

**COVENTRY INLAND WETLANDS AGENCY  
MINUTES  
REGULAR MEETING OF WEDNESDAY, SEPTEMBER 28, 2022  
TOWN HALL ANNEX AND ZOOM TELECONFERENCING**

By: Laramée

Time: 7:03 p.m.

Place: Hybrid

**1. ROLL CALL:**

		PRESENT	ABSENT
REGULAR MEMBERS:	Martin Briggs - Remote	X	
	Patricia Laramée	X	
	Lori Mathieu, Chairperson – Arrived at 7:05 PM	X	
	VACANT		
	VACANT		
ALTERNATE MEMBERS:	VACANT		
	Mike Powers	X	
STAFF:	Todd Penney, Town Engineer/Wetlands Agent - Remote	X	
	Mindy Gosselin, Wetlands Agent	X	
	Heidi Leech, Land Use Permit Technician, Substitute Recording Clerk	X	

Mike Powers was seated as an acting member.

**2. AUDIENCE OF CITIZENS:** No one was present to speak on non-agenda items.

**3. ENFORCEMENT: (Actually heard after 4C)**

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

Owner Joshua Beebe and employee, Samantha Sanborn, were present. Gosselin gave the Agency a status update. She provided the Agency with an email follow-up from between her, Eric Trott

and Beebe, and photos after a successful site visit was conducted in September 8, 2022. Gosselin said that Beebe was requested to attend tonight's meeting and thanked him for being there.

Gosselin said that since this is both a Residential and Commercial property, Beebe is going to have to go to PZC to legitimize the Commercial use. Zoning is requiring an A-2 Survey of the property with certain requirements. Wetlands is adding on to the Zoning requirements and requesting three additional items on the survey – 1: Wetland Flagging Delineation, 2: Depicting the 75-foot Upland Review Area and 3: All Site Disturbances within the 75-foot Upland Review Area.

Gosselin noted that as of the September site visit, there is improvement in site stabilization since her last site visit in February 2022. There is some grass growing but Wetlands is requesting additional seeding. There is a 90-day timeframe for the request for Site Plan preparation from Zoning so we are hoping the Wetlands permitting process will start sometime in December. At that time the Agency will have the site plan to review and will decide whether it's an As-of-Right or Regulated Activity permit that will be required.

Gosselin brought up the site visit photos from February 2022 and September 2022 to show the side by side comparisons. Some grass has grown but more should be seeded to additionally stabilize the site. Mathieu asked if the wetlands started at the edge of the tree line. Gosselin brought up an aerial photo with GPS wetlands points to show the edge of the wetlands. She said the area where the tree stockpile had previously been was in the Upland Review Area. Members noted significant improvement since the last site visit.

Gosselin asked Beebe if they would be able to put down seed again in the area she identified. Beebe and Sanborn said they both were surprised any grass grew there at all but it did but they will try again. He said they covered it in straw and used drought-resistant seed this summer but it will never look like a golf course. Mathieu said it doesn't need to.

Beebe said that he thinks once the weeds get established it will stabilize the ground. He said he could put down winter rye and keep throwing stuff down on top. Beebe said a perennial rye grass mix with winter rye might be a good mix. Mathieu asked Gosselin what she thought would be a good mix to put down. Gosselin said we could ask Wes Wentworth his opinion since he will be working with Beebe on the site anyway.

Gosselin said the plan is to work with Beebe to decide what route to take to application makes the most sense once the Agency has eyes on the A-2 survey with the wetlands requirements. Beebe asked if that was just with Eric Trott. Gosselin said no, he would go to the IWA first.

Mathieu asked if there were any questions or comments from members.

Briggs said that Beebe is correct, he was actually going to suggest rye grass to stabilize the bank and hold for the winter then reengage in the spring. Briggs said it's great to see the stumps out of there and everything looking better. Beebe agrees.

Mathieu thanked Beebe for being there. Beebe said he doesn't mind doing it, he just needs time to get it straightened out. His goal was always to make it look better, he just needed time. Mathieu just asked Beebe to keep in touch. She said its better when we all work together. Let's write everything down so nothing is confusing and keep communicating. It's reestablished so let's keep communicating. Communication is key.

