

**COVENTRY INLAND WETLANDS AGENCY  
MINUTES  
REGULAR MEETING OF WEDNESDAY, MAY 26, 2021**

By: Choate

Time: 7:05 p.m.

Place: Virtual

**1. ROLL CALL:**

		PRESENT	ABSENT
REGULAR MEMBERS:	Martin Briggs	X	
	Suzanne Choate	X	
	Patricia Laramee	X	
	Lori Mathieu, Chairperson		X
	Thomas Woolf, Vice Chairman	X (arrived 7:17 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.

Gosselin said the Dollar General is proposing to change the rain garden design because it was not working properly; a modification application was submitted and can be added to the agenda by a motion.

**Motion:** I move the Coventry Inland Wetlands Agency add 20-07W(MOD) – 1600 Boston Turnpike, Dollar General – Applicant: Garret Homes, LLC; Owner: Coventry Investments, LLC; Agent: Matthew Bruton, BL Companies – Modification to Rain Garden Design as New Business item E (moving item E to F).

By: Briggs

Seconded: Laramee

Voting:

For: Choate, Briggs, Laramee

Against: None

Abstain: None

**3. OLD BUSINESS:**

**A. 21-07NJ – Sweeney Subdivision, North School Road – Applicant: Andrew Bushnell; Owner: Brian and Valerie Sweeney; Agent: None. - Three lot Resubdivision**

Andrew Bushnell, Bushnell Associates, and Brian Sweeney were present. The conservation easement plan was revised from the last meeting. Staff provided a memo dated May 18, 2021, regarding this item. Penney said the applicant has been very accommodating in modifying the initial proposal. The conservation easement was reconfigured to be throughout the entire wetlands area. The plan tries to incorporate most of the upland review area on lot 1 to prevent development creep. Penney said the applicant does what to keep access for an agricultural use of Christmas trees, hemp farming, or other farming. At such time that is created the applicant would have to come back to the IWA for it to judge the impact on how that access meets the requirements of a feasible and prudent alternatives.

Woolf arrived at 7:17

Penney said the applicant has listened to and accommodated what the IWA was concerned with. The activity that the applicant is proposing is not a significant activity.

**Motion:** I move the Coventry Inland Wetlands Agency determines application 21-07NJ – Sweeney Subdivision, North School Road – Applicant: Andrew Bushnell; Owner: Brian and Valerie Sweeney; Agent: None. - Three lot Resubdivision – as a jurisdictional ruling of non-significant impact.

By: Briggs

Seconded: Woolf

Voting:

For: Choate, Woolf, Briggs, Laramie

Against: None

Abstain: None

**4. NEW BUSINESS:**

**A. 21-10NJ – 750 Cedar Swamp Road – Applicant: Andrew Bushnell; Owner: Alexis Deslauries; Agent: None. – Subdivision with construction of a single family home and associated improvements outside of the Upland Review Area.**

Andrew Bushnell, Bushnell Associates, was present. Bushnell prepared the site plan for this subdivision. This is for a two-lot subdivision of 21.04 acres; lot 1 would be 80,000 sq. feet and lot 2 would be 19.2 acres. The Soil Scientist found some wetland soils to the rear of the proposed house; twenty wetlands flags were placed. The proposed development is outside of the upland review area. Mr. Bushnell is asking for a non-jurisdictional ruling.

Penney said this is not an open space subdivision. It is one existing lot being split into two lots. The activities are well away from the upland review area. Southeast of the existing house is an old farm pond and discharge. The outfall runs in front of the house. Rick Zulic did look at that area. There is a wetlands complex but it ends in front of the house. It does

not go to the existing bituminous driveway. Penney was concerned before learning this because the will be improving the driveway to make it into a common driveway.

The owner joined the meeting at 7:28 p.m.

Choate said it seems to be apparent this is a non-jurisdictional ruling as there are no wetlands anywhere near the proposed disturbance. Briggs and Laramée agree with that assessment.

**Motion:** I move the Coventry Inland Wetlands Agency determines application 21-10NJ – 750 Cedar Swamp Road – Applicant: Andrew Bushnell; Owner: Alexis Deslauries; Agent: None. – Subdivision with construction of a single family home and associated improvements outside of the Upland Review Area – as a jurisdictional ruling of non-significant impact.

