

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING ON TUESDAY, July 5, 2022, AT 7:00 P.M., VIA GOTOMEETING: by web, <https://global.gotomeeting.com/join/134136261>; or by phone, United States: [+1 \(571\) 317-3116](tel:+15713173116), Access Code: [134136261#](https://global.gotomeeting.com/join/134136261).

Present were Chair Michael Feldman, Vice-chair Michael Sacks; and Commissioners Robert Breckinridge, Gary Gianini, and CJ Hauss. Also present was Emily Kyle, Planning and Community Development Specialist/Wetlands Agent.

Chair Feldman called the meeting to order at 7:00 p.m. There is a quorum of 5 Commissioners.

I. PENDING APPLICATIONS:

APPL. #780 – Lionel and Deborah I. Feigenbaum, Owners and Applicants; request for regulated activities within the 100 foot upland review area: construction of an addition to an existing garage and related site work. Location: 57 Breezy Knoll, Parcel 1410057.

Chair Feldman said that this Application was withdrawn. G. Gianini made a Motion to Accept the Withdrawal of Application #780. Vice Chair Sacks seconded. The Motion passed unanimously.

APPL. #779 – The Kids of Summer Foundation, Inc., Owner and Stephen Zappone, Applicant; request for regulated activities within the 100 foot upland review area: construction of house, driveway, utilities, and related site work. Location: 43 Vermillion Drive, Parcel 4420043.

David Whitney, PE, submitted a new Presentation Plan and James Sipperly, Soil Scientist, submitted a functions and values report to address the outstanding issues that were discussed at the last meeting. The Applicant met with the Town Engineer, Larry Baril, and the Assistant Town Engineer, Matt Brown, at the site and they agreed that the driveway entrance can be revised to shorten the driveway. It makes sense from an environmental point of view (less impervious surface), a cost issue, and an esthetic issue. The Town Engineer will approve the exact location but a revision is shown on the Plan. Test pits were excavated in the area of the fill as located on the Plan. The fill was the material brought in from the Avon Center project and it was a clean, sandy, silty material. D. Whitney did not observe any construction debris, chunks of asphalt, garbage, odors, or groundwater – it was homogeneous and it appeared to be exactly what he thought it was – clean, general, miscellaneous fill. It is a standard practice to do a compaction test prior to the pouring of the footings. He proposed that if the IWC took action tonight, it would be a condition of approval that the plan be revised in the manner shown on the Presentation Plan. The most recent wetlands delineation is slightly different than the original Henry Moeller delineation so the final plan will reflect the most current delineation by Eric Davison, Soil Scientist. D. Whitney is also proposing to construct at the toe of the existing slope, shallow grass swales that would direct stormwater runoff down to a proposed rain garden to be built in the middle of the site. This would allow any runoff from the yard by the house and from the embankment to settle in the rain garden before it overflowed and went into the wetlands.

J. Sipperly listed his professional credentials. The wetlands were originally delineated by H. Moeller, Soil Scientist, in 2008. Michael Klein of Davison Environmental recently redid the delineation and J. Sipperly agrees with this new delineation. The hydrology of the wetlands on this hillside are derived from an old man-made well at the base of the slope that was acting as an artesian well cutting into the hillside and into a spring and then spilling over. He found the basic location of the well because there is an existing outcrop that still exists though there is no evidence of the exact location. There was a note on the previous plan that the well should be abandoned and filled in with boulders and rocks and he believes that was done some time ago. There is still some hydrology there and that is why those soils have inland wetland characteristics. The upland soils are classified as udorthent which means they were filled and graded so the natural soil profile cannot be determined anymore. There are no vernal pools or the potential thereof on that slope. The entire wetland system is located on a slope and is classified as a forested wetland area. The trees on the site are relatively young because it was all cleared at one point. The understory is a healthy, diverse shrub layer. The wetland areas contain a wide range of species that are native to Connecticut and the main functions of the area are to serve as a water recharge and discharge area for the subsurface seepage coming off the slope and the groundwater coming up from that well area. Other functions include sediment stabilization because there is some erosion that occurs at the subsurface and then collects in some of the forested vegetation, nutrient removal and transformation, and product export which means it has the ability to provide food for wildlife (there is some wildlife diversity that exists on that slope). As a result of the shift in the house location, the proposed development will not disturb the wetlands and watercourses on the site and the functions will function as they normally do. The key to this site because of the slope will be the installation and maintenance of sedimentation and erosion controls and inspections and regular maintenance.

