

**COVENTRY INLAND WETLANDS AGENCY  
MINUTES  
REGULAR MEETING OF WEDNESDAY, OCTOBER 27, 2021**

By: Woolf

Time: 7:05 p.m.

Place: Hybrid

**1. ROLL CALL:**

		PRESENT	ABSENT
REGULAR MEMBERS:	Martin Briggs	X	
	Suzanne Choate	X	
	Patricia Laramee	X	
	Lori Mathieu, Chairperson - (joined remotely at 7:09 p.m.)	X	
	Thomas Woolf, Vice Chairman - remote	X	
ALTERNATE MEMBERS:	Open		
	Mike Powers		X
STAFF:	Todd Penney, Town Engineer/Wetlands Agent	X	
STAFF:	Mindy Gosselin, Wetlands Agent Assistant	X	

2.

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

No one was present to speak.

**3. OLD BUSINESS:**

**A. Public Hearing (to be opened and continued)**

- 1. #21-24W - Brigham Tavern Road, Winding Brook - Owner: Town of Coventry;  
Agent: Todd Penney - realignment of the stream channel**

The legal notice was read into the record by Penney.

Penney said we are opening and continuing this hearing until the November 17, 2021, meeting due to lack of progress on the project. Mathieu confirmed with Penney that this application remains in the statutory timeframes.

**B. Violation - 89 Flanders Road - Owner: Joshua Beebe - Unpermitted work in the upland review area and wetlands. Violation letter sent on: 5/12/2021**

Gosselin said there is a recap of this matter from the period May - November 2021 including both letters sent to the owner and the email trail from August until the current date. There is also an email from the owner's Soil Scientist Wes Wentworth. Joshua Beebe is present in the Annex this evening. As discussed at the previous IWA meeting and conveyed to Mr. Beebe it expected some progress with removing the tree pile by October 10, 2021. Gosselin went to the site on Monday, October 25, 2021, where she took pictures of the site and shared with the IWA. Woolf said the site looks like it did three months ago. Gosselin read the email from Wes Wentworth for the record which state he will work to delineate the wetlands this week and attend the November IWA meeting. Mathieu said the IWA came to a consensus at the September meeting that remediation was outstanding, the violation was outstanding, a soil scientist has yet to delineate the wetlands, the start of the removal of the tree stockpile was to begin by October 21, 2021, and Mr. Beebe was to attend this meeting with his soil scientist.

Woolf said he read the memos and nothing has been done for the past three months. Mathieu said that is very clear as the site remains the same.

Choate said she is happy to see that Wentworth is engaged although at a later time than expected. It seems like there is some forward movement although the remediation has not met the IWA's timeline.

Laramee said the IWA want this done before November. Winter is coming. When is the remediation going to be done?

Mathieu said one of the point of discussion from the last meeting was the IWA has told Mr. Beebe that the tree pile has to be removed month after month. The email from Wes Wentworth says the property property owner has been holding off until he has the funds. Mathieu hopes to see Wentworth at the November meeting as stated in the email. Things are not financially the best for people these days but the IWA also wants to move this along. The progress is not ideal but is a step in the direction we wish.

Joshua Beebe said Wes Wentworth is willing to keep Gosselin in the loop with dates so it is known that progress is being made and the IWA can be informed of the progress before November 17, 2021.

Mathieu asked if it is wet where the trees are piled? Beebe said no, they're on the gravel bank. Even with the flooding in June the water came only halfway up to the trees. The trees are 12' - 15' from the wetlands; they are not sitting in the wetlands.

Briggs said we are on this commission because we appreciate the resources. We are all busy people. There is lack of progress from the letter sent to the owner in May. Essentially the stipulations have not been fully met. Now we are in a bind six to eight months down the line. The IWA spend substantial time at the last meeting to address this when Beebe was not there. Beebe said he talked to the Land Use office about using a chainsaw to start on the tree

removal. Massive equipment is needed to move that material and when it is not being used elsewhere it can be brought to this property. To rent those machines would cost \$8k per week. Briggs said to Beebe that you did not inherit this problem. You created this problem. Beebe said his intent is to use the wood to heat the house. Briggs said the IWA set the timeframe for you. Briggs sees in his job what terrible shape wetlands are in nationwide because of problems.

