

**COVENTRY INLAND WETLANDS AGENCY
MINUTES
REGULAR MEETING OF WEDNESDAY, DECEMBER 16, 2020**

By: Mathieu

Time: 7:06 p.m.

Place: Virtual

1. ROLL CALL:

		PRESENT	ABSENT
REGULAR MEMBERS:	Martin Briggs		X
	Suzanne Choate	X	
	Patricia Laramee	X (arrived 7:16 p.m.)	
	Lori Mathieu, Chairperson	X	
	Thomas Woolf, Vice Chairman	X (arrived 7:16 p.m.)	
ALTERNATE MEMBERS:	Barbara Pare	X	
	Mike Powers		X
STAFF:	Todd Penney, Town Engineer/Wetlands Agent	X	
STAFF:	Mindy Gosselin, Wetlands Agent Assistant	X	

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

No one was present to speak.

3. OLD BUSINESS:

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

Gosselin reviewed the recording and realized all of the standard conditions were discussed but not stated in the motion. Refer to the memo dated December 10, 2020 for the conditions. It is best to modify and restate the motion for the record for application 20-37W.

Pare was seated by Mathieu.

Motion: I move the Coventry Inland Wetlands clarify the motion made at the last meeting on application 20-37W – 30 Cheney Lane to include the conditions recommended in a memo dated December 10, 2020 from Mindy Gosselin to the Agency. The conditions are:

- Hold a preconstruction meeting with the applicant prior to the start of activities to review construction sequencing.
- Storm water mitigation as approved by the Town Engineer.
- The applicant/owner shall submit to the Wetlands Agent a proof of inspection for each Storm water mitigation feature one a year in the spring on a form to be provided by the Town of Coventry.
- All activities involving work at the lake edge will require staff oversight. All coordination for state time on site 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 warrants by the Wetlands Agent staff.

By: Choate

Seconded: Mathieu

Voting:

For: Mathieu, Choate

Against: None

Abstain: Pare

Laramee and Woolf arrived at 7:16 p.m. Pare was seated for Briggs.

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

Deborah McCarthy was present.

Penney referred the Member to a memo dated December 4, 2020 that is part of the application. At last month's meeting the IWA approved the replacement of two retaining walls at the lakeside. The pre-construction meeting with the contractor had him offering the opinion that the existing shoreline wall is structurally sound and proposing a modification to the permit. The modification is to construct a field stone wall in front of the concrete wall to act as shoring making the new wall creep ~20" closer to the lake. This was a modification that Penney could not approve as Wetlands Agent. This would be approximately 37 square feet of additional encroachment. Penney does not think it is a significant impact to the lake. The walls on either side of this property creep out as well and this modification will create a linear line. The drainage discharge from the road is failing. Penney might try to work with the contractor to correct this. The end wall is failing 4' back; this will be reconstructed at the same time.

Choate said the modification seems like it will create less of a disturbance. She does not feel this activity will have an effect on the lake itself. Penney said the wall is 48" – 52" in height.

Mathieu asked where the high water level is at this location? Penney directed the IWA to the staining that can be seen on page six. The water goes up about 10'. The culvert is where the plunge pool is that drains Shore Drive with a 30" pipe.

Penney said the IWA previously approved the replacement of the two walls in place because it was thought both walls are failing. The contractor does not see any movement to this wall and it may be losing some integrity on the face, but it remains relatively sound so he is proposing the addition of a fieldstone wall in front of this one. The Coventry Public Works Department is going to take another board out of the weir to get the lake level down. The contractor will embed the wall with large boulders at the bottom going down 12” – 18” to create a good foundation. The work will be accomplished from above the current wall. There will be a bit of gap between the walls with free draining material in between. The existing wall has to be well drained now because the existing wall has not budged. The placement of the stones near the wall will not affect the existing wall. There is probably a footing right there but Staff did not see that.

