



# Town of Coventry

Land Use Office - Wetlands

1712 Main Street • Coventry, CT 06238

Planning • Zoning • Wetlands • Economic Development • Conservation

Phone: 860 742-4062 Fax: 860 742-4059 Web: Coventry-ct.gov



## Wetlands Violation Timeline

Property Owner: David Frechette

Address: 77 Tall Oak Drive

Description of violation: Unpermitted material deposition in regulated area.

Town of Coventry Staff:

Lindsay Beutler, Wetlands Agent

Todd Penney, Town Engineer

Jana Roberson, Director of Planning and Development/ Acting Zoning enforcement Officer

Heidi Leech, Zoning Enforcement Officer

Kenneth R. Slater, Jr, Halloran Sage Attorney, retained by Town of Coventry

James Drumm, Town Manager

Hank Gruner, Herpetologist

William Watkins, Town of Coventry Director of Public Works

Charlie Harakaly, Town of Coventry Highway Crew Leader

David Frechette, property owner

Dorian Reiser, formally known as Dorian Famiglietti, KKC Law Land Use Attorney, retained by Frechette

George Logan, Environmental Scientist of Rema Ecological Services LLC

John Zevetchin, National Property Damage Manager at Response Insurance

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06/17/2024 – Town of Coventry Land Use Office received an anonymous letter from a concerned citizen alleging Mr. Frechette filled in a pond to create a pickleball court.

06/21/2024 – Beutler and Penney drafted a notice and mailed it Certified Mail, requesting Frechette call and set up a site visit to investigate the claims in the anonymous letter.

07/09/2024 – Frechette called Beutler to schedule a site visit but had to leave a voicemail because Beutler was on vacation.

07/15/2024 – Beutler called Frechette to schedule site visit for 7/22/2024.

07/19/2024 – Beutler was notified that Frechette had tracked dirt into the road. Beutler and Frechette spoke about cleaning up the road and Beutler asked that Frechette not bring any more material in.

07/22/2024 – Beutler and Penney met with Frechette on site. It was determined that a substantial amount of fill was brought in. There is no longer a pond onsite. Frechette installed a pickleball court and was in the process of creating a driving range for golfing. Further investigation is necessary to determine where the pond used to be. Beutler and Penney asked that Frechette be present for the Inland Wetlands Agency meeting on 07/24/2024. Penney explained that Frechette needed to hire a land surveyor to field survey the total limit of disturbance on the site. Beutler followed up with Frechette in an email to provide him with the Agenda for the IWA meeting.

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7/23/2024 – Frechette called Beutler to discuss hiring a Certified Soil Scientist and a CT Licensed Land Surveyor and confirmed he would attend the Inland Wetlands Agency meeting on 7/24/24.

7/24/2024 – Another anonymous complaint was lodged against Frechette for the same construction activities referenced above.

7/24/2024 – Frechette attended the Inland Wetlands Agency meeting via zoom.

8/1/2024 – Beutler sent a Cease-and-desist letter by certified mail to Frechette.

8/16/2024 – Frechette Called Beutler to give an update on his progress on meeting the conditions on the Cease and Desist letter. He indicated that he hired Certified Soil Scientist, Rick Zulick, and said Zulick would be at the next IWA meeting with him to discuss the findings. Frechette said an area was identified that silt fencing would be beneficial and he is going to install it. Frechette also said he got the specs on the fill and will be emailing it to Beutler.

8/28/2024 – Frechette and his hired Certified Soil Scientist, Rick Zulick, attended the Inland Wetlands meeting in person. Zulick stated that there is no evidence of wetland soils in the area where fill was deposited. Zulick stated that he dug three deep test pits on the property and gave their general location while pointing at a photograph of the property. No wetlands report was submitted. Wetlands Agency requested Beutler go to the property for an erosion inspection on 8/29. Frechette agreed to Beutler conducting an inspection. Wetlands Agency authorized Frechette to install erosion control measures and spread winter rye seed over disturbed area.

8/29/2024 – Beutler called, texted, and emailed Frechette to schedule an inspection. Beutler was unable to get ahold of Frechette. Beutler and Roberson went to Frechette's house and rang the doorbell. There was no answer. Roberson wrote a note and left it with her business card on the door. No inspection took place.

8/29/2024 – Frechette emailed Beutler in the evening stating he had retained land use attorney Dorian Famiglietti and spoke to Environmental Scientist, George Logan.

8/30/2024 – Roberson scheduled a meeting with Frechette and his team for 9/5/2024, in-person at Coventry Town Hall.

9/5/2024 – Roberson, Beutler, Penney, and Attorney Slater met with Frechette and his Attorney, Dorian Famiglietti, and his Environmental Scientist, George Logan. The next steps were discussed, and it was determined that Beutler and Logan would conduct a site visit together to discuss temporary erosion control measures.

9/13/2024 – Beutler, Frechette, and Logan met at 77 Tall Oak Drive. Logan and Beutler walked the property beyond the site of clearing and filling to determine how far the erosion and sediment transport extends. Two areas were identified where E&S controls would be beneficial.