Mathieu said the buffer zone from a wetlands is 75' under state regulation. This is the upland review area of a measured wetlands area. In our town the IWA is responsible for enforcing the regulations under state law. All of the members of the IWA are volunteers. What should have done, would have been to get a permit. Penney and Gosselin are the most helpful at the local level to help you to do what you need to do, to do the right thing. Not all Wetland Agents do that. This tree stockpile is on the boundary of the wetlands.

Beebe said he has had great meetings with Town staff. He had worked with the town of Mansfield and they are horrible to work with. Beebe did go to Town Hall and ask if a permit is needed for clearing the land before he did any work.

Penney said to quickly rebut what Beebe said - there was an initial meeting but he was told to bring Staff a plan. Beebe was told back in November not to do any work and then he went ahead did the work. That was the violation. The IWA is going to give you until November 17, 2021, and Wentworth should be done with the flagging by November 8, 2021. If Gosselin does not hear from Wentworth by November 8th she will be calling Wentworth and/or Beebe.

Mathieu said we have reviewed the whole record. When Penney mentioned November that means November of 2020. The IWA expects the wetlands delineation to be done by November 8. Gosselin should hear from Beebe before Wentworth is on site, when Wentworth is on site, and when Wentworth has completed the delineation. IWA expects Beebe and Wentworth to be at the November meeting to talk about the progress. It will not be good if these expectation are not met. The IWA and Wetlands Agent staff are here to protect the wetlands and to get this work done.

Beebe said he understands what the IWA wants done with the tree pile. One reason the work has not been done is the cost of the equipment. Beebe will work on the tree pile to see what can be accomplished by the November IWA meeting and Wentworth will have the delineation.

Mathieu said the IWA recognizes the monetary aspect is difficult but the Agency must enforce the state laws for Coventry. Mathieu appreciates that Beebe has acknowledged the work he has ahead of him. It is best to continuously communicate with Gosselin or Penney for talking through the plan and that they agree with that.

**C. #21-28W - 1585 Main Street - Owner: Town of Coventry; Agent: Todd Penney - Expand Police Department Visitor Parking Area (to be continued)**

Mathieu confirmed with Penney that this application remains in the statutory timeframes.

#### 4. NEW BUSINESS:

##### A. #16-33W Gerald Park Association - Permit extension request

Gosselin said there is an email from Pam Cropley in the packet. Ms. Cropley is present on the Zoom call. The Association received a permit from the IWA and it is set to expire. This was for sand reclamation for the beach at Avery Shores. They are requesting an extension to the permit that is set to expire on 12-14-2021. There are no changes to the proposed scope of work. John Petrovits, Past President of the Association, is also on the Zoom call.

Choate asked if this is an ongoing activity that happens every year? Pamela Cropley, Gerald Park Association member, said the work of sand reclamation has only been done once since 2016. This was a strange year with significant rainfall and lake got very high which pulled more sand into the lake. This would be the best solution per Gosselin. Hopefully, we do this once and not have high water again; we don't this continuously. During the new permit period we may do it twice. As previously, we have to check in with the Wetlands Agent before doing the work.

Mathieu is in favor of approving this extension. Reclaiming sand is a best practice for the lake.

Choate is in favor with the condition that Wetlands Agent staff be notified before the work begins. Laramée agrees.

**Motion:** I move the Coventry Inland Wetlands Agency approves the extension for five years for application #16-33W Gerald Park Association.

By: Woolf

Seconded: Choate

Voting:

For: Woolf, Laramée, Choate, Briggs, Mathieu

Against: None

Abstain: None

Pam Cropley asked who she should work with on this, with how much lead time, and can the work be done on a Saturday? Mathieu said she can work with either Gosselin or Penney. Gosselin said three days notice is fine and if the work is to take place on Saturday she can view to work area on Friday and then again when the work is completed.

##### B. #21-29AR/J - 777 Dunn Road - Applicant: ShyAnne Demers; Owner: Same; Agent: None - Clearing for agriculture/horses within a wetland/upland review area

Gosselin said the applicant is present and she went through what is included in the packet. ShyAnne Demers purchased the property last year from a family member. Previously, the owner kept a couple of goats and a horse. There are wetlands soils behind the house. The project would be in the northern portion of the property. A Soil Scientist delineated this area of about .75 acres.

