

**COVENTRY INLAND WETLANDS AGENCY  
MINUTES  
REGULAR MEETING OF WEDNESDAY, FEBRUARY 23, 2022**

By: Choate

Time: 7:08 p.m.

Place: Hybrid

**1. ROLL CALL:**

		PRESENT	ABSENT
REGULAR MEMBERS:	Martin Briggs (arrived at 8:12pm), remote	X	
	Suzanne Choate	X	
	Patricia Laramee, remote	X	
	Lori Mathieu, Chairperson (arrived at 7:08pm)	X	
	Becca Norman, remote	X	
ALTERNATE MEMBERS:	Open		
	Mike Powers, remote	X	
STAFF:	Todd Penney, Town Engineer/Wetlands Agent	X	
STAFF:	Mindy Gosselin, Wetlands Agent Assistant	X	
STAFF:	Heidi Leech, Land Use Permit Tech/ Sub. Recording Clerk	X	

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

No one was present to speak.

**3. OLD BUSINESS:**

- A. #21-26W – 325 Main Street, Town Softball Field – Owner: John Elsesser: Town of Coventry; Agent: Todd Penney, PE – grading, minor storm water management, and erosion and sediment controls to support the construction of a town softball field**

Gosselin went over her memo dated February 10, 2022, which was provided to the Agency. Gosselin requested a summary of current conditions of the site. Trash was

noted on a site visit with Penney. She recommended modifications to the proposed plan including a vegetative buffer and 20-foot setback from contour 282 and perimeter demarcation. Full-sized copies of the proposed plans were provided to the Agency.

Penney explained that the current use of the property is industrial, the Town's Transfer Stations, the proposed use is Recreational, Coventry Softball fields. He and Gosselin conducted a site visit of the current transfer station and were disappointed at the conditions they found. A significant amount of trash has accumulated on the ground both in the upland review area and in the wetlands. They also found a safety rail in disrepair and block retaining wall that is falling down. Photos were shared with the Agency. Penney sent an email to the Director of Public Works and the Town Manager to share his findings and express his concerns and disappointment. Penney, Public Works Director Bill Watkins, and the Town Manager will be meeting soon to begin to address these problems.

The new softball field will go where the retaining wall is now. It will be regraded to be softer and will go to a natural woodland buffer to protect the wetlands, a complete 180 degree change from the state it is in currently. There will be about 160' of split rail fence, space for two sets of bleachers, bituminous sidewalk, a small area of grass and the fence/demarcation placard area. Based on the memo from Gosselin, the fence was modified and understory growth included. Penney asked if there were any questions.

Mathieu asked when the trash would be picked up. Penney said he has not yet received a response to his email but that Watkins had just gotten back from vacation yesterday so he expected to get a response and set up a meeting soon. Mathieu said she would like a memo with a plan showing accountability. The Town should be a shining example of a steward for the land and wetlands. This is disappointing. Penney agrees and says he's hoping that by moving the transfer station up the DPW Facility there will be more accountability. Laramie said she couldn't believe how bad it was. Mathieu was upset the trash is into the wetlands. Penney said the new recreational use is much different than the current industrial use. Norman asked who will be responsible for cleaning up the garbage. Penney said there are some safety concerns due to the wall falling down and broken safety rail, but it will ultimately be DPW staff.

Mathieu asked how many square feet of green space is in the new plan. Penney said 3401 square feet. He also said that it moves a lot of infrastructure away from the wetlands. Mathieu asked where the parking stormwater is going. Penney said into a raingarden and riprap area in the conservation area. He said he doesn't expect it to ever be overrun in a rain event. Mathieu asked if the field will be turf or grass. Penney said grass. Mathieu asked about fertilizers. Penney said they would use the same organic fertilizer used on other Town/School/Rec properties.

Choate asked Gosselin to read the 4 recommendations suggested in her memo as conditions of approval for this application. Gosselin read the following:

1. Hold a preconstruction meeting with the applicant and any other subcontractors prior to the start of activities to review construction sequencing.

2. Inspection erosion and sedimentation control prior to the soil disturbances, except for what is necessary to install said measures
3. The applicant/owner shall submit to the Wetlands Agent a proof of inspection for each storm water mitigation feature once a year in the spring on a form to be provided by the Town of Coventry Wetlands Staff.
4. Additional erosion and sedimentation controls maybe required as site conditions/weather warrant by the Wetlands Agent staff.