By: Briggs

Seconded: Woolf

Voting:

For: Choate, Woolf, Briggs, Laramée

Against: None

Abstain: None

**B. 21-11-W – 80 Bread and Milk Street – Applicant: Jason Roberts; Owner: Same; Agent: None. – Construction of a 24’ round above ground pool in the Upland Review Area.**

Jason Roberts was present. Staff provided a memo about this application. Gosselin said the proposed location of the pool is within 30’ of the wetlands but most of the backyard is wetlands or upland review area. These wetlands has been impacted by previous development – the house established in the 1950s, the lawn in the 1970s, although that was probably earlier but Gosselin could not find anything in the records. There will be no further impact due to the construction of the pool. The recommendation of Staff is the IWA remand this application to the Wetlands Agent for approval. Penney added that before the thresholds were narrowed by the IWA Penney would have approved this application as minimal impact. The whole area is lawn that can be very wet in the spring.

Woolf said the only possible problem he sees is when the pool is drained. Penney said it will be pumped out to the north for overland flow discharge heading toward the garage and driveway for the yearly maintenance.

Jason Roberts did not have anything to add.

Laramée agrees that the pool should be drained away from the wetlands. Choate asked if the wetlands complex leads somewhere? Penney said it goes into the drainage for Route 31 and wetlands flaggings are shown on a 1988 map. Choate agrees with the assessment and she is amenable to remanding this to the Wetlands Agent.

**Motion:** I move the Coventry Inland Wetlands Agency remands the approval of application 21-11-W – 80 Bread and Milk Street – Applicant: Jason Roberts; Owner: Same; Agent: None. – Construction of a 24’ round above ground pool in the Upland Review Area to Wetlands Staff.

By: Woolf

Seconded: Laramee

Voting:

For: Choate, Woolf, Briggs, Laramee

Against: None

Abstain: None

**C. 21-12W – North School Road – Applicant: Town of Coventry, Public Works; Owner: Same; Agent: Todd Penney. – Extend an existing cross culvert conveying an intermittent watercourse six (6') feet.**

Penney said the Department of Public Works reported to him a problem on North School Road. The existing cross culvert to convey an intermittent watercourse is too short and the edge of the road is being lost. The dirt road may only be 18' wide and DPW would like to get another 3' of width plowed by extending the culvert another 6'. Inspection in the field found that the inlet side is 60% clogged. The plan is to open up that end, extend the culvert, and daylight downstream.

Woolf thinks this is a regular maintenance activity. Penney said he may try to get a general permit every year to allow this type of maintenance and will notify the IWA of any work being done under the permit.

Choate said with the extension on the downstream side she would like to see temporary erosion control measures and inspection by the Wetlands Agent. Penney said this will be permitting for the dry season and will be a one day job.

The IWA accepted this application to be on the agenda for the next IWA meeting.

**D. 21-13W – 1134 Main Street, Town of Coventry Library – Applicant: Town of Coventry; Owner: Same; Agent: Todd Penney. – Expand existing parking area to accommodate the Booth & Dimock Library project in Upland Review Area.**

Penney said the town is proposing a minor library expansion. The increased square footage requires adding eight parking spaces to meeting zoning regulations, although ten spaces will be added. From the map wetlands can be seen on Ledoyt's property. The library is getting a piece of his property. Emily Perko of GIE provided the wetlands points. Those points were set by GPS coordinates to set the wetlands boundaries. A portion of the parking expansion is within the 75' upland review area. A stone perimeter will be adding to help with infiltration of runoff from the new parking lot. There is enough room to add a rain garden. The new parking area will be asphalt. There is no evidence of scour now and Penney does not anticipate seeing scour with the expanded parking lot. This is a municipal project.

Choate said she is glad to see the rain garden to provide water quality. She would like to see the calculation on the sizing of the garden and some grades to show the water will make it to the rain garden, as well as erosion control measures.

The IWA accepts this application for inclusion on the June meeting agenda.

**E. 20-07W(MOD01) – 1600 Boston Turnpike, Dollar General – Applicant: Garret Homes, LLC; Owner: Coventry Investments, LLC; Agent: Matthew Bruton, BL Companies – Modification to Rain Garden Design.**

Matthew Bruton of BL Companies was present. The Dollar General is open and operating. Staff has been doing inspections to see that the rain garden is working as design. While the garden was constructed as designed the inspections show the water is not draining as desired. Because of that a pool of water 6” – 12” deep is present based on the rain event. The proposal to correct this pooling is to provide a 4” perforated pipe from the basin to the edge of the stone wall. The water will go toward the wetlands. This will be minimal work to have the rain garden work better. It will require crossing the fieldstone wall that the IWA wanted to avoid. The Wetland Scientist for the owner is in agreement with the correction. Having standing water in the rain garden and the vernal pool that is present in the wetlands can confuse the creatures using the vernal pool.