9/25/2024 – Environmental Scientist, George Logan and Attorney Dorian Famiglietti attended the Inland Wetlands Agency Regular Meeting to discuss the items on the cease and desist letter that will need to be addressed. Logan presented some preliminary ideas for remediation by using an example of another successful remediation project he conducted.

9/26/2024 – Beutler, Frechette, and Logan met at 77 Tall Oak Drive. Logan and Beutler inspected the existing erosion and sediment controls and gave Frechette feedback on installation. Some silt fencing needed to be re-installed, as it either wasn't toe-ed in or wasn't toe-ed in sufficiently. Frechette said he would have it corrected.

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10/21/2024 – Beutler emailed Logan and Frechette, asking if they would be attending the October 23 Inland Wetlands Agency Regular Meeting. Beutler also asked to schedule a site visit to inspect the corrections to erosion and sediment controls. Logan responded that he will not have a more formalized plan until November 20<sup>th</sup>, Inland Wetlands Agency Regular Meeting.

10/22/2024 – Famiglietti responded to Beutler’s email from 10/21/2024, looking for confirmation that the violation item will be continued to November’s meeting. Famiglietti also addressed George with a list of items the Agency will want to see from him at the next meeting.

10/23/2024 – Beutler gave the IWA an update during the Inland Wetlands Agency Regular Meeting. IWA requested Beutler send another formal letter to reaffirm the items on the cease and desist letter that they expect to be addressed. Beutler agreed to send letter.

10/30/2024 – Beutler sent Logan a text message requesting a date/time for the next inspection. Logan stated he would get back to Beutler.

11/4/2024 – Frechette initiated a Freedom of Information Act request.

11/4/2024 – Beutler sent Logan a follow up text message, requesting for an inspection.

11/5/2024 – Beutler received a response from Logan and an inspection is scheduled for 11/5 at 11am.

11/5/2024 – Beutler, Frechette, and Logan met at 77 Tall Oak Drive. Logan and Beutler inspected the existing erosion and sediment controls. Silt fence is in adequate condition. There was no evidence of new sediment transport. There was winter rye seed spread on the soil but there has been no rain for it to germinate. Logan and Frechette discussed putting down more seed right before the next expected rain to improve germination. There was some discussion regarding Logan’s preliminary plan and location for a proposed created wetland Logan will be presenting at the November 20, 2024, Inland Wetlands Agency Regular Meeting.

11/7/2024 – Beutler and Penney drafted a Status Letter that acknowledges progress that has been made to address items on the cease-and-desist action list.

11/8/2024 – Status Letter was mailed certified mail to Frechette. Beutler sent a digital copy of the Status Letter in an email to Frechette, Logan, and Famiglietti.

11/20/2024 – George Logan attended the IWA meeting via zoom. He presented an alternative location to create a new vernal pool as mitigation for the loss of the original watercourse. The Inland Wetlands Agency asked for a plan for the disturbed area as well.

12/12/2024 – George Logan emailed Beutler to state he may be unavailable for the December 18, 2024 IWA Regular Meeting due to scheduling conflicts.

12/17/2024 – Attorney Dorian Famiglietti emailed Beutler to state that Logan and Frechette were unable to attend the Inland Wetlands Regular Meeting on 12/18/2024. Beutler replied that the matter would be continued to January’s Inland Wetlands Meeting.

12/18/2024 – During the Inland Wetlands Regular Meeting, Penney provided the email from Attorney Famiglietti sent to Beutler on 12/17/2024. The IWA read through the Violation Timeline and requested that Beutler make more frequent inspections of the erosion and sediment controls, specifically after rain events.

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12/19/2024 – Due to the rain event overnight, Beutler sent an email to Frechette, Famiglietti, and Logan requesting permission to conduct an inspection. Frechette responded and gave Beutler permission.

12/19/2024 – Beutler and Town of Coventry's new Zoning Enforcement Officer, Heidi Leech, conducted an inspection. The majority of disturbed area is stable, there is some germination of the grass seed, and the silt fence is functioning. There is an area that could use an extension of silt fence and another area where the silt fence has built up silt. Beutler received a phone call from Frechette after the inspection and she verbally conveyed the outcome of the inspection summarized above. A summary of the inspection and photographs of the areas that need correction were sent via email to Frechette, Famiglietti, and Logan.

1/2/2025 – Beutler sent an email to Frechette, Famiglietti, and Logan, requesting a site visit to inspect the erosion and sediment controls after two days of rain.

1/3/2025 – Beutler was denied access to conduct an inspection due to Frechette being unavailable until January 13th. Logan sent an email to Beutler stating he would conduct an erosion and sediment control inspection on 1/4/2025. Beutler requested a report from George.

1/6/2025 – Beutler sent a follow-up email to Logan to ask about his inspection on 1/4/25. Logan responded, stating he did not make it out there for the inspection.

