coverage question, getting a decent site map and quantifying what work has already taken place. Then he can come back to the IWA for review. Mr. Hamilton needs to provide a better map to better represent what was done out there. Verify the dimensions of the beach area using the end of the stone wall or jetty as the known points. The applicant will have to wait for work to continue as the IWA cannot piecemeal an application. The map must include a description that clearly shows what the plan is. The IWA needs a clear record of the application so the Agency can make a clear decision based on the information shared. What Hamilton shared with the IWA at the September meeting is not what you've done.

Most of the sand is well up into the property with the high water mark well away from the new sand. The sq. footage of sand is the same at 1,800 sq. feet. Mr. Hamilton said that he thought by covering the dirt patches he was doing the right thing.

Penney said Assessor's maps are not the most clear record of boundary lines although the IWA is not necessarily requiring an A-2 survey. Will the IWA consider the second lot across the street towards the lot coverage calculation if the owner puts it into some sort of

conservation. Mathieu said that would be for consideration. That is the whole zoning issue. Hamilton would not be able to do this plan without getting a variance from ZBA if the IWA does not want to consider the lot across Cheney Lane as part of the lot coverage. Choate said it would accomplish the goal.

B. 20-38W – 343 Shore Drive – Applicant: Deborah M. McCarthy; Owner: Same; Agent: None – Replace lake retaining wall.

Deborah McCarthy was present. A memo from Penney, dated October 19, 2020, to Ms. McCarthy was included in the Member’s packet. Gosselin said the applicant proposes to replace the failing concrete retaining wall to the right of the steps facing the lake. Field photos were shared.

Ms. McCarthy said she wants to replace the wall for the safety of her grandchildren. There is a culvert to the left with a piece of seawall laying on the ground. It has moved considerably in the past three years. The contractor will take down the wall and replace it with a field stone wall that is battered and has better drainage behind it. There is a good separating distance to the water as the lake is drawn down. A silt fence at the toe of the steps may be required. There is easy access to the wall from the house; there will be no need to access the area from the lake. The other wall facing the lake may be veneered. The water comes right up to the wall when the lake is at normal level; it can be up to 1’ high on that wall. The wall looks like it is 50 years old and is starting to fail.

Motion: I move the Coventry Inland Wetlands Agency approve application 20-38W – 343 Shore Drive – Applicant: Deborah M. McCarthy; Owner: Same; Agent: None – Replace lake retaining wall

With the following conditions:

- Hold a preconstruction meeting with the applicant and any other subcontractors prior to the start of activities to review construction sequencing.
- All activities involving work at the lake edge will require staff oversight. All coordination for staff time on sill will be scheduled at least a week in advance. Failure to coordinate staff’s presence will be considered a violation of the permit and be subject to a cease and desist order.
- Additional erosion and sedimentation controls may be required as site conditions/weather warrant by the Wetlands Agency staff.

By: Choate

Seconded: Laramee

Voting:

For: Mathieu, Choate, Briggs, Laramee

Against: None

Abstain: None

C. 19-32W – Folly Lane Bridge – Town of Coventry – Invasive Control Plan

Penney is waiting for more information about this application. It is postponed until the next meeting.

D. 14-07W (MOD) – 145 Edgewater Drive – Applicant: James and Edyta Rotundo;

Owner: Same; Agent: None – Unpermitted Activity: washed sand at Lake front

Rich Rotundo was present. Penney said the IWA approved a building lot on this vacant parcel in 2014 for homeowner Saggett Enterprise; Rotundo acquired the lot in 2018 and started to build on it in 2019. The activity done at the water's edge with the deposition of sand was not part of that application and is below the IWA regulatory mark of 515'. Mr. Rotundo apologized for bringing the in washed sand after he had trees taken down. The permit was to clear the property with trees, debris, and roots removed so building could take place. Penney said the original application showed an area to be cleared out of undergrowth that was 4" in size or less and adding some planting plans that Wetlands staff would have to review. Wetlands staff nor the IWA approved the clearing and adding of sand at the water's edge. Mathieu confirmed with Penney that sand was put below the 515' mark; the sand comes up to 518' mark at a slant.

A landscape design has been drawn up that Mr. Rotundo hopes will please the IWA. Between the two silt fences is where rain gardens are to be placed. The plan calls for recreation of forest cover with 4" bed of mulch as talked about by Dr. Kortmann. Sand can be removed leaving 10' of sand to match the neighbor's yards. Penney needs to review the plan more closely. The IWA is receiving the modification and with a regulated activity the owner has to wait 14 days.

Rotundo said it is important to get the rain gardens in before it gets too late. He is looking to get a CO for the house. Andrew Bushnell can stake the rain gardens and Wetlands staff can meet him on the property. Erosion and sediment controls will have to be in place for the wintertime anyway. There is no evidence of scour now with the two rows of silt fence on an ~10% pitch.

5. NEW BUSINESS:

A. 20-41W – 73 Dunn Road – Applicant: Dan Flannery; Owner: Same; Agent: None – Detached garage 30x48 in the Upland Review Area.