\*\*\* Mathieu Seated Powers for Briggs

**Motion:** I move to approve #21-26W – 325 Main Street, Town Softball Field – Owner: John Elsesser; Town of Coventry; Agent: Todd Penney, PE – grading, minor storm water management, and erosion and sediment controls to support the construction of a town softball field

With the 4 conditions as specified in the memo from Wetlands Agent, Mindy Gosselin dated February 10, 2022.

By: Choate

Second: Norman

Comments: Choate said that it improves the area so much from what it is now. She likes the fence and the vegetative buffer. Norman said she likes the raingarden and the cleaning up of the trash.

Voting:

For: Choate, Mathieu, Norman, Powers

Against: None

Abstain: None

**B. #22-04W – Pucker Street R05313 – Applicant Jesse Clarke; Owner: Same; Agent: Andrew Bushnell – Install gravel driveway and culvert**

Andrew Bushnell and Jesse Clarke are present to discuss the application. Bushnell said the application is for a wetlands crossing and gravel access road in order to access a field for agricultural use and the other half of the property for future use. There is an intermittent watercourse that bisects the entire property. The location of the proposed crossing is the narrowest part so it would cause the least disturbance. Rick Zulick, Soil Scientist came out and flagged the wetlands and provided a memo to the Agency. Bushnell said the proposal is to grade the bank 3 to 1, gravel and allow scrub to regrow. Thornton Brook is a 25/30 acre watershed north of the property. The intermittent watercourse traverses the entire property. The proposed location is the narrowest point which allows for the least disturbance. They are currently working on a hydraulics analysis.

Mathieu noted that the site plan doesn't show the entire site and asked if there are other wetlands on the site. There are two ponds as well. She asked Penney if it was strange to be presented with a site plan that doesn't show the whole site or what the

future plan is for the property. Penney said this is not how it is typically done though it's not illegal to submit an application this way. Penney said the applicant already put in an 18-20 foot wide gravel driveway without permits. He was issued a Cease and Desist order. So now we're in the information gathering stage. Mr. Clarke isn't quite sure his long-term plans yet. The use changes, it might not be strictly agricultural use if a residence is proposed. Lots of things need to be reviewed. The soil scientist is still working on it. There is no concept plan with the application. Penney said he can't recall ever receiving an application for just a driveway. Penney asked, is the loss of wetlands for the driveway a *significant impact activity*? If it is deemed of significant impact, it requires a public hearing no later than 65 days after receipt of the application so a determination needs to be made at this meeting. How much loss of wetlands has occurred/is proposed? Is that loss of wetlands to the corridor of significant impact?

Choate asked if vehicles are currently being driven through the wetlands. Clarke said the farmer who hays the property currently drives through there to access the fields. Choate points out on the last page of the soil scientist's memo that it says the watercourse would warrant "significant protective measures."

Gosselin went over her memo dated February 2, 2022. She shared her site visit photos and pointed out that the field located wetlands extend beyond the stream and ponds.

Choate asked for the definition of "significant impact activity" for the record.

Gosselin read the definition of Significant Impact Activity from page 6 of the Town of Coventry Inland Wetland Watercourse Regulations.

**ff. "Significant impact activity"** means any activity, including, but not limited to, the following activities which may have a major effect:

- i. Any activity involving deposition or removal of material which will or may have a major effect or significant impact on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed.
- ii. Any activity which substantially changes the natural channel or may inhibit the natural dynamics of a watercourse system.
- iii. Any activity which substantially diminishes the natural capacity of an inland wetland or watercourse to support aquatic, plant or animal life or habitats; prevent flooding; supply water; assimilate waste; facilitate drainage; provide recreation or open space; or perform other functions.
- iv. Any activity which is likely to cause or has the potential to cause substantial turbidity, siltation or sedimentation in a wetland or watercourse.
- v. Any activity which causes a substantial diminution of flow of a natural watercourse or groundwater levels of the regulated area.

vi. Any activity which is likely to cause or has the potential to cause pollution of a wetland or watercourse.

vii. Any activity which damages or destroys unique wetland or watercourse areas or such areas having demonstrable scientific or educational value.