1/10/2025 – Beutler sent another follow-up email to Logan to ask if he had conducted the inspection yet. Logan responded, stating he has not conducted the erosion and sediment control inspection. Beutler responding asking when Logan expects to conduct his inspection. Beutler did not receive a response from Logan. Beutler also asked Attorney Famiglietti, via email, about scheduling an inspection on January 13<sup>th</sup> with Frechette present. Attorney Famiglietti responded asking Frechette to contact Beutler to schedule an inspection.

1/13/2025 – Beutler sent a follow-up email asking when Frechette will be available for an inspection. Frechette did not respond.

1/14/2025 – Penney sent a follow up email stressing the importance of Beutler conducting an erosion and sediment control inspection prior to the Inland Wetlands Agency Regular Meeting on 1/22/2025. Penney asked Logan and Famiglietti if they would be attending the meeting. Logan responded, stating he is unavailable for the IWA meeting on 1/22/2025.

1/16/2025 – Beutler sent an email to Frechette, Logan, and Famiglietti asking for their availability to schedule a Special Meeting to provide the Inland Wetlands Agency with a detailed plan for disturbed area and the creation of the new vernal pool from Logan. Famiglietti responded with her availability.

1/20/2025 – Famiglietti responded to the email again, asking Logan to weigh in on his availability.

1/21/2025 – Beutler sent an email to Frechette, Logan, and Famiglietti with the Agenda for the IWA meeting on 1/22/2025. Beutler requested that Frechette attend the meeting to give an update and asked again for his and Logan's availability to schedule a Special Meeting.

1/22/2025 – Frechette and Logan responded to the emails referenced above (1/16/2025 – 1/20/2025). Frechette requested that Beutler call him to schedule an inspection. Logan gave his availability to accompany Beutler on the inspection, but asked if we should wait until the snow melts. Beutler responded agreeing that we should wait until the snow melts to conduct the inspection. Beutler asked once again for Frechette and Logan's availability to schedule a Special Meeting.

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1/22/2025 – No one from Frechette’s team attended the Inland Wetlands Agency’s Regular Meeting on January 22, 2025. Beutler gave a brief overview of the newer entries on the Violation Timeline. Beutler explained that she has not been permitted to conduct any inspections since 12/19/2024. Beutler proposed scheduling a Special Meeting to best accommodate Frechette’s team, as they have not been regularly attending the IWA regular meetings. The Agency chose 2/11/2025 for the Special Meeting and requested Beutler send another status letter to Frechette’s team to acknowledge Frechette’s lack of progress in remediation, Town Staff’s lack of access for inspections, and notify Frechette of the upcoming Special Meeting.

1/23/2025 – Frechette emailed Beutler with his availability for a Special Meeting.

1/24/2025 – Beutler sent an email to Frechette and his team to notify them of the scheduled Special Meeting date and time. Famiglietti responded, asking Logan to confirm his availability. Logan responded to give confirmation.

1/27/2025 – Beutler drafted a Cease and Desist Status Letter on behalf of the Inland Wetlands Agency and mailed it Certified Mail to Frechette. Beutler emailed a digital copy of the document to all parties CC’d on the letter.

1/28/2025 – Famigliette responded to Beutler’s email sent on 1/27/2025, confirming that Frechette’s team would be attending the Special Meeting scheduled for 2/11/2025.

2/7/2025 – Due to anticipated inclement weather, the Special Meeting format was changed from “hybrid” to “fully remote.” Beutler notified all parties of this change and supplied the Agenda with the Zoom link via email.

2/10/2025 – Beutler sent an email to Frechette, Logan, and Famigliette requesting a site visit ahead of the February 11, 2025 Special Meeting. Beutler did not get a response.

2/11/2025 – Frechette’s team attended the IWA Special Meeting via Zoom. The Town’s Attorney, Kenneth Slater Jr., was also in attendance. Logan provided a proposal for the creation of a vernal pool/wetland. The IWA reiterated the need for a site plan with topographic features and clearly depicting current conditions and proposed activities. The IWA stated that they expect Frechette’s team to be present during the March 26, 2025 Inland Wetlands Agency regular meeting. In regard to Beutler’s lack of access to the property to conduct erosion and sediment control inspections, Attorney Reiser, formally known as Attorney Famigliette, stated that Frechette’s team will continue to try to coordinate inspections with Beutler.

2/20/2025 – The ground has been covered in ice and snow but was expected to begin thawing out the week of 2/24/2025. Beutler sent an email to Frechette and his team to schedule an erosion and sediment control inspection for Monday the 24<sup>th</sup> or Tuesday the 25<sup>th</sup>. Beutler also requested a standing inspection date/time on a weekly basis to maintain a consistent inspection schedule and ensure that Frechette has plenty of notice. Frechette’s attorney, Reiser, responded to Beutler’s email stating that Frechette is unavailable, but Logan will meet Beutler for an inspection on Monday the 24<sup>th</sup>. There was no response regarding a regular inspection schedule.

2/24/2025 – Beutler sent an email to Frechette’s team to reschedule the site visit due to the lack of snow melt. Logan agreed to meet Beutler on site for an erosion and sediment control inspection Wednesday 2/26/2025 instead.

