

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A REGULAR MEETING ON TUESDAY, SEPTEMBER 1, 2020, AT 7:00 P.M., VIA VIRTUAL GOTOMEETING, by Web: <https://global.gotomeeting.com/join/634568997>; by Phone: +1 (408) 650-3123, Access Code 634-568-997#.

Present were Chair Clifford Thier, and Vice-chair Michael Beauchamp; and Commissioners Bob Breckinridge, Michael Feldman, Martha Dean, and Dean Applefield. Absent was Commissioner Jed Usich. Also present was John McCahill, Planning and Community Development Specialist/Wetlands Agent.

Chairman Thier called the meeting to order at 7:01 p.m.

Chairman Thier and John McCahill stated procedures for commissioners and the participating public for conducting the virtual meeting. John McCahill stated that the application materials were posted online approximately two weeks prior to this meeting along with the GoToMeeting access details. Appl. 767, related to 4 Vermillion Drive, will be presented and summarized at this meeting by engineer David Whitney; and Appl. 768, related to Blue Fox Run Golf Course, et. al, will be subject to a public hearing scheduled for October 6, 2020, and as stated on the agenda, there will be no discussion of Appl. 768 at this meeting.

#### NEW APPLICATIONS

**APPL. #767** – Michelle and Anthony Angeloni, applicants; Jason L. Addison, owner: Request: 1) partial elimination and redirecting of existing intermittent watercourse (eroded drainage swale); 2) construction activities within 100' regulated area; proposed activities include construction of single family residential house, driveway, septic system, detached garage, pool, retaining wall, and related site grading. Location: 4 Vermillion Drive, Parcel 4420004. (Public hearing to be considered and date to be determined.)

Applicant Anthony Angeloni was present. Also present on behalf of both the applicants and the owner was David F. Whitney, Professional Engineer, of David F. Whitney Consulting Engineers, LLC.

John McCahill stated that notices were provided in accordance with the Town regulations, State of CT statutes, and recent COVID-19-related executive orders.

Mr. Whitney stated it was his understanding that the goal of this meeting was to present a brief overview in order to determine whether or not the application would be subject to a public hearing. He presented an outline of the application for 4 Vermillion Drive, and in it responses are included with reference to John McCahill's memorandum on the application. The land is a 4.4 acre single lot located at the northeast corner of Vermillion Drive and Oak Bluff. The application requests the elimination of a portion of an intermittent watercourse and construction activities for a single family house on the property, with related grading, septic system, and driveway within 100' of the wetlands. Regarding item #4 in his outline, soil testing was conducted on this lot while Dianne Harding, of the Farmington Valley Health District (FVHD), was present. The

septic system was designed and the system plan was submitted for approval on this lot, and the plan is presently under review by the FVHD. Revisions to the plan will be made and submitted at least seven days prior to the next Inland Wetlands Commission meeting when this application is on the agenda. Item number five of his outline was referenced, and the maps were summarized. Sheet #1 is the map of the existing site. Soil Scientist Tim Mischke had delineated the wetland soils on this site in 2003, and they were located and mapped by a surveyor, and the delineation reports are included on the left side of this sheet. Mr. Mischke indicated that there were three areas of wetlands on the property at that time. The lot rises up from the front to the back, 10%-20% steeply in some areas. Wetlands Area #1 reflects a relatively small land depression which can fill with water and overflow down an eroded drainage swale. This area is identified as Wetlands Area #3, which is actually an intermittent watercourse that moves down through the middle of the site. On the southern side of the lot, on the right on the map, there is a relatively year-round brook, although dry recently, which flows most of the year; in comparison to the intermittent watercourse of Wetlands Area #3 which only flows if it rains, if that frequently. There are associated wetland soils that were flagged along the brook. The brook in Wetlands Area #2 and the intermittent watercourse identified as Wetlands Area #3 both come down into an existing storm drain system and culverts in two different locations, indicated on this map as headwalls, and down to the street drainage for Oak Bluff. From the bottom of this lot at Vermillion Drive, the water goes into the drainage system then goes down farther at Oak Bluff. The cross-hatched areas drawn on this map represent an existing conservation restriction area, at Wetlands Area #1, and down the southern side of the lot at Wetlands Area #2, from the past two Commission applications for this lot, from 2003 and 2006. Both the 2003 and 2006 applications have expired. The conservation restriction area approved in 2006 remains an encumbrance on this property, and therefore it is shown on the plan as existing conditions.

Sheet #2, titled Proposed Septic System Design, has already been submitted to the FVHD. Approval of this system would be expected by the next meeting on this application.

Sheet #3 is titled Soil Data and Septic System Details, and it reflects the most recent soil tests that were conducted last month. Soil testing had been conducted in the past as well. There exist typical Avon Mountain conditions where there is a topsoil and subsoil layer, with moderately well drained, above a compact glacial till.