Woolf asked about the wall leaning out. Penney said that wall does not have a footing. These are entirely different walls. The return wall was built after the lake facing one and there is no pinning or tying one into the other.

Pare asked for clarification about the term significant impact to the lake. Penney said the proposed wall is going to be about 20” closer to the lake creating a small footprint of the lake that will be lost. When the water level is up a person may be walking ankle deep in the water. Visibly appearing the wall is pretty ugly. Pare said the proposal will create beauty along the lake. Penney replied the IWA is more concerned about the long-term impacts to the lake from a water quality standpoint. The concrete wall will slowly deteriorate with it being in contact with the water.

Laramee said the wall falling apart will cause more impact to the lake in the long run if it comes down and everything runs into the lake. The proposal will fix the area before it causes more problems and using the stone creates a more natural look.

Mathieu said she is not a fan of encroaching on the lake even if it is a small amount. The lake is worth protecting and she is thinking about precedent. Mathieu does not see a significant impact with the project other than what other people may say in the future. She thinks making this wall stable is a right of the property owner with a little bit of encroachment into the lake. Mathieu is more concerned about the pipe dumping storm runoff into the lake. Penney said some of the other associations have vortec units installed. There is a good scour hole. Two lengths of the 30” pipe have collapsed along the 4’ length. Perhaps Public Works can reset the pipes and fix the headwall at the same time as this project is taking place. Mathieu does not have a concern other than the encroachment and precedent. Mathieu added the property owners along the lake front take great care, for the most part, and are being mindful of reducing impact in some cases.

Penney said the contractor will be able to use mini-excavator to place the larger boulders from above. The stone bedding will probably be raked by hand. The large boulders will be stockpiled in the backyard. The smaller rocks will be placed by hand removing the rocks from the excavator bucket.

Motion: I move the Coventry Inland Wetlands Agency approve the modification of application 20-38W (MOD) – 343 Shore Drive with the following conditions:

- Hold a preconstruction meeting with the applicant and contractor(s) 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 site 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 warrants by the Wetlands Agent staff.

Reason for the decision: The Coventry Inland Wetlands Agency finds the requested modification to not be of significant impact.

By: Choate

Seconded: Pare

Voting:

For: Mathieu, Choate, Pare, Woolf, Laramée

Against: None

Abstain: None

C. 20-45W – Boston Turnpike/Swamp Road – Applicant: Town of Coventry; Owner: Same; Agent: Todd Penney – Realignment of Swamp Road. (Rec'd: 10/28/2020)

Penney said Coventry has received a state grant to fund the construction of Swamp Road to Bread & Milk Street and realign Northfields to the realigned Swamp Road. There are high accident counts at both of these intersections. There is a wetlands pocket in the 75' upland review area diagonally from Swamp Road. CDM Smith company is doing the design and permitting. Ray Culver of CDM is the Project Manager/Engineer. The plan calls for improving the storm water quality and management. This project puts Coventry near \$8 million dollars in LOTCIP grants including Lake and Cross Street, the Folly Lane Bridge, and two projects on South Street.

Raymond Culver presented. The slide presentation is available on the website.

Choate asked if the outflow of the 15" pipe (design point 2) has been inspected and what infiltration rate was used for the detention pond? Penney indicated the water company just did all the water mains including a subdivision wide inspection of the drainage structure. The catch basins were failing and replaced as part of the Northfields paving. The drainage and outfalls were found to be in good shape. One-half inch per hour was used conservatively. Borings in the location came up with sand. Choate thinks the work that is happening in the upland review is minimal and unlikely to affect the function of the wetlands and the erosion and sediment controls is appropriate. Culver said that Route 44 has a crown and stormwater will be flowing away from the wetlands. Penney added there is little impact to the wetlands. Sixteen Swamp Road was completely taken over by the Town for this project. The basin on a portion of the property will be maintained by the town with appropriate plantings. There may be a Town of Coventry Gateway sign placed here along with a couple of benches. This is the first major intersection when coming into Coventry.

