

THE INLAND WETLANDS COMMISSION OF THE TOWN OF AVON HELD A MEETING ON TUESDAY, MAY 1, 2018.

Present were Clifford Thier, Chair; Michael Beauchamp, Vice Chair; Commissioners: Bob Breckinridge, Martha Dean, Jed Usich, Michael Feldman and Dean Applefield (arrived at 7:05pm). Also present were John McCahill, Planning and Community Development Specialist/Wetlands Agent and Christine Campasano, IWC Clerk.

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

No communication items from the public were received.

OTHER BUSINESS:

Letter from Wilson M. Alford, Jr., P.E., requesting a five (5) year extension for **APP #699**, 135 and 175 Frandel Drive (Fairway Ridge subdivision); Sard Custom Homes, LLC, applicant. The applicant also requests the transfer of the wetlands permit from Ms. AnneMarie Leaska, President, Fairway Ridge, LLC to Sard Custom Homes, LLC.

APPL. #699 – Requests: 1) clearing of vegetation, filling and grading, construct portion of driveway (Lot 10); 2) clearing of vegetation, construction of a storm drain outlet pipe, excavation and grading; construction of a water quality basin, concrete outlet weir, placement of topsoil and organic soil mixes, and plantings; 3) clearing of vegetation, filling and grading (Lot 9); 4) regulated activity eliminated; 5) clearing of vegetation, construction of a storm drain outlet pipe; excavation and grading for construction of a water quality basin, gravel access road, concrete outlet weir, placement of topsoil and organic soil mixes, and plantings; 6) clearing of vegetation, construction of fill for roadway; excavation and grading for construction of a water quality basin, gravel access road, rip rap outlet weir, placement of topsoil and organic soil mixes, and plantings; 7) clearing of vegetation, construction of approximately 220 linear feet of roadway, installation of water line and storm drain; 8) regulated activity eliminated; the activities above are within the 100' regulated area associated with wetlands/watercourses; Location: 135 & 175 Frandel Drive, Parcel 2360135, 2360175 - **Transfer of the existing IWC permit to Sard Custom Homes, LLC and request a five (5) year extension of the permit.**

John McCahill summarized the request. The Fairway Ridge application was approved on July 15, 2009 for five (5) years. Public Act 11-5 extended the permit for a total of nine (9) years (July 15, 2018). The fifteen (15) lots were purchased by Sard Custom Homes, LLC in March 2017. The bulk of the regulated activities have already been completed in regards to the infrastructure and the creation of the water quality basins. Activities #2-7 of the original request were completed, Activity #8 was eliminated. All the key items that were subject to discussion by the Commission at the original approval have been completed. The road acceptance and all public improvements were completed in December 2016. Mr. McCahill validated the wetland enhancement work with George Logan, of REMA Ecological Services, LLC. The original bond was released on April 26, 2017 to Ms. Leaska. The remaining regulated activities have to do with the development of a single lot, Lot 10. Mr. McCahill noted that this is an administrative procedure and turned the discussion over to Chris Alford, P.E.

Mr. Alford stated that the application was approved nine (9) years ago and the regulations have not changed. The owners intend to develop the one (1) remaining lot, Lot 10.

Mr. McCahill reiterated that there are two (2) requests, the transfer of the wetland permit to Sard Custom Homes, LLC and the request for a five (5) year extension. Each request requires a decision by the Commission. He mentioned the approvals are subject to the previous approval conditions for APPL #699. Most importantly, on Lot 10, an erosion and sedimentation plan will be in place. The site development plan, when it is submitted with the building permit, would need to be substantially the same as the one approved by the Commission nine (9) years ago.

Mr. Beauchamp made the motion to approve the request to extend the wetland permit - **APPL #699**, subject to previous conditions.

Mr. Breckenridge seconded the motion.

Motion to vote. All were in favor. The request passed unanimously.

Mr. Feldman made the motion to approve the request to transfer the wetland permit - **APPL #699** from the Leaska family to Sard Custom Homes, LLC, subject to previous conditions.

Mr. Applefield seconded the motion.

Motion to vote. All were in favor. The request passed unanimously.

OUTSTANDING APPLICATION:

APPL. #755 – Avon Dreamer, LLC, owner/applicant: Requests activities within the wetlands and within the 100' upland review area: 1) Fill in wetlands for proposed driveway, culvert and utilities 2) Temporary disturbance in wetlands for sanitary sewer installation 3) Remove scrub growth and minor grading in upland review area 4) Remove invasive species in upland review area 5) Remove invasive species within and immediately adjacent to wetlands and implement an enhancement program (to include a foot trail, short boardwalk and construction of a small dock). Location: 230 Old Farms Road, Parcel 3360230.