Mathieu asked Bushnell if he thought that it was a significant impact. Bushnell said that long-term he didn't think so. He said that once it's stabilized, he didn't think so. Done properly, with proper erosion control, during the dry season to minimize the short-term impact, he doesn't view it as a significant impact. Gosselin said that it can always be a condition of approval that the work be done during the dry season, if approved. Bushnell said that it is pretty narrow at the proposed crossing. They could always install a diversion. Choate's only thought as far as if it's significant would be the changing of the channel. Disturbance may have already happened from the farmer driving through the wetlands. Powers said that the culvert will reestablish the hydraulic connection and will clean up with silt/mess and doesn't seem to have a significant impact. Penney stated that there was a loss of 3,850 square feet of wetlands by installation of the unpermitted driveway. Mathieu noted the comment on the Soil Scientist's letter about creating a greatly improved crossing at flagged wetlands # WB13 , WB14 and WB 22 – WB25.

Choate asked if the Agency can say the applicant has to include mitigation without the designation of significant impact. Penney said that because of the 45 day requirement for a public hearing the designation of significant impact needs to be decided.

Mathieu asked Penney to read line the definition of Significant Impact Activity – FF.i:

*"Any activity involving deposition or removal of material which will or may have a major effect or significant impact on the wetland or watercourse or on wetlands or watercourses outside the area for which the activity is proposed."*

Mathieu said that that is impossible to say based on that language. Her issue is that we don't know what's coming next. What are the plans for the property? It would be nice to see a plan for the full 64 acres showing all of the wetlands. We don't know what will be coming in the future so we're only able to judge what's in front of us. Clarke says that the two farms ponds box it in. That is the only spot for the crossing.

Choate said that as they see the application now it appears to be a significant impact activity. Mathieu agrees. The consensus among the members is that this application is of significant impact and should require a public hearing. The public hearing will be set for the March 23<sup>rd</sup>, 2022 meeting at 7pm.

Penney told Mr. Clarke to plan to have his agents, his Engineer and Soil Scientist attend the Public Hearing. They should go over Staff comments and look at options for mitigation for the loss of the 3,850 square feet of wetlands.

\*\*\* Powers unseated. Briggs seated.

#### 4. NEW BUSINESS:

- A. **#22-07W – 430 Talcott Hill Road** – Applicant: Andrew Bushnell; Owner: Robert Kortmann; Agent: None – Subdivision with wetlands and work within the upland review area.

Andrew Bushnell and Dr. Kortmann were present to explain the proposed subdivision. Bushnell explained that the proposal is for one additional lot for a new home for Dr. Kortmann and his wife. The existing house would be for their son. John Ianni, Soil Scientist field located and flagged the wetlands. The plan is to realign an existing swale, rip-rap plunge pool and grading in the regulated area to allow for septic area for the new house. 2,162 square feet of regulated area would be disturbed. To mitigate the disturbance Dr. Kortmann intends to use plantings, raingardens and invasive plant management. Dr. Kortmann said the Town put in the swale from Talcott Hill Road. There is Japanese Knotweed and Barberry invasives in the wetland and upland review area which, if left unmanaged, would totally take over the wetland. He wants to add coverage and forage plantings. He said the wetland is .27 acres and the plantings would be an enhancement to the wetlands.

Choate asked Staff if this needs a public hearing because it's a subdivision. Penney said this is just a one lot resubdivision. It will be accepted at this meeting and moved on to the next as old business. If members decide that it is of significant impact they will have the right to call a public hearing, but it does not require a public hearing just because it is a subdivision. Mathieu asked if any members had questions or comments. Norman said she found the application well thought-out and that was appreciated. Laramee and Powers agreed. The application will be heard at the March meeting as Old Business.

- B. **#22-08NJ – 445 Goose Lane** – Applicant: Andrew Bushnell; Owner: Zachary Studenroth; Agent: None – 2-lot subdivision with wetlands on the parcels.

Andrew Bushnell was present to explain that they are seeking a non-jurisdictional ruling for a two-lot subdivision with wetlands on the parcel but no proposed disturbance in the wetlands or upland review area. A Conservation Easement is to be placed on the wetlands to the side of the property along the Skungamaug Golf Course.

Gosselin said that she walked the site with Penney and Bushnell. Penney was looking to see if there was a better location for the driveway but did not find one. After reviewing the site plan and discussing with Staff and Bushnell, Mathieu took a formal poll of members. The consensus of the Agency is that the Inland Wetlands Agency has No Jurisdiction.