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2/26/2025 – Beutler and Logan met at 77 Tall Oak for an inspection. The ground was still covered in snow and ice. Beutler and Logan checked the areas of concern identified during Beutler’s last site visit on 12/19/2025. The corrections summarized in the inspection email to Frechette’s team on 12/19/2025 had been not addressed. Beutler and Logan discussed meeting back out there the following week once all the snow has melted.

2/26/2025 – Beutler sent an email to Frechette’s team, summarizing the inspection on 2/26/2025 and provided dates for a weekly inspection schedule for March. Logan confirmed his availability for the proposed dates. Beutler sent calendar appointments to Frechette and Logan for inspections on the following dates: 3/5, 3/12, 3/19, and 3/26.

2/26/2025 – Frechette’s team did not attend the Inland Wetlands Agency Regular meeting. Beutler gave a summary of the inspection that occurred earlier in the day and provided pictures of the inspection. There were newer machinery tracks through the disturbed area. The Agency directed Beutler to reiterate to Frechette that no additional unpermitted work was to be conducted in the disturbed area. The Agency also discussed the site plan requirements and the anticipated restoration plan for the disturbed area. The Agency directed Beutler to remind Frechette and his team of the site plan requirements outlined in the Cease-and-Desist letter and remind Frechette’s team that the Agency is still expecting a restoration plan for the disturbed area from Frechette’s Wetland Scientist.

2/27/2025 – Beutler sent an email to Frechette and his team to convey the Agency’s concerns about the equipment tracks through the disturbed area. Beutler asked Frechette to respond with an explanation for the purpose of moving equipment through the disturbed area. Beutler also reminded Frechette and his team of the site plan requirements in the cease-and-desist letter and stated that the Agency is still expecting a restoration plan for the disturbed area. Beutler reminded Frechette’s team that they are expected to produce the above items at the March 26, 2025, Inland Wetland Agency Regular meeting.

3/3/2025 – Frechette called and left a voicemail for Penney to ask what should be included on the site plan. Penney called him back and explained the items in the cease-and-desist letter. Penney followed the phone call with an email, further explaining the items in the cease-and-desist letter and provided Frechette with contacts for several land surveyors.

3/3/2025 – Frechette emailed Beutler and stated that no activity is occurring in the disturbed area. Frechette explained that the equipment tracks are from retrieving firewood. Frechette confirmed that he would be present for the erosion and sediment control inspection on 3/4/2025.

3/4/2025 – Beutler responded to Frechette’s email, acknowledging his response.

3/5/2025 – Frechette joined Beutler on the erosion and sediment control inspection. Beutler showed Frechette the areas that need additional erosion and sediment controls. Frechette asked if he could use hay bales and Beutler explained the proper way to install staked in haybales if that’s what will be used. Beutler and Frechette discussed restoration options for the disturbed area. Beutler suggested the use of a conservation seed mix to create a meadow with a row of woody plantings to delineate the line between the area to be untouched and the area for Frechette’s uses. Frechette was amenable to this form of restoration for the disturbed area and Beutler advised Frechette to discuss this option with Logan for guidance from an expert. Frechette gave Beutler permission to conduct her next inspection on 3/12/2025 in Frechette’s absence. Beutler asked him to send the authorization for access to his property in the form of an email. Frechette sent it in a text and Beutler saved the text to Frechette’s file.

3/12/2025 – Frechette sent Beutler a text message saying he would be unable to join Beutler on the E&S inspection that morning. Frechette also stated that he did manage to install more silt fencing even though

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the ground was still frozen. Frechette said with the warmer weather coming, he should be able to finish the silt fence corrections by this weekend (15<sup>th</sup>-16<sup>th</sup>).

3/12/2025 – Beutler conducted an erosion and sediment control inspection and there was one major area of concern where concentrated flow undermined the silt fence and there is a gully carrying silt down to the second row of silt fence. Some sediment is being carried around the second row of silt fencing where I have asked for more silt fencing or haybales be installed. An email with the summary of this inspection was sent to Frechette's team.

3/18/2025 – Dorian Famigliette (Reiser) submitted a Regulated Activity Wetlands Permit Application on behalf of David Frechette, for an after-the-fact permit for filling the watercourse and the proposed creation of new vernal pool as remediation.

3/18/2025 – Beutler wrote a comment to Famigliette (Reiser) on the OpenGov permitting platform, thanking her for submitting the application and asking if a site plan would be ready in time for the next IWA meeting on March 26, 2025. Famigliette (Reiser) responded, stating that Frechette has been unable to find an available land surveyor to create the site plan. Famigliette (Reiser) then said that Logan may have someone who could create it and Frechette is following up with them.

3/19/2025 – Beutler met with Frechette onsite at 77 Tall Oak for an erosion and sediment control inspection. Frechette had contractors fixing and adding silt fence to areas of concern. By the time the inspection was completed, all areas of concern had been addressed. Frechette reiterated what Famigliette (Reiser) stated about Frechette having difficulties hiring a land surveyor. Frechette stated that he had emails proving that he was trying to get a land surveyor. Beutler asked Frechette to forward the emails to her so she can show them to the IWA at the meeting next week. Frechette forwarded the emails and sent a follow-up text to Beutler stating that Andrew Bushnell of Bushnell Associates LLC, Land Surveyor and Engineer, would be surveying the land that abuts Frechette's and Bushnell would look at Frechette's property while he's there.