Mathieu asked about a site map. Choate asked if keeping horses is agricultural. Penney said livestock and horses are considered agricultural uses. Penney is appreciative of the owner coming in before doing anything to ask about the best avenue for the wetlands. The regulations talk about continuous flow saying fill cannot be brought in. It becomes a regulated activity with continuous flow. There is an intermittent watercourse that runs underneath the road. Staff needs to work with the applicant on this matter. A barn can be put in the wetlands because that is an as-of-right use for agriculture. The possible continual flow is the hook. Rich Snarski has to be consulted. Fill staying out of the wetlands flag area could be a condition as-of-right per a conversation with Ken Slater this morning.

Demers said ideally she would want to have a straight fence. She is willing to work with Staff on that portion to have no fill and be used as a rotational turnout. Penney suggested that Demers work on the bullet items and touching base with Rich Snarski to make a definition of the continuous flow. Staff can make a site visit when Snarski is out there. Staff will continue to talk with Ken Slater to meet her needs within the confines of the regulation. Permitting with fill is another whole set of processes and it must be shown why the activity needs to happen with the loss of wetlands; he does not think Demers wants to go that route.

Mathieu said a meeting in the field with Penney and Gosselin to talk through with Demer's desires makes sense. Maybe they can find a compromise when they are on the property. There are items to work together on. It is not a hard no if fill is needed but there is a process to mitigate her impact. The IWA is not a fan of filling wetlands.

**C. #21-30W - 3789 South St. - Applicant: Michelle Pesce; Owner; Same; Agent: None - Renovation/expansion of house and detached garage currently within the URA**

Gosselin said the owner and the architect are on the call. She shared information from the Soil Scientist.

Michelle Pesce said they want to expand the house. This parcel would not be a buildable lot today. They are proposing keeping the footprint of the house behind the front setback and build to the back in the direction of the wetlands. The garage will be torn down and replaced with one that fits better. Their soil scientist gave them a plan for mitigating the impact to the wetlands.

Mathieu said plan calls for the expansion to the existing house, for garage to be removed and replace, remove a shed, and adding in quite a few plantings with appropriate native species. Penney said all the work is in the upland review area. Mathieu said except for maybe planting #3.

Choate said she would like to see consideration for moving the shed closer to the other buildings away from the wetlands. Pesce said there is a fire pit that is a bit of a limitation, to the west is the septic system and the existing well is to the east. Andrew Bushnell proposed the location of the shed.

Choate said this does not appear to be a significant activity and she appreciates the owner cleaning up the garbage. Mathieu said the application - does not warrant a public hearing but there is significant activity in regulated area; it is an interesting proposal. Briggs said this

property would not be buildable today. The owner is working within the constraints imposed by the property.

Penney asked why you can't go to the south? Pesce said because of the well location. Penney said the IWA will need a justification of why building cannot go to the right. You are going to ZBA anyway because you are increasing the non-conformity. This is something to think about as we set a record if you are proposing what you are proposing. Pesce said there is not a great deal of maneuverability because of an outcropping of rock. Penney said those are the types of things the IWA looks at for the record.

Mathieu said the owner should indicate why this have to be within 75' of the wetlands, the size of the garage, and the same thing with the home and the shed. If there are any other mitigation ideas those should be mentioned. How close can you legally get to the well and septic? There are minimal separating distances. It makes sense for the owner to have those explanations and mitigating factors as part of the discussion.

This application will be listed on the November 17, 2021, agenda as an old business matter. The consensus of the IWA is that this does not require a public hearing.

**Motion:** I move the Coventry Inland Wetlands Agency move to agenda item 7.A. at 8:56 p.m. before receiving a new application.

By: Woolf

Seconded: Choate

Voting:

For: Choate, Laramée, Briggs, Woolf, Mathieu

Against: None

Abstain: None

**D. #21-31W – 190 Depot Road, Decew Dam – Owner: Town of Coventry; Agent: Todd Penney – Repair dam outlet structure**

Gosselin read the application into the record.

