

**COVENTRY INLAND WETLANDS AGENCY  
SPECIAL MEETING MINUTES  
TUESDAY, FEBRUARY 11, 2025**

**1. CALL TO ORDER/ROLL CALL:**

By: Glenney

Time: 6:26 p.m.

Place: Zoom

		PRESENT	ABSENT
REGULAR MEMBERS:	William Glenney, Chairperson	X	
	Lori Mathieu, Vice-Chair	X	
	William Johnson	X	
	Richard Pearson	X	
	Stefanie Wierszchalek	X	
ALTERNATE MEMBERS:	David Epstein	X	
	Vacant		
STAFF:	Todd Penney, Town Engineer/Wetlands Agent	X	
STAFF:	Lindsay Beutler, Wetlands Agent	X	
STAFF:	Natalia Yeschick, Recording Clerk	X	

Also present were David Frechette (owner), Dorian Reiser (formally known as Dorian Famiglietti) with KKC Law, George Logan with Rema Ecological Services, LLC, and Town of Coventry's Attorney, Kenneth Slater Jr. with Halloran Sage.

Dave Epstein left the meeting at 7:20pm due to technical difficulties.

**2. ENFORCEMENT:**

**A. 77 Tall Oak Drive – Owner: David Frechette - Material Deposition in Regulated Area. Letter requesting site visit sent 6/21/24. Site visit to be conducted 7/22/2024. Cease and Desist verbally issued by IWA 7/29/24, mailed Certified Mail 8/1/2024. (e)**

Dori Reiser (Famiglietti) with KKC Law speaking on behalf of client Dave Frechette. Reiser is working with Frechette and Logan on the plan. Reiser states if the commission is comfortable with the plan shown, it is what we will work off of to finalize for the after the fact permit, which is what was discussed initially when we were here a couple of months ago about rectifying this violation. Goal is to get a plan in front of the commission, approvals in place, and inspections done when there is better weather in the spring.

Logan presented the plan:

Reviewed aerial photograph of approximate location of wetland boundary that continues up along the driveway to show commission an area that appeared to be conducive for wetland mitigation and for creation of the vernal pool. There is a stable source of groundwater and surface water.

Confident the critters (wood frogs/salamanders) will find the vernal pool, as some species travel very far for the habitat they need.

The middle is the deepest point and the plan is to excavate the deepest point by 3'. They are going to expand the current wetlands, this will be about 3600 square feet of wetland creation next to an existing wetland.

Vernal pool creation, anything 18 inches deep roughly will be a seasonally flooded area. It is isolated so the water can be collected there. Unless there is a big storm there shouldn't be runoff from the existing wetland into the vernal pool, as there is enough of a small channel that comes down through the existing wetland.

Zone A - Planting zone will be seasonally flooded. 800 sq. ft.

Zone B - Other portion of the wetland will be seasonally saturated to temporarily flooded. 2800 sq ft.

Will plant in moist, mildly well drained soil. There will be three trees close to the vernal pool to provide shading over time. There will also be herbaceous species planted in groups of 5-10, but none being planted in that area will be flooded. Hopeful that over time things will spread.

Roughness elements are important. Additional things that create microtopography are good and needed for the vernal pool such as logs/branches on the edge for the critters.

Would be careful not to create a channel that goes from the wetland into the vernal pool, it would need to be a gradual flow laterally into the area.

*Important note shown on the plans: All wetland replication work, shall be supervised by an ecologist (or wetland scientist), including initial grading, planting, marking invasives in adjacent upland buffer areas, and marking any native materials for salvage or retention. A pre-implementation meeting shall take place at least one month prior to plan implementation, between the wetland scientist, the site contractor, and the landscaper, and the town's wetland agent, at the town's discretion.*

The plan has approximate locations of where plantings will go, there may be adjustments as the exact heterological conditions have to be selected for these plants. Plan to plant in late May-June.

There will be monitoring. Inspections will be for three years. The first year of implementation will have additional inspections in the three months following installation. If anything were to go wrong it is likely this is the timeframe it would happen. Two inspections during each of the following two grooming seasons. At the end of the season there will be a report to the commission with photographs to show progression.