Penney feels the pool being created is influenced by the ground water/water table here. This is a solution that he agrees with. A similar solution was implemented at the DPW site and there is now a thriving wet bottom basin. Since the Dollar General permit was done with a public hearing Penney did not feel this is a modification he could make in the field.

Woolf said the IWA does not want to have this be a stagnant pool of water because whoever is maintaining the property may fill it in to keep mosquitoes away. The IWA or Staff would not see the area and would not know this was done. There may not be any water in there right now but in the spring time we have this standing water issue.

Briggs said this would be a reoccurring issue for ground/spring water. The vernal pool is a habitat for wood frogs. This solution is reasonable to him as Penney is on board with what is being proposed.

Choate asked about the condition of the stone wall and if it is okay to outlet into it. Bruton said the wall is in fine condition. The pipe will be laid flat; water coming out will be very slow. The stone wall will help to defer the flow and not damage the wall. Since this could be seasonable ground water underdrains were considered but burying it a bit deeper may cause it to get clogged up quicker. Bruton said the pipe will be flat and bend up at the end. Water can infiltrate along the length since it is perforated.

**Motion:** I move the Coventry Inland Wetlands Agency approve application 20-07W(MOD01) – 1600 Boston Turnpike, Dollar General – Applicant: Garret Homes, LLC; Owner: Coventry Investments, LLC; Agent: Matthew Bruton, BL Companies – Modification to Rain Garden Design – for the revised rain garden design infiltration.

By: Briggs

Seconded: Woolf

**Friendly amendment** suggested by Penney; accepted by Briggs and Woolf: With the condition that Wetlands Staff is contacted prior to the work beginning for inspection and oversight.

Voting:

For: Choate, Woolf, Briggs, Laramée

Against: None

Abstain: None

**F. Violation- 89 Flanders Road – Owner: Joshua Beebe – Unpermitted work in the Upland Review Area and wetlands. Violation letter sent on: 5/12/2021.**

Joshua Beebe was present.

Penney said there is a memo from Staff dated May 10, 2021 regarding this matter. There is also an email to Mr. Beebe and Mr. Trott dated November 13, 2020. There are pictures that were included with the email and pictures that were taken of the property at the end of April showing the before and after conditions. Penney said the owner bought the Milrick Landscaping Mulch and Topsoil property at the corner of Flanders and Flanders River roads. Beebe met with Eric Trott (Director of Land Use) and Emily Perko (former Wetlands Assistant) in early 2020 to talk about what he wanted to do with the property which involved bringing in goats, geese, and chickens. Mr. Beebe was told to get a plan together that showed how he planned to use the property. Then COVID-19 hit. Beebe performed some of the work they spoke about with livestock pens being put in the upland review area. He also started work outside of the upland review area at the corner for bins of bulk material. This was started without any plans given to town Staff. In the fall it was observed that more work had been done and the owner was told to stop any further work. Mr. Beebe did not listen and proceeded with a lot more activity in the upland review area and the wetlands. An immediate cease and desist letter was sent to Beebe on May 12, 2021. Penney read his memo into the record.

Joshua Beebe said he met with Penney on February 5, 2020 about moving livestock onto the property. He also met with Glenn (Sanitarian), Emily, Mark (former ZEO), and Eric to go over clearing the land behind the house and store to make that area usable for pasture land. Beebe spoke to Eric before buying the property to make sure he could have animals on the property. Beebe started activity by taking apart the mulch bins and grading the area. In August 2020, Mark came out to the property when Beebe wanted to level the property and put a fence up. Mark said he did not need to apply for a permit. Beebe was trying to comply by having Mark come to the property. In late fall/early winter he met with Eric, Todd, Alexa (current ZEO), and Joe (Building Official) on the farm to see the plans for a retaining wall. Town staff looked at the job Beebe was proposing; they said they wanted to get an engineered plan from a professional engineer. Beebe met again with Eric again with a plan for the livestock housing and fencing were proposed. Mr. Beebe thought that was what Todd was looking for at the time. In the spring Mr. Beebe continued to clear the back part of the property by grubbing it and removing trees to make it into pasture land for the animals. After the retaining wall was in place and everything leveled off Joe, Eric, Alexa, Todd, and Bud (Fire Chief) were supposed to come to the property. However, only Joe and Bud came out with Alexa coming at a different time. Todd came to the property after March and found the violation in the upland review area. Beebe was told to restore the area by seeding only. He wants to put bark mulch berm up to the edge of the wetland to prevent overflowing into the wetlands if approved by Todd. Mr. Beebe has been in contact with Wes in Lebanon who told Beebe to get a list from Todd of what needs to be done and they will work to rectify the problem. Beebe was trying to clean up the property and make it usable versus the mud hole and dump that it was.

