

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A VIRTUAL REGULAR MEETING ON TUESDAY, December 7, 2021, AT 7:00 P.M., VIA GOTOMEETING: by web, <https://global.gotomeeting.com/join/970803013>; or by phone, United States: [+1 \(786\) 535-3211](tel:+17865353211), Access Code: [970803013#](https://global.gotomeeting.com/join/970803013).

Present were Chair Clifford Thier and Vice-chair Michael Beauchamp; and Commissioners Bob Breckinridge, Michael Feldman, Michael Sacks and Jed Usich. Also present was Emily Kyle, Planning and Community Development Specialist/Wetlands Agent.

Chair Thier called the meeting to order at 7:00 p.m.

I. NEW APPLICATION:

APPL. #772 – Juliano’s Pools, applicant; Ian S. Rice and Maina Tilton Rice, owners; request for regulated activities within the 100 foot upland review area: construction of an in-ground pool, concrete patio, fence and related site work. Location: 124 Northgate, Parcel 3310124.

E. Kyle posted the Agenda on the screen. This is a New Application. David Whitney is on this meeting to represent the property owners, Ian S. Rice and Maina Tilton Rice. I. Rice is also on the meeting.

D. Whitney stated that he would make the presentation and then I. Rice would like to say a few words following. D. Whitney prepared the Site Plan and the Site Walk Map for this Application which essentially consists of a proposed pool, patio and associated site disturbance. A portion of the activities are within the 100 foot upland review area from the offsite wetlands on the Town’s land to the north. E. Kyle posted the Site Plan on the screen which shows the wetlands. The wetlands were delineated by GZA GeoEnvironmental, Inc. and the project manager was Robin Casioppo. There is a 23 page report from GZA that was part of this Application. GZA put in 5 flags to locate the wetlands which were subsequently located by Doug Little, Surveyor. D. Whitney stated that R. Casioppo, the soil scientist, determined that there are no wetlands soils actually on this site. The non-wetland soil on the site is a Charlton-Chatfield sandy soil and it was R. Casioppo’s opinion that the offsite wetlands function and values would not be altered resulting from the pool installation as the limit of the work is entirely outside of the wetlands, within the manicured lawn, which currently provides limited wildlife habitat. Site disturbance is shown on the map as stippled and it is 20 feet from the edge of the patio for the pool construction. The total site disturbance is about 6,000 square feet which is about 0.4 acres and of that, about 4,500 feet, or 1/10th of an acre is actually within the upland review area. The access to the pool and patio area will be from the driveway on the west side of the site and the map shows a construction entrance with an anti-tracking pad as is typical. The closest point of disturbance from the project to the closest point of the offsite wetlands is 46 feet. D. Whitney stated that the site is very flat and there are minimal cuts and fills involved with this project. The pool will be constructed without a lot of grading required. In addition to the pool, there will be a 4 foot high fence constructed around the perimeter of the property to enclose the yard for the pool and their dog. The fence will have fence posts installed in concrete footings about every 7.5 feet. The total linear feet of fence within the upland review area is 315 feet, which will result in about 42 fence post holes being dug with either a handheld auger or a towable power auger. E. Kyle showed

examples of this machinery on the screen. The first photo showed a handheld power auger but more likely, the towable power auger shown in the second photo will be the machinery used. The third photo gave an idea of what the fence post holes might look like and the dirt that will be removed, probably by wheelbarrow. D. Whitney is proposing a row of silt fence or silt sock to be installed along the entire rear northern property line between the fence and the offsite wetlands. Given the sandy nature of the soil on the site and the flatness of the lot, D. Whitney believes that one row of properly installed erosion control will protect the wetlands from the small amount of earth dug up as a result of the fence posts. D. Whitney discussed the site walk map. There are 2 stakes at the northern end of the pool (# 1 and 2) and 2 more at the limit of the disturbed area (#3 and 4 which were within the grassed area). The other three stakes (#5, 6 and 7), are along the rear northern property line with stake #6 behind the shed and close to wetland flag #4 which is the closest point from the wetlands to the construction activity. D. Whitney mentioned the Memo from E. Kyle dated November 29, 2021. He tried to address the questions regarding the fence that is being constructed.

Mr. Rice thanked D. Whitney, E. Kyle and all the Commissioners for their work. He stated that when he moved to Avon in 2013 he looked in Farmington and Simsbury but kept coming back to Avon and this lot in particular because it was flat and backed up to hundreds of acres of woods. He is an Eagle Scout and grew up camping every month and has an appreciation for the outdoors. The Rice family has a vested interest in preserving the nature that is behind 124 Northgate. He believes that the construction that he is proposing on the property, given the distance and the flatness, is not putting the wetlands at risk of harm.

Chair Thier asked D. Whitney if he had anything to add. D. Whitney directed the Commission to the narrative from Juliano's Pools which detailed how the construction would occur. Juliano's specified that they'll use a mini excavator and a skid steer. They will excavate for the pool and immediately put the material into a dump truck and haul it offsite so there will be no stockpiling of material on the site which reduces the chances of sedimentation. Juliano's Pools has installed many pools in the Farmington Valley.