Sheet #4, the Site Grading Plan, shows a 1"/20' scale for the proposed lot layout; the house, detached garage, septic system, a driveway, a proposed pool in the back, and a retaining wall around the upper area of the development. Above the retaining wall, the land slopes up with several proposed swales to redirect storm water runoff away from the house. The goal is to excavate a considerable amount of material to create a relatively flat building pad for construction of the house, pool, driveway, septic system, etc., and create a 2-1 slope behind it. This will eliminate 420 lineal feet of the intermittent watercourse, which is the eroded drainage swale that runs through the center of the property; the idea is to redirect the water around either side of the house. Both of the previous applications had also included the elimination of this intermittent watercourse. He stated that it was nearly impossible to develop the lot without redirecting the storm water. He also stated that along Oak Bluff, Wetlands Area #2A is adjacent to the watercourse, and there is an area which is highlighted for the removal of specific

vegetation. It is now a small, isolated wetlands where the applicant would like to clear some vegetation to allow sunlight into the yard for the pool area.

Sheet #5, titled Feasible Alternatives, shows the two previous site layouts from the past that were approved by the Commission. The layout on the left is from 2003, and the one on the right is from 2006. In 2003, there was a plan for a very long steep driveway that located the house at the very top of the site. The proposed location of the house in this instance was for purposes of the view from the mountain. The septic system was a two-part system due to the requirements for distance and location. The proposed disturbed acreage in this application was 1.8. In 2006, the application called for the house closer to the road, and the driveway a certain way, due to the wishes of the owner/applicant. The proposed disturbed acreage for this application was 1.9. These plans were titled Feasible Alternatives because they had been approved plans in the past. The proposed disturbed acreage for this current application is approximately 1.5 acres, all located on the lower portion of the lot. A gravity septic system has been designed for this application. Mr. Whitney considered the current plan the best of the three plans, including those of 2003 and 2006. The current proposed plan disturbs the least amount of existing intermittent watercourse and the site development area is kept away from the wetlands at the top of the site, as well as the wetlands on the southern side of the lot. The Site Walk Map was also discussed. All of the stakes will be in place on the site within the next couple of days. The wetlands were delineated in 2003 and the delineation flags are no longer on site. He did not believe that the wetlands have changed since that time, however, whether or not the current wetlands mapping was necessary was also up for discussion. He is working on a construction sequence plan which would include the erosion control measures, and this would be submitted prior to the next meeting for this application. An application for the development of this lot has also been submitted to the Planning and Zoning Commission because a considerable amount of earth material would be removed from the site to create the building pad, and any time excavation of more than 1,000 cubic yards are removed from a site, Avon regulations require a special exception approval for earth removal.

Chair Thier called on Commissioners for questions.

Commissioner Applefield inquired about the watercourse on the map and how it would flow after the proposed redirection. He inquired about the size of Swale #1, relative to the intermittent watercourse, and if the swales were designed to handle all the water that would be going in the intermittent watercourse; and questioned the size of the existing intermittent watercourse.

Mr. Whitney referred to Sheet #4. Four swales are proposed to redirect the water. Swale #1, the highest swale on the property, will move the water toward an existing catch basin on the site. The water will go into the storm drainage system then downward on Oak Bluff where there is a pond. The other swales are redundant systems in case of a large storm, in order to take every precaution to avoid the water from entering the house. Currently, the intermittent watercourse goes into a head wall that leads to a catch basin, at the intersection of Vermillion Drive and Oak Bluff. The proposed system will bring the water into the drainage system at a higher point. The storm water will not be taken elsewhere from the existing point of collection. It will not be brought to another neighbor's property. The storm water will be redirected around the proposed structures on the property. He stated that Swale #1 would mimic the intermittent watercourse. It

would be five feet wide and 18" deep. The existing eroded, irregular watercourse, actually a water channel, is approximately three feet wide in most places, but varies from two to four feet wide.

Commissioner Applefield inquired if it was Mr. Whitney's understanding that the conservation restriction was applicable and enforced.

Mr. Whitney responded that it was proposed to remove a section of the conservation restriction area to allow some clearing, and perhaps to enlarge the conservation restriction area elsewhere; perhaps at the top of the lot. He believed that the conservation restriction was applicable at this time.

John McCahill confirmed that the existing conservation restriction is filed in the land records.

Commissioner Applefield inquired if cutting some of the trees would violate the existing conservation restriction.

Mr. Whitney responded in the affirmative. He confirmed that it was the impetus for seeking a modification to the existing conservation restriction.

Commissioner Applefield requested confirmation that the last delineation of soils was in 2003. He expected that the soils would be re-delineated at this time; as the 2003 delineation would be outdated.