G. Gianini asked who will do regular inspections and for how long. E. Kyle said that she typically inspects active construction sites weekly through the duration of construction and she is in frequent communication with both the developer and the engineer. J. Sipperly added that the IWC can stipulate a third party inspector if the staff is busy or more inspections are needed. Once the site is stable and the lawn area is established, there is no need to do further inspections. R. Breckinridge asked if water seepage from the old well was the primary source of the wetlands or if there is another source – maybe runoff from the mountain. J. Sipperly said that we are on a glacial drumline – a hillside – the soils have a compact layer that is very dense below and the water flows from the surface down, hits a point and goes down the hill, and then hits a solid point where the water shoots out of the hill. Whoever dug the well knew the exact point where that was occurring and were taking advantage of those soil layers. He cannot say that that is the main source but it is a wetlands soil and a regulated area regardless of what is causing the groundwater to seep out of the hill. R. Breckinridge asked what is the effect of having a large surface area of grass on that hill – how will that affect runoff because it is so hard packed with a lot of surface water coming down. J. Sipperly said that because the house has been relocated, the driveway will be shortened, and there will be less grading area – like a small shelf there and almost like a terrace. It will be a small lawn limited because of the slope and the hillside. He doubts very much that there will be any erosion or impact once everything is established and grown. The site is very prolific now with native vegetation and some invasives. R. Breckinridge noted that there were signs of pretty significant erosion. J. Sipperly said that he does not believe

there will be any issue once the lawn is stabilized and graded in a final manner as shown on the plans.

Vice Chair Sacks asked if there is any other means to assure that there is no erosion like a wall along the edge. J. Sipperly said if there are heavy rains due to a storm or hurricane event, it might be better for water to go over land instead of moving down the hill and hitting some type of barrier where there are drains and a direct discharge out of a pipe down the hill to cause erosion. D. Whitney sees no need for any type of retaining wall. It is not standard practice for something like this. He said we will let the water sheet flow and not concentrate it at any one location to cause a point discharge. There are two places noted on the plan where erosion has occurred and those areas need to be filled, they need to be topsoiled, they need to have erosion matting put down, and vegetation needs to be established though the majority of the slope is vegetated now. Vice Chair Sacks asked if we could have inspections a year from now to make sure that this area is stable. D. Whitney agreed that would be reasonable. J. Sipperly said that he does not see a lot of plantings or mitigation needed because there really is no wetland impact but certainly a condition of approval could be an inspection a year from approval to ensure that everything is stable.

C. Hauss had no questions. Chair Feldman noticed the very steep drop behind the proposed house which leads straight to the wetlands and he wanted to know if that was a concern in terms of excessive water runoff going into the wetlands from the steep incline. J. Sipperly said that the soils where the test pits were approved are good and they were able to support a septic system. As you go further down, the steepness drops a lot more and the soil becomes a hard pan layer and water actually comes out of the soil to support the wetland finger that comes up. He said if the grading is done properly, the right amount of topsoil is put in, and the vegetation in the lawn area that is eliminated is reestablished, the site would be able to absorb the water. He also mentioned the rain garden which is designed so that there is a lot of surface runoff after a heavy rain, the rain gardens will accept that water, hold it, and slowly release it down the slope. D. Whitney repeated that the existing fill is terraced and the house is going where the existing fill is higher in elevation. The house will have a walkout to a relatively flat yard area so the water is not going to be flowing from the house straight down to the wetlands on a steep slope. Loam will be added so that grass will grow and there will be an area where water will soak into the ground and be absorbed before it gets to the steep slope. It is designed so the swells will bring the water to the rain garden. The way the site is currently graded and the way it is proposed to be graded will result in an area that will slow the water down. Chair Feldman noted that the new wetland boundary was considerably closer to the street. D. Whitney said that in the vicinity of the well, the old wetlands delineation and the new wetlands delineation are close but on either side of the lot to the north and south, the new wetlands boundary is closer to the road. Except for the extension of the sewer line up to the house, all of the work for the house and the driveway and the small amount of related grading around the house is all in the area that was filled. There is no disturbance down slope anywhere near the wetlands with the exception of the very short period of time it will take to extend the sewer. D. Whitney and J. Sipperly believe they have lessened the impacts of development on this site.