Woolf said this is a great improvement to the intersection. Pare said the design looks amazing and it will make it easier to use Cumberland Farms. This will create a welcoming feeling coming into Coventry indicating the town is full of life and has a lot to offer.

Mathieu asked about property being acquired. Penney said 16 Swamp Road owns this property. The old Swamp Road right-of-way will be maintained by the Town. There will be

some quit claim deeds for land swapping of some other properties affected by the realignments to make those parcels whole from a zoning perspective. Swamp Road is an old two-rod road in the records and there are some logistical issues with quit claims. It is clear in the records that the Town owns the subdivision roads. Mathieu said this is a large watershed area plus drainage infrastructure that crosses the road into the wetlands north of Cumberland Farms with inlets along the swales on either side of Bread & Milk eventually going into Ash Brook. And there is no real impact to the wetlands by this project? Culver and Penney agreed there is not. Penney said water is not being added to the wetlands. We feel the design is equaling out with detention basin for storm water quality and the increase of infrastructure in the Northfields subdivision. Culver added there new design will give a chance for infiltration rather than direct discharge to the stream. Mathieu asked about a chemical spill? Culver said as long as it happens in the purple areas it would go into the infiltration basin. The construction period will be one full season. Mathieu is happy to see that the Town will own the basin and maintain it. The sign will add to an already beautiful town. The storm water basin and infiltration is an improvement for storm water quality. The wetlands on the north side is critical and deserves to be protect. All the measures she has heard are very protective.

Pare understands that wetlands protection is our purpose but she wonders if there will be detours since the construction will be going on for a year. Mr. Culver said the existing Swamp Road will remain intact until the switch over happens when the new signal gets installed. There may be the need for some alternating one-way traffic. Northfield Road may require detouring to Forge Road to Swamp Road to get to Boston Turnpike.

Penney said the timeline is to go out to bid in March 2021 with the awarding of the contract in May. The construction would be executed from June through the end of the year. As is similar to the Folly Lane Bridge project this will go to the low bid contract and the funding includes an on-site representative for Coventry to inspect all aspects of the project including a daily inspection of the erosion and sediment controls. Penney can negotiate that this person will answer to him.

Motion: I move the Coventry Inland Wetlands Agency approve application 20-45W – Boston Turnpike/Swamp Road.

By: Pare

Seconded: Laramee

Choate suggested a friendly amendment to include the conditions:

- Hold preconstruction meeting with the Town, its contractor, and its consultant to review construction sequencing
- The applicant/owner shall submit to the Wetlands Agent a proof of inspection for each Storm water mitigation feature one a year in the spring on a form to be provided by the Town of Coventry.

Pare agrees with these conditions and Laramee accepted the amendment to the motion.

Discussion: Does the submittal of the yearly inspection report regarding mitigation measures apply to properties other than around the lake? So far the IWA has not asked for this newly created form for properties other than around the lake. Mathieu said there should be some annual check on how these measures are functioning even when owned by the Town.

Woolf added it may be a time saving measure to have conditions preprinted rather than try to hash them out for every application. Gosselin was asked to put together some standard conditions.

Voting:

For: Mathieu, Choate, Laramie, Pare, Woolf

Against: None

Abstain: None

Penney asked if New Business, 5A can be discussed next. Consultants for the project are standing by. Application 20-47W could take some time. Item 5A has to be accepted, an overview of the project given, and likely deemed a significant impact requiring a public hearing. Mathieu asked the applicant of 20-47W if the resequencing is okay with her. Ms. Durkin agreed to this.

D. 20-47W – Zeya Drive – Applicant: Debbieann Durkin; Owner: Shah K. Satari; Agent: None – Zeya Drive 2-lot re-subdivision of two single family homes with detached garages and associated activities. Start at 8:30 p.m.

Mathieu recused herself from this discussion.