Beebe asked if Gosselin was going to come out with the GPS to shoot the wetlands points again for the new site plan. She said no, that's something that will be included on the new plan created by the Land Surveyor along with all the other information requested by Zoning. She said that she and/or Eric Trott could speak to Beebe's Land Surveyor to make sure the expectations are clear.

Beebe said that some of the Surveyors he spoke to for quotes wanted to do four separate surveys Residential/Commercial/Wetlands/Agricultural of the property for four times the cost. Some wanted extra to put wetlands on it. Gosselin said she touched base with Trott about the survey and only the Commercial Improvements should be required on the plan. If there are any questions about the Zoning Requirements, Eric Trott can talk to the Surveyor about them. Beebe said he's getting some quotes from different surveyors right now.

Mathieu asked if there were any other questions or comments. There were none. Beebe will be back, likely in December.

#### **4. NEW BUSINESS:**

- a. #22-45W – 323 Woodland Rd – Applicant/Owner: David Gentile; Agent: Evie Delaney, Juliano's Pools and Andrew Bushnell, Bushnell Associates, LLC – Install 20' x 34' inground pool and patio in the Coventry Lake upland review area.**

Andrew Bushnell and David Gentile were present. Bushnell spoke and went over the proposed plan. The plan shows the existing and proposed improvements from the house down to the lake. Most of the pool is within the 150' buffer from the lake. They are proposing a 500 square foot pool and 500 square foot patio of permeable pavers, stone landscaping buffer and retaining wall before the required pool fencing. They will also provide a mulch buffer and landscaping between the pool and the lake. The pool is 125' from the high water line, 25' in the buffer. The area is currently mostly open grass.

Mathieu asked if the house was new. Bushnell said it was built in 2011 as part of a subdivision. Gosselin noted that unlike most lake-front lots, it is not LR Zone. This is in the GR-40 Zone which allows for up to 20% lot coverage. Mathieu asked why the zone was different and the lot size. Bushnell said 2.37 acres. He said he believes the lots in the subdivision and that section of the lake are zoned GR-40 because they are significantly larger lots.

Gosselin said that this application is just being accepted tonight. Mathieu asked what mitigation was proposed. Bushnell said that the use of permeable pavers, vegetative buffers and stone buffer were being proposed.

Powers asked if materials were being taken out with a tri-axle, was there room to get around the propane tank. Mr. Gentile said yes there is room but the intention is to use a small excavator and leave the truck up and the top of the property.

There were no other questions from the Agency. Gosselin said that they would provide a memo with comments to the Applicant and see them at the October 26<sup>th</sup> meeting.

**b. #22-49W – 202 Avery Shores – Applicant: Zachary Caldwell, Thomas Construction, LLC; Owners: Kevin and Karen Ryan – Lake retaining wall construction and property grading on Coventry Lake.**

Zach Caldwell and Kevin and Karen Ryan were present to discuss the application. Caldwell said they are proposing retaining wall and drainage work. The current retaining wall is failing at the line between the lawn and the beach. The existing drainage system was done with pipe that is too small. The lawn is holding water and backing up into the house. They are proposing to add a 4" skirt drain around the foundation, regrade and replace the retaining wall with rebar and a footing, no real changes. Caldwell said he thinks the original drainage work was probably done with 2" pipe and it needs 4" pipe. He said the work should all be able to be done off the beach using a dump and mini excavator. Silt fence will be installed. He said the work is pretty straightforward but in the review area so they are here presenting. They are hoping by regrading they can eliminate the need for the sump pump in the house.

Mathieu asked the Agency if they had any questions. There were none. She said this was a pretty straightforward application. She asked Caldwell if he expected any erosion. He said no.

Gosselin said that the Ryans also received a Minimal Impact Permit for a deck replacement. The site work will be coordinated between the two contractors. The application cannot be acted on until the next meeting so is received. The applicant will be back at the October meeting.