Those in attendance on behalf of the applicant were David Whitney, P.E., Sigrun Gadwa, ecologist, professional wetland scientist and registered soil scientist from REMA Ecological Services, LLC, and Hutch Haines, principal of Avon Dreamer, LLC and property owner and Mrs. Haines.

David Whitney, P.E, started the presentation by describing the site. The parcel is approximately six (6) acres and is located on the east side of Old Farms Road, with Avon Self Storage to the north and it is across from Sandscreen Road; and to the south is Sconsett Point. The largest feature of the site is the pond. The frontage along Old Farms Road is approximately six (6) acres and it contains three (3) areas of wetlands that have been delineated by George Logan of REMA Ecological Services, LLC. The three (3) wetlands are referred to as Wetland A – a linear wetlands in the center of the site; Wetland B – a linear wetlands which is actually the Old Canal and Wetland C – two (2) areas of wetlands in the field adjacent to the pond.

Mr. Whitney described the proposal as primarily a plan for managing the existing vegetation on the site. The applicant proposes to clean-up the area, step-by-step, and eventually build a home on the site. The site plan with a scale of 1"=40' shows the three (3) wetland areas mentioned in the most recent report from REMA Ecological Services. Area 3, which is the brown shaded area (on the site walk map), consists of under two (2) acres in which clearing and minor grading will occur to create a meadow/lawn area. Area 2, which is Wetland C and 15' outside of Wetland C is where the invasive species will be removed and the wetlands will be enhanced as detailed in the proposed plan. Area 1, the red area, is the lower portion of the site where invasive species will be removed. There will be no grading in Areas 1 and 2.

Mr. Whitney provided the Commission a copy of the construction sequence plan which was discussed at the previous IWC meeting. The construction sequence is also included on sheet 4 of the revised plan set, which was received by the Commission. Mr. Whitney went, step-by-step, through the construction sequence plan as follows:

1. There will be a preconstruction meeting before project starts with owners, John McCahill and appropriate Town Staff, George Logan and the contractors involved.

Phase I (Southern Portion of Site)

2. The limits of clearing in the southern portion of Area #3 shall be flagged in the field and inspected by Town Staff prior to any clearing; basically the brown shaded area.
3. All construction equipment from these three (3) phases will enter from the Avon Self Storage site owned by the applicant, 190 Old Farms Road. The use of large construction equipment is not anticipated.
4. Trees and scrub growth will be cut down and cleared in southern portion of Area #3, no stumping, grubbing or grading will occur at that point.
5. Invasive species in the southern portions of Areas 1 & 2 (the red and green areas) will be removed in accordance with the guidelines of the REMA Ecological Services, LLC report dated April 17, 2018.
6. After the removal of invasive species, the southern portion of Area #1 and Area #2 shall be evaluated by a certified ecologist or professional wetland scientist, and any additional plantings consisting of shrubs and other herbaceous plants shall be installed as recommended.
7. Silt fence will be installed at the perimeter of the proposed disturbance in the southern portion of Area #3. Silt fence to be inspected by Town staff prior to any earthwork.
8. The southern portion of Area #3 (basically the house pad) shall be stumped and grubbed, and minor grading shall commence. The minor grading at this point shall consist of the removal of fill and debris piles, and the area shall be "smoothed". The more significant cuts and fills required for the house and driveway construction shall occur at a later time and are not included in this minor grading.
9. After minor grading, the southern portion of Area #3 shall be evaluated by a certified ecologist or professional wetland scientist and additional topsoil shall be incorporated as necessary for the establishment of grass cover. The entire disturbed area shall be seeded with "New England Nature Warm Season Grass Mix" as per the REMA Ecological Services, LLC report dated April 17, 2018. At the eastern edge of Area #3, a 10' wide buffer strip shall be established from the limits of clearing seeded with "New England

Roadside Matrix Mix,” and in addition, the buffer strip adjacent to Wetlands A shall be planted with native species including shrubs.

10. Long-term management recommendations for Areas #1, #2, #3 shall be implemented as outlined on Page 6 of the REMA Ecological Services, LLC report dated April 17, 2018.

At the conclusion of reading Phase I of the construction sequence, Mr. Whitney stated this is the initial work the applicant would like to do. He said that basically the applicants would like to clean up the site in order to determine if this is where they want to eventually build their home.

Mr. Whitney described Phase II (Item #11 of the construction sequence), as work in the northern portion of the site, repeating steps #1 through #10 for the northern portions of Areas #1, #2 and #3 – cutting and removing trees, scrub growth, removing invasives along with enhancement.