Mr. Whitney confirmed that the soils were last delineated in 2003.

Commissioner Applefield inquired if the upland review area applied to the brook area as well.

Mr. Whitney responded with apologies that he had not shown the 100-foot upland review area from both sides of the intermittent watercourse or from the brook. He stated that basically every square inch of this property was in the upland review area. The upland review area covers 100 feet on either side of the watercourse, and therefore everything is in the upland review area. The 100-foot lines will be shown on the revised plans.

Commissioner Breckinridge inquired about the history of the conservation restriction and how it came to be.

Mr. Whitney commented on Sheet #5, where he referenced the 2006 approved plan and stated it was at that time that the conservation restriction was established. The conservation restriction area was set at 20 feet from the wetlands limit line on the southern part of the lot, Wetlands Area #2, from the bottom of the lot and up to the top. There was a reserved septic area in this vicinity. He could not recall why the restriction area was as far up as indicated and approved. The conservation restriction area that is currently on the plans is from the 2006 approved application.

Commissioner Breckinridge inquired how large the drainage basin is that feeds into the Wetlands Area #1. He requested a better reference for the amount of water from a regular to heavy rain

storm and whether or not it could fill that pool. He inquired if it was Mr. Whitney's opinion that after a very heavy rain, there would not be a raging watercourse coming down from Wetlands Area #1.

Mr. Whitney responded that he would have the answer to Commissioner Breckinridge's question for the next meeting on this application. He recommended to the Commission, if they want an accurate field observation, to visit the site during a heavy rain. He stated that he was at the site last week during rain, however, that sometimes it takes a couple of days of rain to see the water in the intermittent watercourse. He believed that the first storm would not cause a raging watercourse, however, if there were two or three consecutive storms, that problem could occur. The watercourses on the mountain tend to have a flash reaction to the amount of storm water. It varies as to when there is water in the watercourse. He confirmed that there was no connection between the intermittent watercourse, Wetlands Area #1, and the brook. He will provide a watershed map prior to the next meeting on this application.

Commissioner Breckinridge mentioned the potential issue, due to the issue of the Oaks Preserve area having a small watercourse coming down from the mountain which practically rages into a river and then overflows the watershed around the pond in that area.

Mr. Whitney stated that these were reasons for having four swales instead of relying on only one. He agreed with Commissioner Breckinridge that the water does indeed move rapidly down the mountain.

Commissioner Breckinridge inquired if there were any chance that the runoff could enter the proposed in-ground pool, and then the chlorinated water would then get into the brook. He inquired if the land that would be removed to accommodate the proposed house and in-ground pool would be above the brook; would the proposed pool be higher than the brook that runs along the south border. He requested confirmation of Mr. Whitney's opinion that water from the pool could not get into the brook.

Mr. Whitney responded he hoped that situation would not occur. He responded that it depended on the elevation of the land. The proposed house and pool were to be at elevation 410.' There are two catch basins at Oak Bluff. There is a contour line above the catch basin that is at elevation 400.' There will be a ten-foot elevation difference between the building pad and the road at Oak Bluff where the catch basin exists. The developed area will be up above Oak Bluff and Vermillion Drive, but it will not go up as steeply as the land presently does. The brook comes into the headwall is elevation 400,' and at some point the brook would be at an equal elevation to the pool, at an elevation of 410.' He indicated it was very unlikely that the pool water would enter the brook. If there were an overflow, it would go down toward where Oak Bluff is, which is past the brook, and therefore he confirmed it would not happen. The water would go downhill and not into the watercourse.

Commissioner Dean stated that she passes this site almost every day and agreed with Mr. Whitney on the amount of rain per type of storm and its impact to the watercourse. She did not find an issue with large amounts of water flowing at this site. She agreed with Commissioner

Applefield that since almost 20 years had passed since the previous wetlands delineation, the Commission would need to see a re-delineation of the wetlands on the site.

Commissioner Feldman stated that he would walk the site to see if any further questions would arise.

John McCahill reiterated that this property was subject to two previous applications; and there had been public hearings for both of those applications. The Commission would need to decide if there will be a public hearing on this application. Possible dates to consider for a hearing would be October 20-22, 2020.

Chair Thier inquired of the Commissioners whether or not a public hearing should be held. Those Commissioners who thought in favor of holding a public hearing were: Bob Breckinridge, Martha Dean, Michael Feldman, and Dean Applefield.

Commissioner Applefield motioned to consider Appl. #767 at a public hearing that may be scheduled on October 20<sup>th</sup> or other days that Town staff will coordinate with the applicant. Commissioner Dean seconded the motion. Commissioners Thier, Applefield, Breckinridge, Dean, and Feldman voted in favor. Vice-chair Beauchamp was inaudible. The motion carried.