**c. #22-53W – 425 Ripley Hill Rd – Applicant: Coventry Dept. of Public Works; Owner: Town of Coventry – Wetland channel maintenance for drainage.**

Mindy Gosselin, Wetlands Agent presented the application on behalf of the Town of Coventry. She said that the property owner of 425 Ripley Hill Road recently received a Non-jurisdictional ruling for invasive cattail removal. The Town's drainage easement is just upgradient to that. In 2012 the Town received permit 12-21W which expired on 9/26/2022 for a drainage swale. That swale is now totally overgrown. Gosselin shared pictures of the site showing that it is completely overgrown. There has been no maintenance in ten years. The Town now needs a new permit. They are proposing to clean out the plunge pool, excavate accumulated debris in the check dams and reestablish 4-6" of riprap. DPW plans to mow between this meeting and the next meeting so we hope to have better pictures by the next meeting and hopefully someone from DPW will be here to discuss.

Mathieu asked if the original idea was for there to be maintenance on the Stormwater structures. Gosselin said yes. The application is accepted for the next meeting.

**5. OLD BUSINESS: (Actual order of business was 5C, 5A, 5B)**

**a. #22-43W – Rolling Woods Subdivision Open Space – Applicant/Agent: Eric Thomas – Protected Open Spaces Committee; Owner: Town of Coventry – Installation of three low profile bog bridges for recreational use on Town Open Space.**

Eric Thomas, Chair of the Protected Spaces Committee was present to discuss. Gosselin gave a recap of the project. Coventry Parks & Rec/Conservation Commissions received Active Living Lifestyle Grant Funds at the end of August to use for materials for this project. The materials were delivered and are ready to construct low-profile bog bridges similar to what they've done at the Williams Preserve.

Eric Thomas says that the Rolling Woods Subdivision was Coventry's first Open Space Subdivision and is fully built out. The recreation trail was fundamental to the approval of the subdivision. In the past various Scout and volunteer groups have blazed the trails but ATVs have disturbed the walking paths. Someone put in a cedar log corduroy bridge in the only access through the intermittent watercourse but it's deteriorating. The low profile bog bridge design is only attached to the ground by rebar stakes so can be moved if necessary. The bridge will help protect the wetlands by keeping people on the path. The new bridges would be 32' long total and would allow the use of the bog bridge style without extending any further than the existing corduroy bridge. The bridges would be stable and safe at only 7" above the ground. They already have all the materials and expect to be able to do the work in a weekend during the dry season, hopefully this fall. Thomas says there is no need to do any additional clearing. Woodchips have already been put down along the path. Once the bridge is in place, there will be a good 45-minute walk to the Windy Hill subdivision. They are hoping to eventually connect to Laidlaw Park and set up additional trail signs and a kiosk.

Laramie said it sounds great and thanked Thomas. Mathieu said that gaining access is important and the whole purpose of open space subdivisions was to be able to use it.

Mathieu asked Gosselin if this could be Minimal Impact since it's less of a disturbance than not having the bridge. Gosselin said that since it's a Town application it cannot. Town applications are required to be Regulated Activity per wetlands thresholds but it's something we can look at changing in the future.

Briggs says this proposal makes a lot of sense. When you stomp through the mud and moss it takes a long time to recover. Looks good to him.

**MOTION:** I move that the Coventry Inland Wetlands Agency approve application **#22-43W – Rolling Woods Subdivision Open Space** – Applicant/Agent: Eric Thomas – Protected Spaces Committee; Owner: Town of Coventry – Installation of three low profile bog bridges for recreational use on Town Open Space.

With the following conditions:

- Notify Wetlands Agent prior to the start of construction.

By: Laramee

Seconded: Powers

Voting:

For: Briggs, Mathieu, Powers, Laramee

Against: None

Abstain: None

**Motion unanimously approved.**

**b. #22-41W – Nathan Hale and Bear Swamp Recreational Trail – Applicant/Agent: Todd Penney, P.E. Town Engineer; Owner: Town of Coventry – Improve the old road beds of Nathan Hale Road and Bear Swamp Road through the Nathan Hale Forest**

A request for a 26-day extension was received from the applicant and is accepted by the Agency by consensus.