Penney said the Town received the property in 2013 when Decew faulted on the taxes. The house was demolished and a passive park was built. The property has a dam as a historical mill property. The outlet structure/sluiceway was shown and flows through the Depot Road bridge. Storm Ida eliminated the weir board structure so we have a tough time keeping water in the pond because there is nothing to hold the water in. There is an existing slot in the sluiceway where the new weir boards will be installed. These will hold the water in and allow them to be removed periodically for maintenance. The flow of water will have to be stopped for the work to take place. A coffer dam and silt fence will be installed. There is a sizable hole in the dam right now. The plan is to fill the hole with an aggregate base that is compacted to provide a barrier. It will take a day to construct the coffer dam. The work will probably be done in December before the water freezes. Penney does not feel this is a significant impact; it is more of repair work. This will go to a bidding process.

This matter will be on the November agenda as an old business item.

**5. ADOPTION OF MINUTES:**

**A. September 22, 2021 – Regular Meeting**

**Motion:** I move the Coventry Inland Wetlands Agency approve the meeting minutes of the September 22, 2021, regular meeting.

With the following correction:

Page 4, second paragraph, second sentence - change “6/10ths” to “0.6 feet”.

By: Choate

Seconded: Woolf

Voting:

For: Choate, Laramée, Briggs, Woolf, Mathieu

Against: None

Abstain: None

**6. CORRESPONDENCE:**

None

**7. DISCUSSION:**

**A. 1572 Boston Turnpike - Preliminary Discussion**

Gosselin provided the email narrative and potential options for the site plan. She has had conversations with Bill Doyle and others. This would be a new building and parking next to the Dollar General. There has been a preliminary discussion with the PZC and the proposal may require a regulation amendment.

Phil Doyle was present. He said he has an office of land planners in Simsbury. While looking at this property he has been speaking with Eric Trott for use as a medical office. Dr. Jenkins has been looking to expand his business. He started looking for new properties at the end of 2019 before COVID-19 slowed everything down. This parcel is commercially zoned and it is small which makes it hard to deal with. An application has been filed with PZC to modify zoning regulations for small properties. In the meantime, Trott suggested coming before the IWA to get some early feedback. A survey has been done of the property. A Soil Scientist, Kate Bednarz, has done a survey. The identified wetlands have been flagged. These take up 1/5th - 1/6th of the property. There is a blue house and garage on the property along with a stone wall. Coventry Brook flows nearby off of this property. Testing has been done to see if is developable for a commercial use. Coventry does have a history of poor soils.

The proposed location of the septic system is 80' or so from the wetlands. The parking lot

will be biased toward the property line with Dollar General. The medical office will be toward the front of the site and 40' from the inland wetland. Five or six of the parking spots will be in the upland review area. Water will discharge to Route 44 with a plunge pool outside of the wetlands but within the upland review area. The proposed zoning amendment is to change the front yard setback of 50'. The team has looked at many design options keeping in mind the wetland and zoning regulations and the design guidelines. The building is proposed to be 6,500 sq. feet which is the maximum the site can hold. The team has settled on a plan to stay as far away from the wetlands as possible. All this work has been done with the doctor buying the property without approvals; he understands what the risks are.

Mathieu said it is good to have this conversation and have in the record the number of options that were looked at. Kate Bednarz is with Freshwater Wetland Services. Bednarz was at this site in April 2020 and last Saturday. Bednarz said it is interesting about this property is that the wetlands are entirely on the east side of the stone wall. The wall serves a good purpose. The wetlands is performing well. The stone wall can be used as a natural maintenance boundary. The proposed plan will not change the wetlands or improve the wetlands and the aesthetics. She feels the chosen option is the best for the wetlands. Dollar General is going to the catch basin in front of the store and daylighting before Coventry Brook. Penney said this property could tie into the state drainage that may be a favorable option.

Doyle said water does not go directly to the road; the Dollar General may have intrinsically drained toward Route 44. Water at the top part of the property parallels the stone wall. The proposed plan is to have a vortex unit and then to a detention system. At the discharge there will be a natural area for the water to come out and settle, then go through level spreader, and then the wall itself. The septic system for the house has been there for years with various septic failures and repairs. That part of the property has groundwater. This plan calls for developing a new septic system which would be a major improvement from the existing septic system.

Choate said she feels the plan is moving into the right direction with it moving further away from the wetlands, containing the stormwater increase, and the treatment at the outfall.