3/26/2025 – Beutler conducted an erosion and sediment control inspection. All areas that were corrected on 3/19/2025 were still functioning. No erosion and sediment control issues were identified. Beutler and Frechette had a discussion about the neighbor's property being for sale, the property boundaries being determined by the land surveyor, and Beutler pointed out that Frechette was likely going to need to move the pallets of pavers because they appeared to be on his neighbor's property. Following that discussion, Frechette moved the pallets of pavers he had been storing on his neighbors' property by tracking equipment across the disturbed area.

3/26/2025 – Frechette attended the IWA meeting and discussed his application. The application did not include a site plan with the necessary information the Agency had asked Frechette to provide. There were inconsistent details and missing information. The Agency ultimately decided to deny the application without prejudice due to incompleteness. When discussing the violation with Frechette, they instructed him to stop tracking equipment across the disturbed area until after the cease and desist has been lifted.

3/27/2025 – Beutler drafted a decision letter outlining the decision IWA made to deny Frechette's application without prejudice. The decision letter was sent via certified mail to Frechette and emailed to Famigliette (Reiser), Logan, Roberson, Drumm, Slater, and Penney. Famigliette (Reiser) responded to Beutler's email, asking to meet ahead of the next application submission to ensure details contained in the application are correct. Famigliette also asked if they should hold off on submitting another application until the site plan is complete. Beutler responded via email, agreeing that holding a meeting with Town Staff prior to the next application submission is a good idea and confirmed that the application should not be submitted without the site plan.

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3/27/2025 – Beutler called Frechette to discuss the outcome of the IWA meeting and ask if he had any questions or concerns. The conversation was brief, and Frechette stated he understood the outcome.

4/1/2025 – Beutler sent a text message to Frechette to ask to continue the Wednesday morning inspection schedule established for March.

4/2/2025 – Frechette responded to Beutler’s text from the previous day, agreeing to maintain the Wednesday morning inspection schedule for the following week. Frechette also stated that the silt fence was still up and in the same condition as the previous week.

4/9/2025 – Beutler conducted an erosion and sediment control inspection. All erosion and sediment controls were functional and in good condition. Frechette moved more pallets of pavers across the disturbed area. Beutler called Frechette to ask about the additional pallets and he said they were the remaining pallets on his neighbor’s property. He confirmed that he moved the remaining pallets prior to the IWA directing him not to track equipment across the disturbed area. Beutler observed a crew of land surveyors on site during the inspection.

4/16/2025 – Beutler conducted an inspection and found all erosion and sediment controls to be in working order. During the inspection, Beutler observed water collecting in a low spot in the disturbed area. Beutler observed egg masses and a large number of tadpoles in the large puddle. Using an app called “On X Hunting,” Beutler was able to pinpoint her approximant location, which aerial mapping shows to be in the same approximant location of the vernal pool/watercourse that was filled in by Frechette. Beutler called Frechette’s Environmental Scientist, Georget Logan, and left a message about the tadpoles. Beutler also called Hank Gruner, Herpetologist, to inquire about frog breeding habitat and discuss Logan’s proposal to create a new vernal pool/wetland. Gruner asked to see the site and Beutler told him she would get in touch with Frechette to schedule a site visit on 4/17/2025 at 10:30am. Beutler called and left a voicemail for Frechette and requested a callback. Beutler followed the call up with an email to Frechette and his team to recap the inspection and notify Frechette of the site visit with Gruner the following day.

4/16/2025 – Beutler received an email from Logan, stating that he conducted a site visit shortly after Beutler and found what he believed to be eastern toad tadpoles. His email will be shared with the IWA at the next regularly scheduled meeting on 4/23/2025.

4/17/2025 – Frechette sent Beutler a text message stating that he and Logan are unable to join Beutler and Gruner on the site visit but gave Beutler permission to conduct the site visit in his absence.

4/17/2025 – Beutler and Gruner conducted a site visit and inspected the area where the tadpoles were found. Gruner pointed out 3 spotted salamander egg masses and said he believed the tadpoles were wood frogs. He took a sample of the tadpoles with him to confirm the species. Gruner and Beutler walked around the disturbed area and checked every rut and depression holding water. There were more tadpoles, wood frog egg masses, spotted salamander egg masses, and two eastern newts. The most spotted salamander egg masses and wood frog egg masses were found in an area that Frechette excavated next to the pickleball court and future patio area. It is the deepest area of standing water. Gruner and Beutler also visited the site where Logan is proposing to create a new wetland/vernal pool habitat. Gruner stated he would provide a memo with his recommendations and would be present for the next regularly scheduled IWA meeting on 4/23/2025.

4/17/2025 – Beutler sent Frechette a text message after the site visit was over and asked him if he would be available to meet on site later so she could show him the deeper area of standing water next to the pickleball/patio area. Frechette agreed to meet Beutler on site at 2:30pm.