Chair Thier began the question portion. J. Usich had no questions. He knows the lot well and Juliano's Pools has put in quite a few pools in the area.

M. Sacks asked how much water is displaced from a pool when there is heavy rainfall. D. Whitney mentioned that he had a pool for twenty years and typically the water level in the pool was about 4-6 inches below the deck. A 100 year storm is eight inches of rain in 24 hours. If we get a 100 year storm then there might be water flowing out of this pool but 90% of the storms in Connecticut annually are one inch of rainfall or less so for 90% of the storms there would not be any water flowing out of the pool. M. Sacks knows of another pool owner that describes having to lower the level of the pool for heavy rainfall. His second question is when there is water to be removed from the pool with heavy rainfall, where does it go? D. Whitney responded that the water is going to flow onto the patio and then it's going to flow into the backyard. The soil on site is relatively sandy and well drained so D. Whitney anticipates that it will soak into the ground. M. Sacks asked if there is any way of knowing how much of this is going to reach the wetlands. How can that be assessed? He appreciates that Juliano's Pools will haul away the water in the fall for winterization and the water can be repurposed and put into a new swimming pool.

But other times when there is a heavy amount of water, M. Sacks wonders how far it spreads and what kind of a threat this could be. This is chlorinated water and the wetlands are close by (46 feet) so if the water goes down, does it percolate through the ground? How much does this pose a concern? I. Rice stated that they have opted for a salt water pool and the scale is if seawater is 36 parts per unit then the pool is approximately 4 parts per unit. It is much less harsh than chlorinated water. D. Whitney said that he did some calculations and if you have eight inches of rainfall (which is the 100 year storm), that would be about 560 cubic feet of water. We have 10,000 square feet in the backyard before you get to the property line so if you spread the water out on the 10,000 square feet, we get about $\frac{3}{4}$ of an inch and all that water does not arrive at one instant. Typically in a 100 hundred year storm, the eight inches arrives over 24 hours. D. Whitney believes that there is a large area of well drained soil for a relatively small amount of water to soak into. M. Sacks asked if this is salt does that mean that it accumulates in the soil rather than dissipate and disappear as other chemicals might? Does the soil become increasingly salty? D. Whitney responded that 100 year storms occur infrequently so the chances of water flowing out of the pool into the backyard is not going to happen frequently. D. Whitney doesn't know what the concentration of the salt is but it will be diluted by the rain and it won't happen very often. I. Rice commented that it would overflow in all directions, not just in the direction of the wetlands. M. Sacks asked if there is a way of predicting the flow of water if it overflowed from the pool. D. Whitney responded that there is a slight general gradient just by eye in a northward direction but he thinks I. Rice is correct that the water would flow north, east and west. It will not go toward the house because the house is slightly higher in elevation so the water will spread out and it will not all flow directly towards the wetlands but will flow in three directions. M. Sacks stated that D. Whitney is talking about a 100 year storm but M. Sacks indicated that the person that he knows that has a pool indicated that water overflowing was a regular occurrence.

M. Feldman stated that he did do a site walk but he did not go beyond the wetlands flags and asked D. Whitney where the nearest watercourse was behind the property. D. Whitney did not know. I. Rice ran the trails every day and he cannot think of any running water in any direction. If you went to the end of Northgate where the trail starts, you'd have to go downhill from there before you encountered any running water or a stream, etc. He has not seen any behind his house in the woods. M. Feldman then asked if there are any drains for this pool and if so, where are they located and where does the water drain to. I. Rice answered that it was his understanding that it was a closed system and there is constantly a pool pump that is running, even throughout the wintertime. They don't drain the pool in the winter, they just lower the level. When it gets below 35 degrees, you make sure the pump is running. Evaporation causes you to lose water and you have to add water from time to time. M. Feldman asked where the water goes when you lower the level in the winter. I. Rice responded that that was what Juliano's Pools was referring to when they said that they take away the water and then repurpose it for another pool. M. Feldman repeated that the water would be taken out of the pool, put into a truck, and taken away. That is I. Rice's understanding. M. Feldman's concern is how can the Commission be assured that some future owner will comply with that. I. Rice responded that he can't speculate on that but that if a future owner wants to have a swimming pool and maintain the swimming pool the way it's maintained, then because of evaporation the pool would lose water faster than it would overflow.

D. Whitney stated that he checked the Avon Topo Map and it looks like the nearest watercourse is about 800 feet to the west of the cul de sac.