Penney said back in February 2020 the owner was told a plan has to be in place. The activity on the property has progressed without a plan. Mr. Beebe has come in and done a lot of

excavation through the summer and fall of 2020 without a plan. The PZC needs a plan to know what his business is going to be. Tree cutting and pens were placed in the upland review area. Penney told Beebe to get a plan for agricultural use and to not do anything more in the upland review area. The untouched wooded area in the upland review area has been cut, graded, and soil pushed to the edge of the wetlands. No one made it a point to invite Wetlands staff out there. Wetlands Agent went out in November with explicit instructions to do nothing more without a plan in place and Beebe went hog wild. Therefore, the letter of violation was sent to Mr. Beebe. Mr. Beebe and Wes Wentworth must work on the steps indicated in the letter from Penney.

Briggs said there may have been mixed signals from Town staff of what was needed at first. Penney had clarified the situation to Mr. Beebe by March 2021. It does seem as if there was a productive dialogue and plan laid down but then the upland review area was degraded substantially.

Penney said the IWA and PZC needs a plan of what the owner is planning to do with the property. Eric Trott has continued to tell Mr. Beebe that he needs to present a plan. There is also a new curb cut on the property. This is a continual violation from zoning and wetlands standpoints that needs to get in check. A plan is needed to know how much the owner has violated regulations. The spoils from the bulldozer have spilled into the wetlands. Penney estimates 25' of wetlands must be restored. Without a restoration plan from Beebe the IWA cannot act on it. The owner needs to get a soil scientist out there who can prepare a recommendation of how to restore the wetlands.

Beebe said he covered the gravel that was on the property that was used to build Routes 31 and 32. He moved forward with purchasing the property only after talking to Town staff about his plans so something like this situation would not happen. Mr. Beebe has spoken to Wes about doing wetlands mapping but he is booked until September. In the near future putting a bark mulch berm around the edge of the wetlands will provide protection to them. The piles of trees and brush that were taken down will be gotten rid of. Beebe can work on this in the fall when his farming season is over. Briggs asked if the berm can be done in the near term to prevent anything from traveling into the wetlands. Mr. Beebe said he can do that as long as the IWA is okay with him throwing a bark mulch berm in front of the wetlands to prevent erosion. Otherwise, Beebe likes straw mat rolls for erosion control. He can put that to the edge of the wetlands and plant some type of rye to hold the soil in place. Is the IWA okay with him throwing a berm up, seeding, and clearing up the brush? Choate said the IWA will discuss that.

Woolf said these are difficult situations where activities are performed without getting the proper permits. To fix this violation is not a snap of the fingers. Woolf is disappointed this has taken place.

Laramee is at a loss for words. It looks like he took a D8 and tried to make a road.

Penney said he recommends Beebe get an engineer, who does not say he is busy until September, to prepare a plan. At some point the Town has to look at the teeth of the regulations and perhaps impose a fine until the owner complies with the steps outlined in Penney's letter. At least he should get a silt fence in place. Penney is not sure that wood could blow out of the berm as there is no plan that will show contour lines. What we do have, and history has shown, is that Beebe will do what he wants. Mr. Beebe said he does

want to work with the Town. He has done everything he wants to. Everything is flat and everything is gone. There is nothing else to do. The soil scientist's recommendation is to put in a 18" – 24" tall wood berm along the edge of the wetlands. The soil scientist cannot make an actual map until September.

Choate said she personally thinks temporary controls needs to be review by a soil scientist. This needs to have a professional view.

Penney said there needs to be remediation unless the IWA feels this is not an impact to the regulated area. Penney advises the IWA against that finding. The disturbance of the wetlands complex has to be controlled with some ENS out there. The consultant must send an email to the Town that indicates he thinks the mulch berm will handle that with him taking the responsibility and liability for that recommendation. Staff will monitor the property on a weekly basis. Beebe said he will not give permission to have anyone on the property without him being present. There is a violation so we have the right to visit the site. Penney said this situation is at the point where he has to be the one inspecting the site and the owner must accommodate Penney's work schedule.

Choate said she would like to see temporary erosion control measures prior to the surveyor reviewing the property and preparing a plan. Choate said there will be a record of this meeting to rely on for guidance and a professional can provide his recommendation.