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4/17/2025 – Beutler and Frechette walked the property and Beutler showed Frechette the spotted salamander egg masses, the wood frog egg masses, tadpoles, and one eastern newt. Beutler showed Frechette the area of deeper water next to the pickleball/patio area and Beutler asked Frechette not to do anything else to the area to give the eggs the best chance at hatching and completing the aquatic stage of their life cycle. Frechette agreed not to disturb the area further. Beutler explained the purpose of Gruner's site visit and explained that Gruner will be providing recommendations to Frechette, his team, and IWA. Frechette said he would attend the next IWA meeting and will ask Logan to attend as well. Frechette also said the land surveying team completed the field work and will be drafting a site plan soon.

4/21/2025 – Beutler sent an email to Frechette and his team with a copy of the IWA Regular Meeting Agenda for the IWA meeting on 4/23/2025. Beutler strongly encouraged Frechette and Logan attend the meeting because the IWA is going to want to discuss the observations made during the last inspection. Beutler told Frechette's team that Gruner would be at the meeting.

4/21/2025 – Attorney Reiser (formerly Famiglietti), responded to Beutler's email and stated she would discuss with Logan and Frechette to confirm IWA meeting attendance. Logan also responded requesting a meeting with Gruner prior to the IWA meeting to have a conversation about Gruner's findings.

4/22/2025 - Beutler set up a meeting at Town Hall for the morning of 4/23/2025 with Logan and Gruner.

4/22/2025 – Gruner provided Beutler with an assessment memo of the site visit with Beutler on 4/17/2025 which provided recommendations to share with Frechette's team and the IWA.

4/23/2025 – Beutler conducted an erosion and sediment control inspection, and the controls continue to be functioning appropriately. Beutler walked through the disturbed area and took note that some of the puddles had dried up. The deepest pool where the excavation took place next to the pickleball court continues to hold a significant amount of water and Beutler observed the continued development of egg masses and presence of tadpoles.

4/23/2025 – Beutler held a meeting between Logan and Gruner to discuss Gruner's findings and recommendations. Gruner was adamant that a restoration effort will have a higher probability of success than the creation of a new wetland/vernal pool further away. Gruner provided his sources to serve as evidence that restoration is more successful than creation. Both agreed to be present at the Inland Wetlands Agency Regular Meeting later that evening.

4/23/2025 – Frechette, Logan, and Gruner were present for the Inland Wetlands Agency Regular Meeting. Gruner went through his report of findings and recommendations. Beutler presented photos from their site visit Gruner explained each photograph. Logan had a chance to speak following the Agency's questions and echoed Gruner's recommendations. After much discussion, the consensus of the IWA was that a restoration effort in the same location as the filled vernal pool should be the path forward. Frechette gave an update on the status of the site plan.

4/30/2025 – Frechette, Beutler, and Gruner conducted a site visit. Beutler found the erosion and sediment controls to be in working order. The excavated area next to the pickleball court continues to hold water. No tadpoles were observed, but there were spotted salamander eggs beginning to hatch. Two green frogs were observed, as well as one eastern newt.

5/7/2025 – Beutler and Gruner conducted a site visit. Frechette was unable to join but said he would try to join us for the next site visit on 5/14. Beutler found the erosion and sediment controls to be in working order. The excavated area next to the pickleball court continues to have roughly the same water level as previous weeks. Gruner and Beutler observed spotted salamander larvae in the excavated area that had hatched since the inspection the week prior. There had been several days of rain since the last inspection,

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so there were many puddles of standing water. Gruner and Beutler investigated each body of standing water and observed a number of toads, toad eggs, and toad tadpoles. Also observed was a pair of grey tree frogs in a puddle in amplexus. On the west boundary of the disturbed area, Frechette is storing firewood and pallets of pavers. Beutler and Gruner observed ponding between the firewood and pavers being fed by a groundwater seep; that ponding is where the majority of toad tadpoles were observed. Ponding had not been observed in the area between the wood pile and pallets during previous inspections.

5/14/2025 – Beutler and Gruner conducted the weekly site inspection. Frechette was available to join them for the site inspection. All erosion and sediment controls were in place and functional. The disturbed area is still inundated with puddles. The excavated area remains at the same water level as previous weeks. Tadpoles and spotted salamander nymphs were observed. During the inspection, Frechette expressed that he believed the discharge from the culvert at the end of the cul de sac was causing erosion and expanding the wetlands on his property, therefore devaluing his property. He explained that the purpose of his original Freedom of Information Act (FOIA) request from November was to find out information on the drainage structure and its maintenance. Beutler took pictures of the outlet and explained that the maintenance of culverts and outlets is a function of Public Works, and he should contact William Watkins, the Director of Public Works, for more information. Beutler and Gruner both explained that any issues with the culvert and its discharge are separate from the issues caused by Frechette's wetlands violation and should be dealt with separately.

5/21/2025 – Beutler and Gruner conducted an inspection. Frechette was unable to join them on the inspection. The erosion and sediment controls are holding up, however the silt fencing on the slope at the south end of the property has silt build up on the silt fence and will require maintenance if any additional silt puts pressure on the silt fence. Beutler sent Frechette a text message asking him to monitor that silt fence closely due to the rain and dig out the silt if any more is built up on the silt fence.