**c. #22-38 – 162 Grant Hill Rd – Applicant/Agent: Eric Peterson, Gardner & Peterson LLC; Agent: Rick Zulick – Soil Scientist; Owner Derek Pacheco – Create new wetland area adjacent to existing wetlands to remove fill from wetland area. Previously an enforcement item.**

Rick Zulick, Soil Scientist was present in person and Eric Peterson was present via Zoom.

Gosselin gave a quick summary. This originally came into the Agency as a violation. The owner of the property had filled in wetlands for motocross course activities. The owner contacted Gardner & Peterson and Rick Zulick, Certified Soil Scientist. The Agency last saw them in July and had comments. Staff provided them with a memo in August based on those comments and requested site photos and a wetlands report from a soil scientist. Rick Zulick provided a report and photos on September 25, 2022 which was provided in the packets.

Rick Zulick introduced himself. He went through his report for the Agency. He explained that the existing conditions involve a past violation of the filling of a 2,055 square foot and a 1,480 square foot wetland for a motocross track. The proposed plan involves creating 8,200 square feet of created wetlands mitigation area. Zulick says that he was asked to talk about the values but says that it's hard because they had been filled before he got there. He doesn't believe it

was particularly high value, but it is difficult to identify once it's already filled. They are proposing to leave the fill in the larger 2,055, lesser valued wetland but remove the fill from the smaller, 1,480 square foot wetland. The existing sediment pond will remain. The mitigation area will be to the west of that.

Zulick said he expects the mitigated wetlands to meet the six values and functions of a wetland: groundwater recharge, flood flow alteration, sediment/toxicant retention, nutrient removal, production export and wildlife habitat. He says that it's important to note however that it is a large area and mitigated wetlands have a dicey, unpredictable history. He can't say for certain it will work. He thinks it will develop into a functioning wetland.

Peterson said that he and Zulick met a few times to go over this plan and he certainly doesn't understand wetland like Zulick does. Mother Nature does it best, but they are providing a much bigger mitigation area with the hopes that it will equal out.

Zulick reviewed the site photos with the Agency. He said this is their second meeting and asked if there were any questions.

Mathieu asked why Zulick thought there was a low chance of the mitigation working. Zulick said it's not that exactly, it's just he doesn't have a crystal ball. He feels the mitigated wetland would provide function. He and Peterson struggled with what to do in this situation since it was such a large area. They feel they came up with a viable option. Mathieu asked Zulick why he felt the larger filled wetland wasn't worth restoring. Zulick said he doesn't think it will provide enough function and value. Peterson said topography separates it from the other wetlands.

Mathieu asked if these wetlands ultimately connect to Coventry Brook. They do and the Town Open Space Williams Subdivision. Mathieu asked when the pond on the property was created. Penney said it was created as part of the Neves new home construction. There were no actual wetlands. They dug down into the water table to create the pond.

A question was raised as to who owns the property where the motocross/violation/mitigation is taking place. These lots are a combination of ownership of the family of Pacheco, Neves and Pacheco-Neves Realty. Penney said that both Pacheco and Neves have admitted responsibility for the violation.

Powers asked Zulick, since Zulick is also a licensed Forester, does the concept of Climax Forest after Natural Selection apply to wetlands. Is it possible that the mitigated created wetlands that didn't work out just haven't had enough time? Zulick said he doesn't know of any that haven't totally worked out but it's hard for a guy in a bulldozer to create what Mother Nature creates over hundreds of years. It could just take more time.

Peterson said this mitigated wetland will provide function. It's such a larger area. Even at 20% function the numbers are equitable.

Briggs said there is a fair amount of ambiguity but he thinks the proposed plan generally makes sense. Powers agrees.

Mathieu asked what they are going to do with the 2,055 filled in wetland area if they are not going to restore it. Zulick said they will continue to use it as their track.