Laramie agreed a professional needs to get out there and tell the IWA what is proposed for ENS and that it is being done properly.

Mr. Beebe said he would appreciate no one showing up without him knowing or being there. He is asking for common courtesy with advance notice.

Briggs said the owner said he has done everything he wants to do in the upland review area. The IWA needs a plan to get reasonable remediation. And temporary measures are needed so the property will not be more of a mess. Mr. Beebe needs to get the professionally evaluated. Briggs said hearing from the professional in the near term will be helpful. Beebe said he does not want to lose what he has done through erosion.

Mr. Beebe asked if agricultural uses are allowed in the upland review area. Penney said the IWA is the ultimate authority in making that determination.

Beebe said it was a breath of fresh air to deal with the Town staff at the initial meeting compared to dealing with other towns. They sat down and talked through what Beebe wanted to do with the land and had everything on paper. He does not remember Emily saying a plan had to be submitted.

Choate said the IWA has to deal with what we are given now. The owner must get professionals to submit how he is going to legalize and permit the activities he carried out

**Motion:** I move that the Coventry Inland Wetlands Agency requires the owner of 89 Flanders Road to provide temporary erosion and sedimentation controls prior to implementing the following suggested by Wetlands Staff (in memo to Mr. Beebe dated May 10, 2021) to resolve this violation –

A. Contract and contract with a Connecticut Licensed Lan Surveyor to field survey the limit

of disturbance on the site in total.

- B. Contact and contract with a Connecticut Professional Soil Scientist to review and evaluate the extent of impact the activities in question to the wetlands and upland review area relative to the existing mapping.
- C. Development of a “Restoration Plan” by Agents reviewed and approved by Coventry Inland Wetlands Agency (IWA).
- D. Implement the approved “Restoration Plan” upon the successful completion of A, B, & C.

By: Woolf

Seconded: Briggs

Discussion: Choate asked if we can time limit the temporary erosion and sediment controls must be in place? Penney replied yes, the IWA can determine a reasonable amount of time. Laramee agrees with putting a time limit on this temporary measure and feels this should be able to be accomplished within a week or two.

**Friendly amendment** accepted by Woolf and Briggs: The applicant must submit a plan for the temporary controls to Wetlands Staff within two weeks for review and the plan must be implemented by the June 2021 meeting of the IWA.

Voting:

For: Choate, Woolf, Briggs, Laramee

Against: None

Abstain: None

## 5. **ADOPTION OF MINUTES:**

### A. **April 28, 2021 – Public Hearing/Special Meeting**

This was held over until the next meeting.

## 6. **CORRESPONDENCE:**

None

## 7. **DISCUSSION:**

Woolf left the meeting.

### A. **Wetlands Agent Appointment – Mindy Gosselin**

Gosselin said she took the DEEP Inland Wetland Training in May 2020 and received the certificate. A motion will formally appoint Gosselin as a Wetlands Agent for the town.

**Motion:** I move the Coventry Inland Wetlands Agency recognizes Melinda Gosselin as a wetlands agent for the Town of Coventry.

By: Briggs

Seconded: Laramée

Voting:

For: Choate, Briggs, Laramée

Against: None

Abstain: None

## **B. Beach Sand – Dr. Kortmann**

Held over until the next meeting.

## **C. Ad Hoc**

### Re: Violation – 89 Flanders Road

Penney said in full disclosure that there was latitude given for the livestock pens to make the job a little easier and there was some tree cutting. In November, Town staff was very explicit in telling Mr. Beebe not to do anything more. Penney was flabbergasted when he visited the property in mid-April. Beebe had stripped the whole area. This is a case of looking for forgiveness rather than getting permission. The IWA cannot let this guy off. Penney will find out from the Land Use office what is owed to them. The temporary ENS controls are important.

### Re: Discussion about in-person meetings

Choate asked to have a discussion about returning to in-person meetings. Penney said the Executive Order allowing virtual meetings has been extended until the end of June. This will allow for an evaluation of how to conduct meetings in the future. The Town Manager and Town Council have not yet provided a policy. Penney said the meetings may be hybridized with virtual and in-person meetings. Applicants could appear in the annex one at a time perhaps. Penney said it will not be until July and August that IWA will be back to meeting together.

## **8. ADJOURNMENT:**

**Motion:** I move the Coventry Inland Wetlands Agency adjourn at 9:34 p.m.

By: Laramée

Seconded: Choate

Voting:

For: Choate, Briggs, Laramée

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.**