Penney reminded the Members that the wetlands scientist was not at the previous meeting. There will be disturbance along the driveway and in the upland review area. George Logan, REMA Ecological Services, from Manchester and Andrew Bushnell, Bushnell Associates, were present. Penney indicated the reports from Misters Logan and Bushnell are on the website.

George Logan presented his report for this property of 73.33 acres. There is an access way, an easement, from Zeya Drive. Logan has been looking at this property since July. Overall, the property is touching a saddle where most of the site drains to Ash Brook and onto the Hop River. The pink shaded area shows 4,450 sq. feet of wetlands disturbance. Zeya Drive drains to a storm water basin and then piped several hundred feet to the easement strip with the pipe outlet facing a southerly direction. This is an area where there has been disturbance over the years with the pipe being laid and minimal coverage. This has created deposits and eroded a channel that is 120' – 150' long. There has been no protection for these flows over the years. Flags 8 through 20 are of poorly drained wetlands; 4A through 6 contain forested wetlands. The southerly boundary of lot 1 is the edge of a wetlands. This is a robust, fairly nice looking wetlands being pretty native with good diversity. However, there are ruts in the wetlands created by logging in 2004. Mr. Logan does not think these have impacted the wetlands. It does show the area has been used intensely. There are to be conservation easements on both lots. Lot 2 has more upland wetlands. The green area is showing proposed improvements based on Penney's comments. This includes 95 linear feet of pipe added at the current outfall. The file pile found on the property will be used to create a broad swale for two purposes. This will create some wetlands and take untreated water from Zeya Drive for treatment. It will also be used to treat water from a portion of the common driveway. The eroded channel will be fixed and a splash pad added so some erosion does not continue. One thousand, four hundred, and fifty sq. feet of the pile can be removed that contains invasive and is surrounded by wetlands. Proposed restoration of the wetlands equals 1,940 sq. feet in an area that, for the most part, is disturbed. Logan suggests creating a vernal

pool where the fill pile is.

Penney said he has not had a chance to review the report. He did like what he heard from Mr. Logan about mitigating the wetlands impact and enhancing the wetlands that have been impaired. The IWA needs to make a determination if this is significant impact and if it will require a public hearing. If so determined the applicant will have to do notices to abutters and post signs; Staff will have to notice the public hearing on the website rather than in print because of a standing Executive Order. This application was accepted on November 18, 2020 and the 65 day time limit for the IWA to make a decision on the application does not reach the regular January meeting date; a special meeting will be needed. This is a wetlands complex that has already been impacted. Does the previous activity reduce the impact? The IWA needs to make that determination.

Woolf said this is a huge wetlands area. Only the edges are being disturbed or lost. The proposal includes mitigation. Mr. Logan adding trying to incorporate a vernal pool would be a benefit.

Pare asked what constitutes a substantial impact and what are the sizes of the parcels? Penney read the definition from Section 2 Definitions of the regulations. Bushnell said lot 1 is 45.42+- acres and the other is 27.81 acres.

Choate said just because the wetlands have been disturbed in the past does not make them valuable. The improvements will be helpful but the project will destroy a big area of wetlands. She thinks this is significant. Laramie agreed with this. Logan said this is not a nice wetlands; it has been disturbed two times that he knows of. The area does not have much function to the overall wetlands. There is a humongous wetlands to the south that does have some function. Every wetlands has a function but this one is low on the totem pole.

Pare asked if this would be considered low impact because the wetlands has already been impacted. We are not losing something that offers high function to the larger wetlands. Is the time and energy of a public hearing worth the trouble? Penney said as a matter of course any subdivision that has wetlands was considered an automatic public hearing. Over the last few years the IWA has not used the same approach. However, those applications have not had a direct loss of wetlands. This subdivision will have a public hearing from PZC. Neighbors don't care about wetlands. They care about people building in their backyard. This impact may be less measured because of the original impacts and the lost.

Choate feels this activity is significant based on the first two parts of the Definition regulations. This will definitely affect the wetlands because it would be eliminated.