E. Kyle would slightly revise some of her suggested conditions of approval if the IWC acts favorably. 1. Originally she suggested that the site plan should be revised to show the newly

revised wetland boundary and filed with the Planning office. She would now also include the improvements shown on the Presentation Plan dated June 28, 2022. 2. Town staff shall be notified to inspect eroded areas upon their reparation. 3. Town staff shall conduct at minimum weekly inspections of the site and also immediately upon rain events over ½". 4. Any material removed upon excavation shall be hauled off site. These four conditions shall be added to our standard conditions. Chair Feldman referenced Vice Chair Sacks suggestion about an inspection a year after construction so a fifth condition was added by E. Kyle that Town staff shall conduct a post construction inspection in approximately one year.

Vice Chair Sacks made a Motion to Approve Application #779 with the conditions listed by E. Kyle. G. Gianini seconded. The Motion passed unanimously.

II. NEW APPLICATION:

APPL. #782 - Avon Old Farms School, Incorporated, Owner and Andrew J. Bosse Forestry Service, Applicant; request for regulated activities within the 100 foot upland review area: construct temporary stream crossing for a timber harvest. Locations: 355 and 500 Old Farms Road, Parcels 3360355 and 3360500.

Andrew Bosse, Consulting Forester, spoke on behalf of the Owner who hired him to do a forest management plan for their properties. The first stage of the plan is doing a timber harvest on one section of the property. The timber harvest involves approximately 110 acres of property of the Owner – they own about 800 acres of which about 600 acres is manageable forest land. They are planning on doing some subsequent timber harvests on other parts of the property in upcoming years. The property boundaries have been marked with pink flagging. There are two staging areas proposed for the harvest – one on each side of the road. The main one is on the west side for the larger area and there is a smaller section of about 10 acres on the east side of Old Farms Road. The contractor, Connecticut Mulch of Enfield, is required to install anti-tracking pad with geotextile fabric underneath for both staging areas. There is one wetland area on the property and a small stream that drains out of it to the east which is in the central part of the harvest area. There was an existing skid trail that led to the crossing site that he chose. A timber harvest occurred approximately 30 years ago but nothing has been done since then. The crossing site is a fairly narrow section with perfect conditions for a temporary stream crossing. There are high banks on each side and it is only about 4-5" wide at that point. The stream is dry now due to the dry weather recently. It is standard procedure for timber harvesting to use timber mat bridges for a temporary crossing and he included some photographs of these with the Application. He will use all the best management practices for this harvest. The soils on the property are well drained to excessively well drained. When he did the field work on the property in early spring, he could not find a puddle even after significant rain events. It is gravel underneath and the water seeps through which works well for limiting the potential for any type of erosion problems. The approaches to the stream crossing are very flat combined with a well drained soil, he does not anticipate any issues with sedimentation into the stream bed. At the conclusion of the harvest, the trail will be regraded and seeded down particularly at the approach areas and if needed, water bars will be installed to divert any possible flow. These are all standard best management practices recommended by the State Forestry Department.

