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Date: January 19, 2021

To: Town of Coventry Inland Wetlands Commission
Todd Penney, Town Engineer and Wetland Agent

From: Joanna Shapiro, Executive Director 

Re: Wetlands Review for Durkin Subdivision – Zeya Drive/Bread & Milk Street

District staff inspected the site on January 12, 2021. Staff reviewed a 4-sheet set of plans, “Compilation Plan,” Prepared for Debbieann Durkin, prepared by Bushnell Associates LLC, dated 11/13/20, and revised to 12/8/20. Additionally, a revised, 6-sheet plan set also prepared by Bushnell Associates LLC, revised to 1/8/21 was later reviewed electronically. The “On-Site Soil Investigation & Wetland Delineation Report”, dated 9/21/20, the “Wetlands Assessment & Impacts Analysis: Summary of Findings” report (“REMA Report”), dated December 12, 2020, and the “Wetlands Assessment & Impacts Analysis: Supplemental” report (“Supplemental REMA Report”), all prepared by REMA Ecological Services, LLC, were also reviewed.

The project plans show new development on an approximately 73-acre undeveloped, forested parcel located southwest and set back from the intersection of Zeya Drive and Bread & Milk Street, with site access from Zeya Drive to the north and Bread & Milk Street to the east. According to the project plans and REMA report, 4,450 square feet of direct wetland impact is proposed, associated with a proposed common access driveway. The Town of Coventry Inland Wetlands Agency has determined that this application constitutes a Significant Impact, warranting a public hearing, which has specific regulatory implications.

At the town’s request, this review is focused on the proposed development relative to wetland resources. The District’s site inspection focused on areas of proposed development, and adjacent wetland areas. Recommendations are bulleted throughout the review.

Wetlands/Watercourses Mapping – Identification, Depiction, and Consideration

The District inspection focused on the areas of proposed disturbance, and the scope of this review did not include verification of the wetland boundary. Wetland mapping within the areas inspected generally appeared suitable, except for the omission of embedded watercourses.

Approximate locations of on-site watercourses should be depicted on project plans, and any direct disturbance should be noted on the application and depicted on project plans for purposes of clarity and disclosure. For example, the REMA report refers to a tributary of Ash Brook transecting the site, yet the location of this tributary is not indicated on any of the plan sheets or wetland report figures, aside from an overall aerial of the site (figure 4 of the REMA report), which does not include labels, and requires interpretation by the Inland Wetlands Commission.

- Recommend that the applicant include labels and depictions of approximate locations of stream banks, centerlines, and/or areas of diffuse braided watercourses within project plans.

Additionally, the project wetland scientist should consider whether the “eroded channel below the stormwater outfall” (**see appended photo**) meets the definition of a watercourse, regardless of whether it is natural or resulting from stormwater discharge. There was flow within the banks of the channel during the District’s site inspection, and it appeared to meet the regulatory definition of a watercourse. While it may have originally formed as the result of erosion, it appeared stable, not likely an active source of sedimentation to the wetland, but rather, may provide some water quality function (for example, sediment and pollutant attenuation). A portion of this channel/watercourse would be subject to direct impacts (piped and filled), which is not clear from project plans. It is plausible that the proposed conversion of an upstream section of piping into a bioretention area may replace the water quality function of the watercourse, yet the direct impact and mitigation for its loss are not specifically addressed in the REMA report.

- Recommend that the applicant consider whether the stormwater channel meets the regulatory definition of a watercourse, and address accordingly in REMA reports, plans, and application form.

Alternatives Analysis

An alternative assessment is a standard requirement of all wetland applications (Section 7, Application Requirements, of the Town of Coventry Inland Wetlands and Watercourses Regulations (“Regulations”), all Applicants are required to present analysis of alternatives “which would cause less or no environmental impact to wetlands or watercourses” and to explain “why the alternative as set forth in the application was chosen” and further states “all such alternatives shall be diagramed on a site plan or drawing”.

Furthermore, since The Town of Coventry Inland Wetlands Agency (Agency) has determined that the proposed activity may have a significant impact on wetlands, Section 10.3 of the “Town of Coventry Inland Wetlands and Watercourses Regulations” requires the Agency to find “on the basis of the record that a feasible and prudent alternative does not exist”.

The applicant recently submitted an alternative driveway layout, depicting access the proposed house locations from Bread & Milk Street rather than Zeya Drive (alternate plan was appended to the newly revised plan set as page 6, dated 1/5/20 –should likely read 1/5/21). The Supplemental REMA Report stated that this alternative driveway would result in more extensive impacts on “much higher functioning” wetlands. It is not clear whether the applicant considered alternate locations of the proposed house sites themselves, although the only other easily accessible areas of upland, along Bread & Milk Street, are narrow, and according to the REMA report, abut a more sensitive headwater wetland/watercourse.

- The Agency should determine whether the alternative assessment requirement has been satisfied, and whether sufficient information was presented to determine that a feasible and prudent alternative does not exist (required for approval).
- If development of the area off of Bread & Milk Street (or elsewhere) was rejected by the applicant and wetland consultant as an alternative, the reasons should be documented for the record.