We would get in with a mini excavator coming from the North, the edge of the clearing is not far. Top soil is anywhere from 6-10" on average but we want to keep the top soil. If at the time we have invasive species, we would remove the top soil 1,500' away and stockpile it with hay bales and a silt fence along it. We would bring the top soil back in within the week as we don't want to lose microbiology of the top soil. Have to make sure we have a dry period to do this. Would also remove anywhere from 15" to 2.5' of subsoil, that will be stockpiled a little further away. When final sculpting is done, and top soil is put back we want to plant quickly.

Beutler asked about the one benefit listed of this location is stormwater runoff from the cul de sac. Asked Logan to speak on contaminants or sediment that might be carried through that catch basin and to this proposed wetland.

Logan - Vernal pools tend to be tolerant of some pollution, but not at high concentrations. There isn't a direct connection of runoff to this area. There's several hundred feet of wetland entering from the cul de sac to the vernal pool, if there's any contamination it's much further up. The soil tends to absorb contaminants, the wetlands soils several hundred feet up we would see a higher elevation of contaminants, by the time it gets to the vernal pool it would be in very low concentrations.

Mathieu asked if the area they are creating will depend on stormwater.

Logan - Yes, in an indirect way. Stormwater from the road comes down several hundred feet, by the time it gets down there it comes into the flat area. The wetland has a flat area one foot from the top, close to the property boundary. Water comes in and that area becomes saturated but it doesn't pond so the water saturates that area and it overflows. We're in the same soil formation from the existing wetland going East into the wetland he would like to create, that lateral flow will saturate that area, the groundwater table. No direct flow from the road into this, but happy with lateral flow going east.

Mathieu asked how the flow is measured.

Logan - We have a fairly large watershed, it's not just the road that brings water. The wetland continues North. There is more of a watershed that's offsite that also brings water into the area. Surplus of surface water and physiography of existing wetland that creates a bathtub of groundwater that will influence our area too. Because we have a good source of water, we are not concerned with water in the existing wetland in order to feed the created wetland.

Mathieu asked if there is concern about dry periods back to back years.

Logan - Yes, however if we had a drought we would irrigate.

Wierszchalek asked about one of the first points made, mentioning evidence of a sustained seasonal high groundwater table (second paragraph, section one), how are you going to

determine the sustained seasonal high from the two test pits? Is that going to be regularly monitored before creation?

Logan - Yes, haven't done test pits yet. The plan may have to be slightly modified and we don't want to have to go deeper. The way it's figured out is based on what modeling you have and where it is. Looking for low chromo models that will give an idea of a more sustained groundwater table. Those are the things I'll be looking for prior to work.

Wierszchalek asked if this plan is the best case scenario. Also, depending on findings as they get further along, could they end up adjusting the plan based on conditions they're encountering.

Logan - Correct, if I want to do the excavation in late April/early May, that would be a good time looking at weather conditions. Would like to back up a few weeks and monitor hydrology.

Wierszchalek asked if there is no additional large tree clearing.

Logan - What was shown previously was a slightly smaller footprint. Now that he started looking at contours it appears he has to go more North, but that is necessary for proper grading.

Previously said one tree, now might have another 2-3 trees in the Northern portion. Wierszchalek asked that once a contractor is selected, will those specific details be provided?

Logan - Yes, as mentioned in the important note above, *a pre-implementation meeting shall take place at least one month prior to plan implementation*. At that time test pits will be done. Between a wetland scientist, site contractor, and landscaper (or Frechette if he would like to plant under Logan's supervision) and town's wetlands agent under town's discretion. Will have a meeting, at that point clearing limits will be defined.

Wierszchalek asked if there will be no machinery in the wetland creation area after top soil is put down. Also hoping that no machinery is going into the existing wetland, and they will work from the driveway side in. Also have the boundary clearly marked so there's no disturbance in the existing wetland.

Logan - The first order of business will be a silt fence, and it will go around the South side so we don't have any spillover or downgradient back into the wetland.

Penney - Quality and not quantity when talking about mitigation and loss, this creation is much smaller, but is hopefully a higher function.

Logan - Yes, the idea is to make it as high functioning as possible. One reason this area is being used is due to a juxtaposition of an existing wetland. The synergy will create better function.

Penney - Delineated wetland boundary is a plus or minus location, is the depiction to look at southerly limits of field delineation so no more wetland soils or intermittent water course characteristics that regulated feature doesn't exist in South.