Commissioner Applefield inquired if the applicant, Mr. Angelino, had approval to submit an application of the subject property from land owner Mr. Addison.

John McCahill responded that Mr. Addison had also signed this application. The applicant has a contract to purchase pending the outcome of the application process; this is not an uncommon situation.

**APPL. #768** – Blue Fox Run Golf Course, LLC, Lisa Wilson Foley, applicant; Blue Fox Run Golf Course, LLC, owner; Nod Road Properties, LLC, owner; and Corner Properties, LLC, owner: Requesting to amend the Town of Avon Inland Wetlands and Watercourses Map, per Section 15 of the Regulations, to update the map for the subject properties to depict accurate information based on detailed field mapping and soil evaluations. Locations: 65 Nod Road, Parcel 3290065; 117 Nod Road, Parcel 3290117; and 231 Nod Road, Parcel 3290231. (Public hearing to be held on October 6, 2020; no discussion at this meeting.)

John McCahill stated that Appl. 768 is scheduled for a public hearing on October 6, 2020.

#### COMMUNICATIONS FROM THE PUBLIC

A member of the public inquired of the applicant, for 4 Vermillion Drive, what will happen to the remainder of the property in Appl. 767.

Mr. Whitney responded that the remaining property above the proposed site construction area would remain wooded. If anything were to be done in the remaining portion, it would need to be shown on the site plan. He also noted that part of the area is still subject to an existing conservation restriction.

## OTHER BUSINESS

Approval of the Inland Wetlands Commission Meeting Schedule 2021. Commissioner Breckinridge motioned to approve the 2021 Inland Wetlands Commission meeting schedule; Commissioner Dean seconded the motion. Commissioners Thier, Applefield, Breckinridge, Dean, and Feldman voted in favor. Vice-chair Beauchamp was inaudible. The motion carried.

Commissioner Breckinridge stated, that on further review of the 2021 Inland Wetlands Commission meeting calendar, November 2, 2021, is Election Day. Chair Thier recommended that the meeting be moved to November 9, 2021.

Commissioner Breckinridge motioned to amend the 2021 Inland Wetlands Commission meeting calendar to move the November meeting date from November 2, 2021, to November 9, 2021. Commissioner Dean seconded the motion. Commissioners Thier, Beauchamp, Applefield, Breckinridge, Dean, and Feldman voted in favor. The motion carried.

## STAFF COMMENTS:

John McCahill did not have additional comments.

## APPROVAL OF MINUTES:

- Minutes, December 3, 2019 – Regular Meeting: Commissioner Feldman motioned to approve the minutes as submitted, and Commissioner Dean seconded the motion. Commissioners Thier, Beauchamp, Breckinridge, Dean, and Feldman voted in favor. Commissioner Applefield did not vote in favor as he did not attend the December 19, 2019, meeting. The minutes were approved.
- Minutes, January 21, 2020 – Special Meeting for an Executive Session: Commissioner Breckinridge motioned to approve the minutes as submitted, and Commissioner Dean seconded the motion. Commissioners Thier, Beauchamp, Breckinridge, Dean, and Feldman voted in favor. Commissioner Applefield did not vote in favor as he did not attend the January 21, 2020, meeting. The minutes were approved.

## NEXT REGULARLY SCHEDULED MEETING:

The next regularly scheduled meeting is Tuesday, October 6, 2020.

John McCahill stated that the Town has hired a virtual meeting coordinator consultant to help with the logistics of controlling large scale audience participation at upcoming public hearings.

Chair Thier sought confirmation that the Town would seek avenues to notify the maximum number of people related to participation in the upcoming public hearings.

John McCahill confirmed Chair Thier's request.

Commissioner Dean requested a virtual meeting to work out technical issues related to upcoming meetings. John McCahill responded that a special meeting could be arranged solely to work on meeting access and technical issues. The Town has a contract with the GoToMeeting platform, and the meeting coordinator consultant also uses the GoToMeeting platform. Commissioner Applefield was not certain that it would be required to notice a special meeting to work solely on technical issues. John McCahill stated that he would confer with Town counsel.

A member of the public requested that presentation materials for the October public hearing be available for the public prior to the meeting, rather than what is shown only at the meeting.

John McCahill stated that applications and related materials are posted on the website of the Inland Wetlands Commission in the section of Pending and Previous Applications. Any new maps related to a pending application would be posted in advance of a meeting.

Commissioner Dean motioned to adjourn the meeting. Commissioner Breckinridge seconded the motion. Commissioners Thier, Beauchamp, Breckinridge, Applefield, Dean, and Feldman voted in favor. The motion carried.

There being no further business, the meeting adjourned at 8:15 p.m.

Susan Guimaraes, Clerk  
Inland Wetlands Commission  
Town of Avon Planning and Community Development