5/27/2025 – Beutler sent an email to Frechette and his team to remind them of the IWA meeting on Wednesday, May 28, 2025 and asked for confirmation of attendance. Beutler also reminded Frechette that she would conduct the weekly site inspection on Thursday, May 29, 2025.

**5/28/2025 – Frechette was absent from the Inland Wetlands Agency meeting. The Agency expressed concerns about the status of Frechette's site plan and the time sensitivity of the restoration plan. Gruner was in attendance on behalf of the Town of Coventry, and explained that the best chance for success is to have the first phase of restoration completed fall 2025/winter 2026. Due to Frechette's lack of presence and lack of site plan, the Inland Wetlands Agency directed Beutler to draft a cease and desist status letter, to make clear that the outstanding items from the original cease and desist need to be complete, an application submitted and in front of the Agency for review at the June 25, 2025, IWA regular meeting.**

**5/29/2025 – Beutler sent Frechette and his team an email to inform Frechette of the discussion at the IWA meeting and explain that he will be getting a letter as described above. Beutler requested a signed contract between Frechette and the Land Surveyor he hired, in addition to any correspondence between the two of them to show he is making an effort to come into compliance.**

**5/29/2025 – Beutler and Gruner conducted a site visit with Frechette present. The erosion and sediment controls were in working order. Gruner and Beutler observed an abundance of tadpoles in various ruts and puddles that have been holding water. The excavated area next to the pickleball court continues to hold water and spotted salamander larvae were observed. Frechette expressed regret for missing the IWA meeting the previous night and said his absence was not intentional. Frechette stated that he has what he believes to be a preliminary site plan from the surveyor and will be sending it to Town Staff later in the day. Frechette asked if what he has will be appropriate**

for his application. Beutler stated that if the site plan includes the information outlined in the original cease and desist letter, it should be appropriate.

Frechette asked Gruner and Beutler for information regarding the placement and size of the restoration of the vernal pool. Frechette expressed doubt about whether the vernal pool he filled in was in fact a vernal pool. Gruner referenced his report and gave Frechette an explanation of the evidence of the historic vernal pool's presence. Frechette said he wanted to place a pond further back so the mosquitos won't bother him. Gruner explained the difference between ponds and vernal pools. Beutler and Gruner reiterated that the restoration of the vernal pool will need to be in the location of the vernal pool he filled in. Frechette expressed frustration about having Logan create a new plan that the Agency may not approve. Beutler told Frechette that when he has a site plan with all the necessary information on it, she would schedule a meeting at Town Hall with Frechette, Logan, and Gruner, to discuss the restoration plan and make sure all the details are included and in the correct location. Beutler offered to help Frechette, in office, when he is prepared to submit his complete wetlands permit application to ensure that all components are included and correct before bringing it to the Agency.

Frechette asked if he was going to be able to put in a retaining wall where the excavated area currently is and Beutler told him he will need to include that in his application. Frechette stated that Logan told him he could excavate that area for his retaining wall some months ago. Beutler informed Frechette that Logan is not the authority for the authorization of that activity and Frechette has an active cease and desist, so he shouldn't have done it.

Frechette brought up his current freedom of information act request and expressed frustration that he hasn't received the information he is looking for. Beutler once again explained that the information Frechette is requesting is separate from his ongoing wetlands violation and advised him to contact the Town Manager to inquire further.

6/2/2025 – Frechette failed to send the information Beutler requested on 5/29/2025. Frechette also failed to provide the preliminary site plan he said he would send Beutler via email on 5/29/2025.

5/30/2025 – Beutler received an email from Frechette's attorney, Reiser, stating that she was out of the office due to travel and will regroup with Dave when she returns.

6/3/2025 – Attorney Reiser sent another email to Beutler, stating that she had a call in to the surveyor but that the surveyor is out of the office until Thursday, June 5<sup>th</sup>. Reiser stated she would send more information as soon as she gets it.

6/4/2025 – Beutler and Gruner conducted a routine site visit. Frechette was unable to join them. The erosion and sediment controls are functional. The excavated area near the pickleball court is still holding water, though slightly lower. Gruner and Beutler observed several green frogs and a newt in the excavated area. The ruts and low spots across the disturbed area continue to hold enough water for the toad tadpoles to develop further. Gruner and Beutler also observed grey tree frog tadpoles of differing sizes and stages of development.

6/6/2025 – Beutler sent Frechette a Progress Letter, certified mail, to acknowledge his absence from IWA meeting on May 28, 2025 and acknowledge his lack of adequate progress of cease and desist requirements. Included with the Progress Letter were copies of all previous letters and cease and desist mailed to Frechette certified mail, and IWA meeting minutes for every meeting that the wetlands violation at 77 Tall Oak Drive appeared on the agenda. The entirety of the Progress Letter packet was also emailed to Frechette and his team.