Penney said the applicant has to show this is the best way to access the property. The only other way would be from Bread & Milk Street and that would create 40,000 sq. feet of impact. The proposal has to show the IWA they are meeting the most feasible and prudent criteria and proposing improvements.

A straw poll from the Members that this qualifies for a public hearing had Choate, Laramie, and Woolf affirmed this; Pare is leaning to not requiring one after seeing what is in front of her and hearing from Mr. Logan of finding the best alternative.

Choate said this report and plan has not been fully reviewed. The proposal takes away 4,400

sq. feet of wetlands and giving back 3,300 sq. feet. Typically, she likes to see a 1:1 mitigation. Bushnell said there is treatment being added to the pipe area that now has no treatment.

Pare said the water quality features help clean the water from the subdivision. That is a benefit to the wetlands. There has been previous significant impact and this is less significant because the wetlands is low functioning, Choate still has an issue with the loss of wetlands.

Motion: I move the Coventry Inland Wetlands Agency deems application 20-47W – Zeya Drive to have significant impact activity.

By: Choate

Seconded: Woolf

Discussion: Choate asked if the IWA would have comments from Penney before making a decision on the public hearing for this project as these are helpful. Laramee agreed. Penney said the Members will get his review comments prior to the meeting through the usual courier service. These will also be provided to the applicant and her agents prior to the meeting so they have a chance to review and craft responses.

Voting:

For: Woolf, Choate, Pare, Laramee

Against: None

Abstain: None

Choate gave feedback to the applicant that this does look like the logical placement for the infrastructure and houses and putting forward ways to mitigate the impact and provide water quality is moving in the right direction.

4. NEW BUSINESS:

A. 20-51W – South Street Reconstruction and Pedestrian Improvements – Applicant: Town of Coventry; Owner: Same; Agent: Todd Penney – South Street Reconstructions and Pedestrian Improvements.

Ken Radziwon, Project Manager, and Eric Davidson, Soil Scientist, from BL Companies were present.

Mr. Radziwon showed the plan. Penney said this project entails the area of South Street from the round-about to the Nathan Hale Homestead. A sidewalk will be added along this length. There is an existing wetlands complex that abuts the edge of the road where the sidewalk is to be constructed that we are going to be encroaching on. The wetlands impact will be the filling in of 5,600 sq. feet of this substantial wetlands. The report from the Soil Scientist has been received for the application. Penney said with the project impacting that much wetlands this should require a public hearing.

Choate said she thinks there is no question that impacting over 5,000 sq. feet is a significant activity. She advocates for a public hearing. Mathieu and Laramee agreed.

Motion: I move the Coventry Inland Wetlands Agency deems application 20-51W – South Street Reconstruction and Pedestrian Improvements to have significant activity of wetlands disturbance requiring a public hearing.

By: Choate

Seconded: Pare

Voting:

For: Mathieu, Woolf, Laramée, Pare, Choate

Against: None

Abstain: None

5. **ADOPTION OF MINUTES:**

A. **November 18, 2020 – Regular Meeting**

Motion: I move the Coventry Inland Wetlands Agency approve the minutes of the November 18, 2020 meeting.

By: Choate

Seconded: Laramée

Voting:

For: Mathieu, Choate, Laramée

Against: None

Abstain: Woolf, Pare

6. **CORRESPONDENCE:**

A. **Soil Science Registry Notification**

Gosselin said the registry will only be available online in 2021 because of the pandemic. A printed copy will not be mailed. The IWA and Conservation Commission are being notified of this. Please see the website for reference.

B. **IWA Member List**

Penney said this has been updated to include Pare's contact information. As had been his practice, he will continue to text Members in advance of the meetings to verify participation. This helps to obtain a quorum.

7. **DISCUSSION:**

A. None

8. **ADJOURNMENT:**

Mathieu adjourned the meeting at 10:19 p.m.

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.