- C. **#22-09W – 1572 Boston Turnpike** – Applicant: Phil Doyle; Owner: Dr. Damon Jenkins (XS Realty Holdings, LLC); Agent: LADA, P.C. – Construction of a 6,500 sq. ft. dental office within the upland review area

Terri-Ann Hahn of LADA explained that Dr. Damon Jenkins, a dentist whose practice is currently on South Street is looking to relocate his practice to this location which is just east of Dollar General. There is currently an old house, garage, and sheds on the property and invasive species and a failing septic system within the upland review. Test pits were done and there is only one place that is suitable for a new septic system which became the regulating factor in designing the site plan. There is a stonewall to the east of the property which separates the past use from the new use and will also act as a filter to the wetlands. They are not proposing any disturbance within the wetlands. Dr. Jenkins is proposing a 6500 square foot dental office. They went to the Planning and Zoning Commission and got a regulation change due to the constraints from the septic, regrading and reconfiguring but no new disturbance. Out of the 22,850 square foot upland review area, 10,000 square feet will be disturbed. They will not be removing any trees along the border, adding trees. Mathieu asked how much of the building is in the upland review area. Hahn replied 1,312 square feet.

Mathieu says she sees this as being Significant Impact Activity and feels it should have a public hearing. The building and parking area are in the upland review area and really close to the wetlands and adding pavement, there's a high risk of accidents and spills. Choate and Norman agree. Mathieu asked where gas and oil would go if there is a spill. Penney said they are putting in a storage unit that would catch some depending on the capacity and spill amount. That would need to be looked at.

Mathieu said this application will be put to a public hearing at the March 23, 2022 meeting at 7pm.

**D. #22-10W – 105 John Hand Drive – Applicant: Kelly Hunt; Owner: Kelly and Geoff Hunt; Agent: None – Demo and Rebuild/Expand Single Family Residence on Coventry Lake**

Andrew Bushnell was present. He explained that the proposal is to demo the existing home and build a new home closer to the lake. Mathieu asked what the existing square footage of the home is and what's proposed. Bushnell said 550 square feet existing and 2,550 is proposed. He said the mitigation strategy for the stormwater is to grab the first inch of rainwater from the entire roof structure and send it to an infiltrator and to put in a permeable paver driveway. Mathieu asked what the lot coverage is. Bushnell said the existing is 16.5% and the proposed will remain at 16.5% which they are grandfathered in for. Mathieu asked why they need to move the house closer to the lake. Bushnell said that it's because of the odd triangle shape of the lot in order to fit the house more closely in the setbacks. He said that they will be executing a lot line modification due to a property line dispute issue with a previous owner. It will be an even swap of 538 square feet. He also said that they intend to maintain the dogwood, mountain laurel and oak trees as much as possible. Mathieu said that she thinks this house is moving too close to the edge of the lake, it's out of the question. She'd like to see it moved further off the lake and downsized and bit. She feels we're squeezing these houses on these lots and that was never the intention of the sewers. It's not doing anything for the quality of the waters of the lake. Preserving the land itself is important on the lake.

Penney said that we are just receiving this application today. He told Bushnell to tell the applicants to plan to attend the next meeting and be prepared to justify the specifics of their application.

**E. #22-11W – Main Street (Vicinity of 45 Birch Bend Road), Sidewalks – Applicant: Town of Coventry; Owner: Same; Agent: Todd Penney, PE – construction of a sidewalk in the right-of-way to improve pedestrian safety**

Todd Penney, Town Engineer was present. He explained that the Town's longtime goal has been to have sidewalks all the way around the lake. Currently there are sidewalks From Ripley Hill Rd/past the Town Hall, down the hill to Lake Street to South Street to the roundabout. This new sidewalk project will extend the Main Street sidewalk project from Ripley Hill Road in the other direction down Main Street past Lisicke Beach to Daly Road. There is another project in the works to extend from the roundabout on South Street sown to the Hale Homestead. The only missing loop in the big goal will be from Daly Road to the roundabout on South Street.

The Town submitted a LOTCIP Grant application and received funding for this pedestrian access project. The only area of upland review area is near Hemlock Point/Main Street. In order to maintain pedestrian safety, they are looking at a 4-foot paved shoulder, 5-1/2 foot sidewalk and 4-foot snow shoulder. Penney said there would be 5.050 square feet of upland review area disturbance. They would be looking to possibly plant a couple of trees to help the canopy of the wetland within the Town's right-of-way. He is currently working on and E&S narrative. CT SHPO was involved and had to dig test holes because the area around the Daniel Rust House was identified as a possible location of native artifacts. A piece of an arrowhead was found outside of the work area. Mathieu asked if the sidewalk surface would be pavement or pervious. Penney said generally it would be bituminous but due to the historic nature of the Daniel Rust House, a different surface would be used in front of there. All of the water pitches away from the wetlands.