Dan Flannery was present. The IWA is in receipt of the application to construct a garage. This will be a pre-engineering metal building that is delivered and assembled on site. The concrete pad for the foundation is within the 75' upland review area. The town line for Tolland is along Flannery's northerly boundary so the Town of Tolland has to be notified; this letter will go out tomorrow. There is a CL&P easement on the property so there is no other area to put this building. There is no issue with lot coverage. There is an existing carport that is adjacent to the wetlands that will go removed. The plans calls for adding in some wetland plantings when it is removed. Everything is staked and ribboned off. A silt fence will have to be added onto the plan. This is a fairly flat lot. A bit of grading will be needed to support the foundation. Six trees will have to be removed for the 10' buffer. Penney may have Flannery add in some wetlands plantings to help with the understory.

Mathieu likes hearing that the carport is being taken down and that there may be some plantings to restore the area closest to the wetland area.

Flannery plan is to grade the pad with gravel before the frost this year with a completion date of March 22, 2021. It will take one to two weeks to excavate and pour the pad that will be

set on engineering posts. The slab will be poured when the building is up.

The IWA is receiving the application.

B. 20-42W – 11 Edgewater Drive – Applicant: William Bambara; Owner: Philip Bambara; Agent: None – Activities at Lake Front: stone wall, retaining wall, and stairs.

Bill and Phil Bambara were present. Gosselin directed Members to the last page of the application packet that gives an overview of the project. This is to rebuild a stone wall and replace wood stairs with stone and for a 10' x 4' retaining wall on which the dock will be set. The owner wishes to have a more solid footing for the deck. The stonewall to be rebuilt is 60 years old. All of the work is to be done by Creative Exteriors. Penney added there is an association's property on the immediate left with an intermittent watercourse. This will not be impeded as it is 50' from the steps,. It runs alongside the stonewall and is not impeded now. The stonewall will be rebuilt on the same footprint. The culvert will not be touched. Mathieu confirmed with the applicant that no beach sand will be brought in.

When the applicant asked why bringing sand in is unhealthy for the lake Mathieu explained that sand washed into the water and fills up the lake basin. The IWA has had both Town beaches reclaim sand from the lake even though that activity disturbs the lake temporarily. The IWA works to have sand reclaimed. Penney will get an opinion from Dr. Kortmann. The health of the lake has to do with the depth of the water column. The IWA is careful and mindful of protecting the water quality.

Bill Bambara thanked Gosselin for being very patient and helpful.

The IWA is accepting this application and it will be on next month's agenda.

C. 20-44W – 135 West Shore Drive – Applicant: Plummer All Season Landscaping; Owner: Andrew Milewski; Agent: None – Replace Lake wall and steps.

Eric Hopkins was present. This application is for another lake wall that needs to be repaired. The same stone will be used while making the wall tighter. Full granite pieces will be used for the steps rather than a hodge-podge of pieces. The work is planned for this Fall. The property can be accessed very easily from the house. Plywood will be laid for a machine or truck to move over. A silt fence is planned around the stockpile area. Cinderblocks and boulders will be moved to rework the wall. There are to be no dimensional changes or change to grade. The homeowner has spoken to the neighbors although the permitting regulations don't require this. Choate said she appreciates the drawings and detailed explanation.

The IWA is accepting this application for inclusion on the next meeting agenda.

D. 20-45W - Swamp Road realignment – Applicant: Town of Coventry; Owner: CTDOT; Realignment of Swamp Road with Bread & Milk.

Penney said this is a LOTCIP project to realign Swamp to Bread & Milk Street and realign Northfield Road with the Swamp Road stub. This is taking two access points to Boston Turnpike and creating one. The permitting process goes through the local process. A wet

bottom basin will be used for attenuation. There is minimal work in the 75' upland review area. Decorative black mast arms will be used for the traffic signals. A passive park may be created around the perimeter with a couple of benches.

The IWA accepted the application and will be put on the November agenda.

6. ADOPTION OF MINUTES:

A. August 26, 2020 – Regular Meeting

Motion: I move the Coventry Inland Wetlands Agency approve the minutes of the August 26, 2020 Regular Meeting.

By: Laramee

Seconded: Mathieu

Voting:

For: Laramee, Mathieu

Against: None

Abstain: Briggs, Choate

B. September 23, 2020 – Regular Meeting

Motion: I move the Coventry Inland Wetlands Agency approve the minutes of the September 23, 2020 Regular Meeting.

By: Choate

Seconded: Briggs

Voting:

For: Choate, Briggs, Mathieu

Against: None

Abstain: Laramee

C. October 7, 2020 – Special Meeting

Motion: I move the Coventry Inland Wetlands Agency approve the minutes of the October 7, 2020 Special Meeting.

By: Choate

Seconded: Laramee

Voting:

For: Choate, Briggs, Laramee

Against: None

Abstain: Mathieu

7. CORRESPONDENCE:

A. Permits submitted for DOT Project 32-149, Olson's Brook under Route 44 Bridge Replacement

Penney said this is notification of CTDOT replacing the box culvert of Olsen Brook that runs in front of Highland Park Market plaza. The plans have been submitted to the Army Corp of Engineers and DEEP. It is likely to be done in the 2022 construction season.

8. DISCUSSION:

A. 2021 IWA Meeting Dates

Motion: I move the Coventry Inland Wetlands Agency approve 2021 IWA Meeting Dates as presented.

By: Choate

Seconded: Laramée

Voting:

For: Choate, Briggs, Laramée, Mathieu

Against: None

Abstain: None

9. ADJOURNMENT:

Motion: I move the Coventry Inland Wetlands Agency adjourn at 10:15 p.m.

By: Choate

Seconded: Mathieu

Voting:

For: Choate, Briggs, Laramée, Mathieu

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.