**6/6/2025 – Logan emailed Beutler, stating he read the Progress Letter and indicated that he will be on vacation at the time of the June 25, 2025 Inland Wetlands Agency Regular Meeting. He stated he would try to join the meeting remotely.**

**6/11/2025 – Beutler and Gruner conducted a routine site visit. Frechette was unable to join them. The excavated area near the pickleball court is still holding water. Gruner and Beutler observed several green frogs but did not observe any spotted salamander larvae in the excavated area. The ruts and low spots across the disturbed area continue to hold water. There were significantly fewer toad tadpoles present during the inspection, suggesting that many finished their development and made it out of the puddles. Beutler and Gruner observed freshly hatched grey tree frog tadpoles in puddles in the southern section of the disturbed area.**

**Beutler inspected the erosion and sediment controls and found that additional erosion and sediment controls are necessary. The series of silt fences at the southeast portion of the property need maintenance and staked-in haybales need to be positioned between each row of silt fence. Beutler took photographs and marked up an aerial image of the property to indicate where the additional erosion and sediment controls needed to be installed (see document titled “Notes from E&S Inspection on 6/11/2025”).**

**Beutler sent Frechette and his team an email with the “Notes from E&S Inspection on 6/11/2025” document attached to recap the inspection and show the areas that needed to be addressed.**

**6/12/2025 – Attorney Reiser responded to Beutler’s 6/11/2025 email, stating that she spoke to the surveyor and will provide a timeline for the site plan’s completion. Reiser stated that she did not expect to have a finalized wetlands application for the 6/25/2025 IWA Regular Meeting. Reiser went on to say that she would discuss the remediation of the e&s issues described in the document referenced in the 6/11/2025 email with Logan and Frechette to attempt to get them addressed ahead of the 6/25/2025 meeting. Reiser asked if their team should meet with the Agency when they have the survey, but before the wetlands application and plan for the remedial work.**

**Beutler responded to Reiser’s email stating that it is important that the Agency receive the site plan at the next meeting, even if the restoration plan is still being finalized. Beutler explained that Logan and Gruner will need to have another meeting to discuss the details of the restoration plan prior to it being finalized. Beutler reminded Reiser that she is willing to meet with Frechette and his team prior to the submission of the wetlands permit application to review the details and ensure that everything is complete and accurate to avoid another denial due to incompleteness.**

**6/18/2025 – Beutler sent a follow up email to Attorney Reiser, asking for an update on the timeline she referenced in her 6/12/2025 email.**

**6/18/2025 - Dave Frechette, Todd Penney (Town Engineer), William Watkins (Public Works Director), Charlie Harakaly (Public Works Highway Crew Leader), Hank Gruner (Herpetologist), Jim Drumm (Town Manager), Lindsay Beutler (Wetlands Agent), Tyler (Frechette’s nephew) and Frechette’s friend, John Zevetchin (National Property Damage Manager at Response Insurance) met onsite for a meeting. Beutler conducted the routine erosion and sediment control inspection. The silt fence identified during the last inspection as needing repair were repaired. Beutler stated that staked in haybales are still necessary and showed Frechette where they needed to be located. The disturbed area was almost completely dried up. The excavated area near the pickleball court was holding significantly less water. Beutler, Penney, and Gruner observed spotted salamander larvae and tadpoles in the water that remained in the excavated area near the pickleball court. Penney asked Frechette what the status of his site plan was and Frechette said Logan currently has the site plan. Penney asked Frechette to send a pdf of the site plan to Staff and Frechette said he**

**didn't think he had it, he just sent it to Logan. Frechette maintains that he did not believe what he filled in was a vernal pool and said there was no evidence that there was a vernal pool there. Beutler pointed out that his expert, George Logan, has gone on record stating that there was a vernal pool where Frechette deposited fill and the Town's expert, Hank Gruner, also gave expert testimony that there was in fact a historic vernal pool in the area that Frechette filled in. Frechette then discussed his drainage complaint with Watkins, Harakaly, and Penney. The drainage complaint is still being treated as a separate issue, but Frechette was told that the culvert is functioning appropriately.**

**6/18/2025 – Beutler sent an email to Frechette's team, stating who was present for the site visit and reattached the site visit inspection photos from the 6/11/2025 inspection and reiterated that the staked in haybales are still necessary. Beutler also stated that Frechette said Logan has the site plan and Beutler and Penney have both called/emailed Logan to request the site plan. Beutler also sent an email to Logan, requesting him to send his availability so he, Beutler, and Gruner can hold a meeting at Town Hall to discuss the restoration plan prior to it being finalized. Beutler stressed that someone from Frechette's team must be present at the next IWA Meeting on June 25, 2025. Attorney Reiser responded to Beutler's email shortly after, stating she would follow up with Logan and Frechette.**

**6/18/2025 – Logan responded to Beutler's request for the site plan Frechette said Logan was in possession of. Logan stated that he has not received the site plan yet but would create a draft sketch of potential mitigation and then schedule a meeting with Gruner and Beutler after 4<sup>th</sup> of July weekend. Logan sent another email at Frechette's request, to provide Staff with the preliminary topography Logan received in late May.**