This application is continued to the March 23, 2022 meeting.

**5. ENFORCEMENT:**

**A. 89 Flanders Road** – Gosselin shared photos of her recent site visit. She said Beebe needs to do site stabilization during the growing season but because the ground is frozen it's not practical to do currently. Beebe had a large amount of dirt delivered. He has plans to have more delivered and moved to an area outside the upland review area. He is not opposed to installing silt fence around the dirt pile. Gosselin told Beebe to contact her within a day of doing anything Wes Wentworth told him to do. Josh expects to have the site stabilized and have an As of Right application in by the April IWA meeting.

**B. 162 Grant Hill Road** – Gosselin said that Rick Zulick, Soil Scientist is going to reflag the wetlands at the property to see if any changes have occurred since the activity but due to the season he is unable to currently drill to do it. He is hoping to have it

done for the April meeting. Mathieu asked when the violation was issued. Penney explained that it wasn't a formal violation but that it came into the Land Use Department as a complaint after a large event after Labor Day. Mathieu said they have had a lot of time to fix the problem. Penney said pulled together information from the Williams Subdivision. We gathered up information and had a meeting around Halloween. The owner hired a soil scientist and engineer since then, but not much more progress has happened. She said to tell the owners that the Agency wants there to be an explanation of this facility, its use, its frequency of use and its impact on the wetlands. Mathieu wants someone to come to the March 23, 2022 meeting to explain themselves. It doesn't have to be the engineer, but someone needs to come in and speak to the Agency. Penney said that there is a sediment basin in place and clean water is flowing. Mathieu said she wants a start of an explanation of what will be done to remedy the violation. What will you do? When will you do it? Why did you do it? Did you know what you were doing?

- C. **289 Wrights Mill Rd** – Richie Pleasant was on the call earlier but is not on the call now. It is now 10:05 p.m. so perhaps he had to go earlier. Gosselin said that Rick Zulick, soil scientist went out to the site which has a partially existing farm road. The Town had gone through and redone the apron. Pleasant continued the driveway, an existing partial farm road, in a seasonal wetland, an existing bar-way off of Wrights Mill Road. In the springtime Rick Zulick will go back and auger to identify the wetlands. Mathieu says, like the other enforcement matters, she wants him to come in to the March 23, 2022 meeting to discuss.

## 6. ADOPTION OF MINUTES:

### A. **December 15, 2021 – Regular Meeting**

**Motion:** I move to approve the minutes of the December 15, 2021 meeting.

By: Choate

Seconded: Laramée

Voting:

For: Laramée, Choate

Against: None

Abstain: Briggs, Mathieu, Norman

### B. **January 26, 2022 – Regular Meeting**

**Motion:** I move to approve the minutes of the January 26, 2022 meeting with the following correction – Page 6, Paragraph 4 – correct ENS to E&S.

By: Choate

Seconded: Briggs

Voting:

For: Choate, Mathieu, Briggs, Norman



new enforcement regulations in August 2021 that took 10 years to enact. Mathieu suggested checking with CACIWC to see if they have any advice. Penney suggested asking Ken Slater. Gosselin said she liked East Windsor because it has fees and really breaks it down. Penney said fees would require an ordinance. Penney mentioned how Wetlands/Zoning Staff has recently been under the microscope from the Town Council Steering Committee after they received criticism regarding enforcement. Mathieu said she welcomed the Council to come sit here at the table with the Agency to talk to us about this and see the struggle that we face to do enforcement when the people don't come to meetings or make progress in a timely fashion. She feels that we have very strong, very capable staff in the office and it's not easy to sit at this table and make progress with enforcement. She welcomes anyone who would come here to discuss it. She asks if the council would be supportive of an ordinance to charge fees for enforcement.

## **9. ADJOURNMENT:**

**Meeting adjourned by Mathieu at 10:35pm.**

Respectfully Submitted,

*Heidi A. Leech*

Heidi A. Leech, Land Use Permit Technician/Substitute Recording 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.**