Vice Chair Sacks asked if the IWC can even question this. Chair Feldman said that the actual harvesting of the timber is exempt from regulation but the stream crossing itself is not which was confirmed by E. Kyle. Chair Feldman asked if the large, green shaded area on the map would be clear cut. A. Bosse answered that it would not be clear cut at all – it is essentially what is called a shelter type harvest – basically a thinning of the forest. No forest management activity has been done on the property for at least 30 years. As part of doing the forest management plan, he did a detailed inventory throughout the property and found that much of the forest is over mature and in some areas, in poor health. About 4 years ago, there was a substantial gypsy moth infestation in this part of the State and there was a lot of mortality amount oak trees in particular on the property. One of the ways to improve the overall quality and health of the forest is by thinning it out. It is overstocked, overcrowded, and growth rates had slowed down so by thinning it out you will encourage some regeneration. He is hoping to increase the overall health of the forest and it is the Owner's goal to manage it in perpetuity and continually practice forest management on the property. A. Bosse said that how long it takes to grow and mature a tree depends on the species. Some like white birch have shorter lifespans - after 80 years, this tree tends to be over mature while other species like oak and sugar maple could live 150 or more years. He noticed signs of older maturity on timber such as a black seam on the base of the tree which indicates that there is decay inside the tree, broken off limbs higher in the crown, and die back in the crown – all indications that the tree is in decline and past its prime. He is also trying to let in some light as due to the overcrowded conditions, the canopies are fairly closed so there is not a lot of regeneration in the forest. These types of well drained soils tend to be favored by white pine though there is a fair amount of oak in some areas as well. He did not encounter any ash trees on the property. Chair Feldman asked if there would be a lot of trees left intact along the stream or if those would come down. A. Bosse said that the trees marked with paint would be the ones coming out – he spent several months doing this. In the vicinity of the stream, it is standard practice to lighten up the harvest which is what he will do though he did still take out trees that were overmature or showed signs of having issues. There will be quite a bit of trees left in the riparian area along the stream and along the wetland to the west of it which feeds the stream. Chair Feldman asked if the stream crossing is necessary given the thinning of the forest – is there a way of creating an unpaved roadway within the forest to remove the timber without having to cross the stream. A. Bosse said no because the site is on a bad corner with a bad sightline and it presents a legitimate safety concern as far as traffic, with large trucks entering and exiting. It is also close to a few residences. He chose that site in the middle for a staging area because it is an existing small clearing used at the last time the harvest was done and there is an existing woods road that leads right to it and a network of trails that exit it. There is no other area along the frontage of Old Farms Road that offers a good spot for a staging area north of the stream. The staging area he chose exits onto Old Farms Road and has good sightlines in both directions. The contractor will be posting No Truck Entering signs in each direction for safety. He continued that stream crossings for timber harvesting are common in Connecticut. He utilizes all the best management practices as put out by the State of Connecticut Forestry Department in their best management practices handbook for water quality while harvesting forest products. It is a list of methods used to mitigate any potential problems with impacting water quality during timber harvesting and are standard procedure for any forester or logger who is licensed in Connecticut.

G. Gianini asked if you are out of the dry season, would the work stop. A. Bosse said if the ground conditions got too wet to allow efficient harvesting without any potential for damage, he

would shut the job down. The soils on this property are so well drained that he does not anticipate any issues at all. When he visited the property after a heavy rain, there were no puddles anywhere, no water, and no surface runoff and the property is relatively flat particularly in the area of the stream crossing. G. Gianini asked what kind of equipment would be going back and forth over this bridge. A. Bosse said most likely a log forwarder which is a machine that carries the logs out rather than skidding them out like a log skidder that latches onto one end and drags them out. They actually cut the logs to length in the woods. The machine has a loader on it and they carry the logs out so you get much less soil disturbance. Typically, there would be smaller staging areas in the woods where they would use a log skidder and stack the logs with that and then the log forwarder would come along, pick them up, and bring them to the main staging area where the trucks could load up and egress the property.

R. Breckinridge asked whether there was a survey of vernal pools done on the property. He said that there were several to the southwest and the other side of Old Farms Road though it is not the best time of year to determine a vernal pool. A. Bosse answered that in the course of doing his forest management plan, he did not see any vernal pools in the harvest area. If there were, he would leave a 50 foot buffer around them. The only wetland in the harvest area itself is shown on the map. In the green shaded harvest area on the map he did not see any vernal pools. If there were vernal pools, he would leave a buffer around them but the type of soils on this property and the harvest area do not lend themselves at all to vernal pools as they are well drained. You would have to get to a much lower lying area and in soils that are less permeable to get any kind of vernal pool.