Mathieu asked from a traffic safety viewpoint is the number of outlets in the area even allowed to a busy road? The area could get very complicated traffic-wise. Will there need to be some road widening here in the future? Mathieu is concerned about putting a building so close to the road. Penney said they will need to provide a traffic impact statement. There are wide shoulders in the area that were put in with the commercial development of the CVS plaza. It is the applicant's responsibility to say this is a safe egress. Mike Sherman is the Civil Engineer on the project. The building is not in the traffic sight lines. A medical office is not a major traffic generator. This plan is the best option from a wetlands perspective although there might need to be additional improvements. Mathieu is not wild about the building being so close to the roadway. Questions she has are - can the building be moved back from the road, have less parking spaces, share parking with Dollar General, does the building have to be this size, does it have to be square, can the drainage system of Dollar General be shared? There is a lot of disturbance in the regulated area. This is a major wetlands corridor with Coventry Brook nearby.

Doyle said he is glad Mathieu is voicing her thoughts. The Dollar General is 6' - 8' higher

than the developable portion of this site. He suspects this property is never going to share parking with Dollar General. The number of parking spaces needed is based on the size of the building. The medical program drives the size of the building. Only way to get a reaction from CT DOT, per the Town Planner, is to talk to CT DOT before the application is made to see if they are comfortable with driveway location.

Briggs said Coventry Brook seems to be in great shape and it will be kept that way in the plan. Plans for the property ups the ante for keeping it that way.

## **B. Spill on Barbara Drive - Update**

Gosselin said some catch basins have some chip seal on them. Gosselin visited the roads that have recently been chip sealed to record which basins need to be replaced because of the spill. This report was given to DPW and emailed to the IWA members. Also included is the email thread from the homeowner who joined the last meeting. The report also indicates what will happen in the future when any chip sealing is done.

Choate confirmed with Gosselin that the grates that have material on them will be replaced. Gosselin said Eric Thomas emailed her with his concerns which were similar to the Member's. Gosselin did go out to the ponds in the area and did not see long-lasting effects. Gosselin is working with DPW to get the grate replacements and fully document the issue for the Town and the contractor's purposes.

Penney said Bill is meeting with the Gorman Bros. about this matter. The town has not paid them yet. They will be replacing some of the grates, try to clean off some, and vacuum out the catch basins. Going forward Coventry needs to be do a better job of overseeing our contractors. The town needs to have personnel on board, working and watching the job, such as making sure the proper covers are used on the grates. Until the damaged grates are replaced the contractor will not get paid. Nathan Hale Drive, Upton Drive, and South Street Extension area also has ten grates that were affected. Gosselin has not yet visited Gardener Tavern and Cooper Lane.

Mathieu said this is a blatant, irresponsible practice. What would we do if a homeowner caused the damage? Mathieu is interested in Eric Thomas' email. Penney said Thomas was responding as a steward of Coventry's Open Spaces. Mathieu said this kind of practice may go on in other towns. Is it a reportable offense to CT DEEP? Penney said he does not know but will inquire. If it is reportable Gosselin will submit a report. Mathieu said she knows that significant environmental hazards to have to be reported. This practice has to end. If we don't take additional action how are they going to do better? There is not enough staff to oversee contractors who should know how to properly protect the grates and catch basins.

## **C. Beach Sand - Update**

Gosselin contacted Bob Kortmann who provided more resources on this matter. These will be posted on the Town's website. Dr. Kortmann is willing to do a workshop on this in the form of a special meeting and he'd rather this be in person than virtually.

#### **D. UConn stormwater Corps presentation**

Gosselin said this is from a course UConn is running that teaches undergraduates stormwater mitigation techniques. Penney got us on the list to be one of the test subjects. The focus of the project was of helping to reduce runoff on municipal land. The presentation provided a list of properties that could be good candidates with mitigation being mostly in the form of rain gardens. Gosselin will send the 30-page presentation to the Members. The focus of the class is to design a plan and give that to the town. The town decides if they want to do anything suggesting. Penney said this is a very high level look at stormwater management. It is a great tool and UConn is a great resource to have a relationship with.

#### **8. ADJOURNMENT:**

Mathieu adjourned the meeting at 10:15 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.**