Mathieu asked how big the total mitigation area is. Zulick said 8,200 new created wetlands plus 1,480 restored wetlands. Mathieu said the function of which you don't know for certain. Zulick said correct. Mathieu again asked why he didn't think it was worth mitigating the 2,055 square foot filled wetland. Zulick said he doesn't feel that uncovering it, especially in that location right on the edge of the track, will be as significantly beneficial as the 8,200 mitigation area. Mathieu says she is just trying to balance in her mind – they are doing a great thing creating these new wetlands, mitigating the violation, but it might not work, how can we make it work? She would like them to go back annually to check how it's working and perform maintenance if necessary. Maybe a reporting mechanism like with raingardens.

Gosselin says that could be a condition of approval, that the owner contract a Soil Scientist to monitor and report back to the Agency.

Mathieu would like to see a maintenance plan. Zulick said they have a standard one year maintenance check with invasive removal. Mathieu said she'd like more than one year, an annual check for several years to give it the best chance of success. She doesn't want it to be overwhelmingly costly but a certain amount of maintenance will need to be done. We saw that on a previous Town application. Zulick said he's not the owner and can't authorize that.

Gosselin said this application has been active almost 65 days so if they are not ready to act tonight it will need an extension.

Peterson said he is not the owner but he is comfortable that if the Agency feels that annual inspection and maintenance for five years is a required condition of approval, that's something the owner would need to abide by like it or not. Mathieu and Laramée agree that five years seems like a reasonable timeframe. Briggs thinks that five years as an official condition of approval is a good idea.

**MOTION:** I move that the Coventry Inland Wetlands Agency approve application **#22-38W – 162 Grant Hill Road** – Applicant/Agent: Eric Peterson, Gardner & Peterson LLC; Agent: Rick Zulick – Soil Scientist; Owner: Derek Pacheco to create new wetland area adjacent to existing wetlands and remove fill from wetland area.

With the following conditions:

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

- Additional erosion and sedimentation controls may be required as site conditions/weather warrant by the Wetlands Agent staff.
- Annual inspections to be conducted during the mid-summer by a professional Wetlands/Soil Scientist for a period of five years to determine the function of the created wetlands.
  - Reports of findings to be submitted to Town Wetlands Staff due by October 1<sup>st</sup> of each year.
  - If necessary, Applicant will return to Agency for modification of permit.

By: Powers

Seconded: Laramee

Voting:

For: Briggs, Mathieu, Powers, Laramee

Against: None

Abstain: None

**Motion unanimously approved.**

## **6. ADOPTION OF MINUTES:**

### **a. August 24, 2022 – Regular Meeting Minutes**

**Motion:** I move that the Coventry Inland Wetlands Agency accept the meeting minutes of August 24, 2022.

By: Briggs

Seconded: Laramee

Voting:

For: Briggs, Laramee, Mathieu

Against: None

Abstain: None

**Motion unanimously approved.**

### **b. September 7, 2022 – Special Meeting Minutes**

**Motion:** I move that the Coventry Inland Wetlands Agency accept the meeting minutes of September 7, 2022.

By: Powers

Seconded: Briggs

Voting:

For: Briggs, Powers, Laramee, Mathieu

Against: None

Abstain: None

**Motion unanimously approved.**

**7. CORRESPONDENCE: NONE**

**8. DISCUSSION:**

- a. **State of the Lake Forum 9/20/22**– ZOOM Recordings and Presentations are available online. Powers asked if the less technical presentation from Dr. Kortmann was available. Gosselin will send it to him.
- b. **Agency Member Update** – Suzanne Choate moved out of town. Becca Norman resigned due to school conflicts. There are currently only 3 Regular Members and 1 Alternate. There is a critical need to fill vacancies. The Town Manager’s Office and Steering Committee are aware. If anyone knows someone who might want to join, please share. A new vice chair will need to be elected at the next meeting.

**9. ADJOURNMENT:**

Mathieu adjourned the meeting at 9:15 p.m.

Respectfully Submitted,

*Heidi A. Leech*

Heidi A. Leech, Substitute IWA Recording Secretary

**PLEASE NOTE: The motions 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 motions.**