C. Hauss had no questions. Vice Chair Sacks asked what you do with the hemlocks that he noticed on the site. A. Bosse tried to take out the ones that were in poor shape and leave the healthier ones though there was not much hemlock – it was mostly pine. Vice Chair Sacks asked if the hemlocks can survive or do they all eventually go. A. Bosse thinks they will survive – the hemlock adelgid that has been attacking hemlock has been around since the mid 80s. He does not think we will lose all our hemlocks like we did the ash. The adelgid has been in the environment for close to 40 years so if the trees were going to die, they probably would have done so by now.

E. Kyle explained that the role of the IWC in a timber harvest is addressed under the agricultural exemption by the State's guidelines but the IWC still has to declare that they agree that this proposal does conform with the definition of agriculture provided by the State. There is an Application because of the stream crossing so the IWC needs a motion with conditions that best support low impact to wetlands areas. The primary goal here is to make sure that what is being proposed here is consistent with our regulations so she provided several suggested conditions of approval in her Staff report. The role of the IWC is to declare that this does fall under the exemption but to also make sure that proper measures are in place to minimize impacts. Chair Feldman asked if A. Bosse could accommodate a condition to minimize the number of trees removed from the riparian area adjacent to the stream. A. Bosse agreed though he has already marked the timber to be harvested and entered into a contract with a buyer so he cannot go in and unmark trees that are already marked. He did try to lighten up on the harvest within the riparian area itself or close to it within a buffer zone of the stream. There is a standard procedure for reducing the harvest intensity with the riparian zone – it is a certain percentage which he thinks is no more than 50% though he is staying well above that anyway. Chair Feldman asked E. Kyle

to list the conditions. 1. The project shall occur during dry or frozen season. 2. Erosion control shall be consistent with the erosion and sedimentation control plan that was submitted in the Application in the narrative. 3. The Applicant is to be available for periodic inspections at the site with staff as determined necessary by staff. A. Bosse offered to give a brief tour to the IWC of the harvest operation and to show the wetland crossing once it is installed. Several Commissioners would be interested in this. E. Kyle pointed out that an inspection would have to be coordinated so as to not become an illegal meeting. We could either coordinate a Special meeting with a planned agenda with notice that the IWC is visiting the site or Commissioners could visit separately or in pairs. A. Bosse would like to be there if anyone goes out to the site mainly for safety reasons. E. Kyle said that an agenda would be needed if more than three Commissioners attend an active project at the same time. 4. No equipment can be stored or parked within the upland review area. A. Bosse said that at the end of the day the equipment will be parked on the staging area or in the woods if it is a piece of equipment that tends to be left in the woods and workers walk back and forth to. 6. No equipment to be refueled or serviced in the upland review area. A. Bosse agreed that is standard and will tell the contractors.

G. Gianini made a Motion to Approve Application #782 for a temporary stream crossing for a timber harvest with the conditions listed by E. Kyle. R. Breckinridge seconded. The Motion passed unanimously.

III. COMMUNICATIONS FROM THE PUBLIC: None.

IV. NEXT SPECIAL MEETING: July 28, 2022 at 6:30 p.m.

V. NEXT REGULARLY SCHEDULED MEETING: September 6, 2022

Vice Chair Sacks asked about the IWC application form and whether adding the environmental impact statement to the Checklist could be approved. He believes it just requires that the applicant is now required to state the impact on the environment and it would not apply only if there are special circumstances which the agent could determine. He does not want to get applications without a statement about the impacts on the wetlands. E. Kyle agreed that the IWC can do that and she has begun to revise the entire application form. She believes there should be a motion and a vote by the IWC though it does not require a public hearing or Town Council input like a change to the regulations would.

Vice Chair Sacks made a Motion to have E. Kyle change the Application Checklist to indicate that the description of wetland impacts is now required unless it is excused by the staff because of extremely minimal impact. R. Breckinridge seconded. The Motion passed unanimously.

R. Breckinridge made a Motion to Adjourn. Vice Chair Sacks voted to second the Motion. The Motion passed unanimously.

There being no further business, the meeting adjourned at 8:25 p.m.

Janet Stokesbury, Clerk Inland Wetlands Commission
Town of Avon Department of Planning and Community Development