Logan - What's below the soils is a cascade area, lose topography going down the hill. Between one of those things, is it an area that is subject to storm flow or overflow, or is it a water course? Is it more of a surface feature, or does it have a groundwater component to it? Might have to take another look at it to see if there's a developing watercourse. If it's a water course we'll make that determination in the spring.

Penney - Is there hydrology to support topography immediately adjacent to the South? Could the creation regimes in zones try to expand a bit to that South to try and take advantage? Will that

happen naturally, or is there a way for us to try to expand that wetland?

Logan - What I recall from the South of the blue line is that there were some trees there. There was a rise and a fall, don't want to take anymore trees down. Wanted to have an area that is slightly higher from the edge of the created wetland to the surface feature.

Penney - Is the driveway immediately adjacent to the North Frechette's major access to the lower portion of the property?

Logan - This is a 2016 aerial photograph. We wanted to match topography with the aerial photograph. What I recall is that the driveway is also the edge of the current clearing is not a driveway anymore, that area has been filled/flattened out. There are boulders at the edge, those are still there.

Penney - Is the driveway going to be continued use? How does that influence the salamanders/wood frogs access to vernal pool?

Logan - There is plenty of undisturbed, good, moist habitat in several directions so the salamanders and wood frogs will find the area. Will have to keep an eye on the water coming off of the area.

Penney - Regarding sediment from drainage infrastructure, if that's a gravel surface and is not well protected then we might want to provide berm or curving to make sure the material does not wash into the newly created wetland.

Mathieu asked if the water that will go to sustain the vernal pool will come off of the other property to the North.

Logan - Yes and no. Wetland delineation comes along the edge of the existing driveway.

Penney - There has been an expansion of the driveway between 2016-2024. This should have been permitted. It was discussed that we need a topography survey of the area that depicts the true extent of activity relative to the existing limit of the wetland. This would do two things, 1) Tell you where all activity is relative to wetlands. 2) Provide a place in time to show where all activity is in relation to the wetlands so in the future it is clear where the limits are, as opposed to where we are now. It is important to get a base map field locating the wetlands to have something more defined. That's what you would require with any permit activity relative to this kind of proximity.

Mathieu agreed with Todd, we need a larger map with larger activities mapped out to better understand the impact. Seeing this as a bigger picture will help us to understand the full impact. It was clarified that we are not looking for a boundary survey, we are looking for a topographic survey that accurately locates the soil scientists wetlands flags in relation to the activity that has taken place, relative to the activity that will take place and the features that were there.

Glennay stated to Reiser to plan to come to the March meeting with the initial application. If you don't have the topo map, that will become a requirement before we take further action. This will keep things moving for you all and will meet our requirements.

Noted by Glennay that responsiveness has been a concern, and this needs to take priority. We should see a permit application no later than the March regular meeting (March 26, 2025). Additionally, we have had problems with the wetlands agent getting access to the property. Will need a commitment from Frechette that within 2-3 days of Beutler calling that she gets a positive

response and access to the property.

Reiser stated they would do their best to accommodate with advanced notice.

Mathieu has concerns if this plan will work, if it doesn't work and it's three years from now what is the plan?

Logan - Typically what is done at the end of three years if the wetlands scientist is not satisfied the trajectory of the wetland is not achieved, we will add another year until it is on the right path. There are acts of god that cannot be controlled, but typically after three years if we've had proper monitoring and maintenance, and remedial activities that need to happen then at the end of the third season we should be fine.

Mathieu asked if the person directly involved will be Logan or someone else. It will be Logan.

Penney to Ken Slater - As our representative, what protections could this agency require on a permit to see that this was correctly installed and/or if it doesn't what measures does the agency have if it doesn't work?

Slater - With a violation, you always have enforcement action route, where you'd get an injunction that a court would force an order that it be remediated so that it would continue for fear the property owner would disengage Logan and Rema, some sort of financial guarantee together with the strong language in the condition of approval is as good as you will get in context of an application and approval of a mitigation plan.

Glenney - The next step is for Fretchette, Logan, and Reiser to come back with a formal permit application.

### **3. ADJOURNMENT:**

Meeting adjourned at 7:58 p.m. by Glenney.

Respectfully Submitted,

*Natalia Yeschick*

Natalia Yeschick, Recording Clerk

*PLEASE NOTE: These minutes are not official until approved by the Inland Wetlands Agency at the next meeting. Please see the next meeting minutes for approval or changes.*