B. Breckinridge asked D. Whitney if the reason this area is wetlands is because of soil type. D. Whitney confirmed that is his understanding. B. Breckinridge walked the site and saw no standing or moving water. I. Rice stated that in the eight years he has lived there, there has been no standing or moving water there. B. Breckinridge asked if the odds of any chemicals from the pool going anywhere and the distance that they're going to filter through the soil reduces any likelihood of any effects on wetlands, either in this back region or downstream. D. Whitney and I. Rice confirmed that is their understanding. B. Breckinridge asked if this house has a foundation drain that goes out to the woods. D. Whitney stated that he would suspect if there was a foundation drain that it would tie into one of the catch basins in the street. There is no possible way given the flatness of the lot that a foundation drain could daylight to grade in the back of the site. B. Breckinridge asked if there was a foundation drain because if there is overflow, the drain would carry that water somewhere. Does the drain run into the sewers? D. Whitney responded that it should not. Any foundation drain outlet pipe should be connected into the storm drain system in the street. D. Whitney continued by saying that the top of the foundation is about a foot to 18 inches above the grade of the house so that the basement floor is about 6.5 feet down and the foundation drains at the base of the foundation so it's probably about 6-7 feet below grade. If the pool was to overflow, the water would have to drain 6-7 feet down through the soil before it would go through the outlet pipe and into the storm drainage system in the street. Therefore, there is not a direct connection from the pool if it was to overflow. B. Breckinridge stated that was just as likely as draining into the wetlands area. The distance to the foundation is relatively short. D. Whitney stated that the ground at the foundation is slightly higher than the pool. If the pool were to overflow, D. Whitney thinks it's a remote possibility that it would flow toward the house. B. Breckinridge asked if with saturated soil, the water can leach down into the soil and not necessarily go away but it may go straight down. D. Whitney agreed that a small portion of the water that drains in the ground could flow toward the house and towards the foundation drain six feet down. B. Breckinridge stated that his house is 10 feet above the surrounding area, he has a foundation drain, and if there is a storm, there is a lot of water flowing out of that 100 feet into the woods. If there was a pipe running out into the woods, there is going to be some water from the pool that could potentially get into the ground. D. Whitney stated that he doesn't think the foundation drains go into the woods because they would not work due to the elevation difference. He believes that the foundation drainpipes have to be connected to the catch basins in the street. That's the only way they would work.

Vice Chair Beauchamp met the homeowner, walked the site, and saw the stakes. He did not see the presence of wetlands. Vice Chair Beauchamp asked if there is any other location that the pool could be. Is there an alternative location further away from the wetlands? D. Whitney responded that the southeastern corner of the pool is 10 feet away from the sunroom and the southern side of the pool is 18 feet away from the garage. The pool is tucked pretty close to the house and it would be problematic to have the pool 2-3 feet from the house. D. Whitney thinks it is as close to the house as it makes sense. I. Rice stated that he talked to John McCahill (former Planning and Community Development Specialist) when I. Rice moved in in 2013 and this was the suggested location for the pool. Originally, the setback from the wetlands was 40 feet when the house was

built and then it was extended to 100 feet. J. McCahill suggested a pool near the house as far from the wetlands as possible would be a better fact pattern.

Chair Thier asked D. Whitney how permeable the patio around the pool is. D. Whitney replied that he did not know exactly what type of patio is proposed but he would assume most patios are generally not very permeable. He believes the water will run off the patio. I. Rice assumes that the patio is not permeable because Juliano's Pools provides stamped concrete which they can make to look like bluestone but it's not permeable. Chair Thier then asked D. Whitney the distance from the corner of the closest edge of the pool to the wetlands. We know that it's 46 feet to the edge of the disturbance area but how far is the pool from the wetlands? D. Whitney replied that the northeast corner of the pool is 73 feet from the wetlands flag A4 which is the closest point. D. Whitney confirmed that the existing lawn will be restored as lawn.

M. Feldman made a motion to approve this Application #772. M. Feldman stated that there were no staff conditions and Thier confirmed that. J. Usich seconded the motion. The motion passed unanimously so the Application was approved. I. Rice thanked the Commission.

II. COMMUNICATIONS FROM THE PUBLIC: There were no members of the public that wished to be heard.

III. APPROVAL OF MINUTES: There were no corrections or comments to the Minutes of the IWC Regular meeting on November 9, 2021. J. Usich made a motion to approve the minutes. B. Breckinridge seconded the motion. The minutes were approved unanimously.

IV. STAFF COMMENTS: E. Kyle stated that the next regularly scheduled meeting on January 4, 2022 will be cancelled and we will be scheduling a special meeting for the following week on January 11, 2022. There was a major shift in the Town Council (after the last election) and as Staff, she indicated that we do not know the outcome that will bring to the Commission. The next Town Council meeting that will give us guidance is January 6, 2022. We will send reminders with the Special Meeting Agenda.

V. NEXT REGULARLY SCHEDULED MEETING: The Regular meeting for Tuesday, January 4, 2022 will be cancelled and a Special Meeting will be scheduled for Tuesday, January 11, 2022.

J. Usich then made a motion to adjourn. M. Sacks voted to second the motion. The motion passed unanimously.

There being no further business, the meeting adjourned at 7:45 p.m.

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