Mitigation Measures/Criteria for Decision/Conservation Easements

The District generally concurs with the findings of the REMA report, describing the nature of the proposed area of direct wetland impact as previously disturbed, and of somewhat degraded function and value, relative to the extensive and highly valuable wetland resources on the rest of the site.

According to the project plans and REMA report, 4,450 square feet of direct wetland impact is proposed, associated with a proposed common access driveway. Prevailing CT Wetland case law discourages a wetland agency from denying access to usable land on a property, even when direct wetland impacts are

necessary to provide access, provided that the feasible and prudent alternative with the least impact is selected, as described above. Rather than denying access to usable land, section 10.2 (Criteria for Decision) of the Regulations allows the Agency the option of considering mitigation measures to off-set the unavoidable impact of proposed activities. Mitigation measures “may be considered as a condition of issuing a permit for such activity including, but not limited to, measures to (1) prevent or minimize pollution or other environmental damage, (2) maintain or enhance existing environmental quality, or (3) in the following order of priority: restore, enhance and create productive wetland or watercourse resources .”

The applicant has proposed three forms of mitigation, further clarified within the Supplemental REMA Report, including the restoration of 1,450 square feet of wetland (to contain a 750 square foot vernal pool), the creation of a 2,720 square foot bio-swale, and the preservation of land within conservation easements.

Restoration/Creation of Wetlands – The proposed restoration and creation of 4,170 square feet of wetland as described in the REMA reports represents slightly less area than the 4,450 square feet of proposed direct wetland disturbance. It is plausible that if successfully constructed, monitored, and maintained, the created wetland areas may serve an equal or greater function than that of the wetland area to be lost. Note that creation of a vernal pool is a new and uncertain endeavor, lacking significant scientific study, and should be carefully monitored and documented. The proposed monitoring and reporting by the wetland scientist is important, and allowing access for the town and/or District to monitor would have educational value as well.

Proposed Conservation Easements – Further consideration should be given to their placement, to maintain existing environmental quality. The REMA Reports suggest that the limit of disturbance proposed on the plans will “provide sufficient separation to preserve wetland functions and values”. It should be noted that the proposed limit of disturbance extends quite close to the wetland toward the back of both lots, even directly abutting the wetland line (WF 6A31). Furthermore, once the regulated activities are completed, the construction limit of clearing is not enforceable, and the remaining wetlands would be best protected by a regulated easement. Conservation Easements are currently proposed adjacent to the two proposed house sites, in the northwestern and northeastern corners of the site, yet do not encompass the wetland areas behind the proposed house sites. It is typical for a conservation easement, when proposed, to roughly encompass all wetland areas outside of the proposed area of development, yet extensive wetland resources exist on-site, outside of the proposed easements. The Conservation Easements should preserve the most valuable, highest functioning, and sensitive resources on the property from future development or disturbance, yet the REMA reports suggest that more valuable and sensitive wetland resources exist on-site than the areas that would be protected by proposed conservation easements.

The REMA reports largely focus on the wetland area within the proposed development envelope off of Zeya Drive, describing the area of proposed direct wetland impacts as lower in function than other on-site wetland areas, and referring to the on-site watercourse as more sensitive. The REMA reports imply that development within the proposed envelope constitutes the alternative with the least impact on wetlands and watercourses. Based on the REMA Report, the area surrounding the watercourse within the southern portion of the property would undoubtedly be ranked amongst the highest valued and most sensitive resources on the site, yet this area is not encompassed within the proposed conservation easements.

- If the Agency determines that a prudent and feasible alternative does not exist, as required, and thus permits the proposed activity as the least impactful option, the Agency may first want to consider what remaining portions of the site will be susceptible to future, more impactful disturbance and/or re-subdivision, and whether the proposed mitigation by Conservation Easements will preserve the most highly functioning and sensitive resources.

Additional Recommendations/Conditions

While the Supplemental REMA Report and revised project plans resolved a number of initial concerns related to wetland creation and invasive plant management, (aside from those described above), care must be taken to ensure that the suggestions in the REMA report are incorporated into the final approval.

- Recommend that all proposed measures not explicitly depicted or described on the project plans be included as conditions of approval. These would include: aspects of vernal pool construction and monitoring as detailed in the Supplemental REMA Report (including oversight by a wetland scientist throughout); eradication of invasive plants within and adjacent to the restored and created wetlands during the first growing season, followed by two years of monitoring/control post-construction; and monitoring/reporting on the functionality of the created wetland habitats (3 years for the restored wetland and created bio-swale, 7 years for the created vernal pool), also confirming plant survival.

While this review did not specifically address the Erosion and Sedimentation Control Plan, grading is proposed very close to the wetland edge toward the back of both proposed lots, as noted above, with silt fence closely or even directly abutting the wetland line (WF 6A31).

- A native wetland buffer planting along the proposed clearing limit would help to protect the wetland (with extended conservation easements, as described above, to protect on-site wetlands long-term).

Thank you for the opportunity to comment.



Stormwater channel/possible watercourse, a portion of which is proposed for direct impacts (refer to top of page 2). Potential watercourse is not specifically identified or addressed in project plans or REMA report.