He then listed the steps of Phase III of the proposal, the construction of the proposed house and driveway on the southerly portion of the site. The steps are:

12. Construct the driveway from the end of Sconsett Point, including the installation of the culvert and fill Wetlands “A” as per the approved plans.
13. Install silt fence around the perimeter of the “building envelope by private restriction”, and install other E&S control measures as required.
14. Grade the site (cuts and fills) as per final plans approved by the Town of Avon Inland Wetland Commission and Avon Planning and Zoning Commission.
15. Construct the house and garage in southern portion of Area #3.
16. Install utilities, including the crossing for three (3) utility lines through Wetlands “A”, and crossing through Wetlands ”B” with low-pressure sewer line.
17. Complete work on the home, garage and driveway. Finish-grade the site. All disturbed areas to be topsoiled, seeded, mulched and landscaped.

He stressed the two (2) actual activities in the wetlands consist of placing the culvert and fill for the driveway; and a temporary disturbance in Wetland B for the installation of a 1 ¼” force main to tie into the sewer. All the existing homes on Sconsett Point are connected to the sewer in the same manner.

Mr. Whitney noted Phase II and Phase III may be conducted in reverse order. He also noted that in addition to the wetlands permit, the proposal is also subject to a Special Exception approval by the Avon Planning and Zoning Commission for activities in the floodplain. He hoped his description clarified, to the Commission, the applicants’ intention of what would occur on the site.

Mr. Whitney told the Commission that the applicant responded to John McCahill’s first memo dated March 27, 2018 with revised plans, a construction sequence, and a Wetland and Upland Enhancement and Management Plan provided by Mr. Logan. After reviewing the revised plans, John McCahill’s memo dated April 25, 2018, comment #1 noted changes made to the previous plans.

Mr, Whitney listed those changes made as:

- Showing the sewer lateral connection and notes regarding installation during the seasonal dry period.
- Adding details for sediment and erosion control and a construction sequence.
- Showing stockpile showing control and stabilization.
- Showing additional information regarding tree clearing limits.
- Adding detail of footing/foundation drain.
- Changed the proposed culvert for the driveway (reduced from 48 LF of 18” pipe to 40 LF of 24” pipe, and use of boulder walls).
- Incorporated George Logan’s report, management plans, and phasing.
- Addition of the construction sequence (page 1 through 2) dated April 17, 2018, prepared by David Whitney has been incorporated into the plans of Sheet 4.
- Overseeding of “area #3” with a “New England roadside matrix upland seed mix.”

Mr. Whitney referenced Page 2 of Mr. McCahill’s memo dated April 25, 2018 which listed recommendations if the IWC was to grant approval. He stated the applicant was agreeable to satisfying all of these requirements.

George Logan unfortunately could not attend the meeting tonight but his associate, Sigrun Gadwa, ecologist, professional wetland scientist and registered soil scientist from REMA Ecological Services, LLC was present. Ms. Gadwa could answer any questions regarding the wetlands enhancement and management plan. Mr. Whitney summarized the plan as basically a plan detailing what types of chemicals to use, or not use, when the invasive species are removed; and then going forward how to keep those invasives at bay. He mentioned it was the applicant’s intention to start the initial removal of the invasives, by hand, fairly quickly since it is early in the growing season and they can avoid the need for chemicals.

Mr. Whitney concluded that he has addressed all the items in Mr. McCahill’s memos and the applicants are agreeable to all the recommendations listed. He then asked if the Commissioners had any questions.

Mr. Breckenridge stated his questions were all addressed at last month’s meeting. Mr. Beauchamp asked the applicant if there were invasives near the pond. Mr. Haines replied that there were invasives near the pond. The applicant described the invasives as vines and pricker bushes. He said the first step is to clear the area and look to see what they have; and then make it beautiful. The applicants would like to walk around a clean site and see if they want to build a home there.

Mr. McCahill said it was important to point out that the brown shaded area (on the site walk map) where the U-shaped house, as shown on the map from Avon Self Storage units down, was actually already previously approved for the clearing of invasives, back when the applicant originally applied for the addition to Avon Self Storage. The leveling and grading/smoothing out within the brown shaded area was done, in part, because the applicant owns the adjacent parcel and he wanted to keep the whole area cleaned.

Mr. Feldman commented that a lot of effort was made to minimize the impact of these improvements. However, it seems like the applicant is trying to shoehorn the improvements into

an area dominated by wetlands. Mr. Feldman asked how these improvements do not encroach on the wetlands since there are watercourses and ponds with significant developments on both sides of the parcel.

Mr. Whitney responded that this is a sizeable parcel to build a home on. He further added that these wetlands are not significant wetlands, as noted by Mr. Logan. These are man-made wetlands that have been disturbed and the building envelope with private restriction is 25' from any of the wetlands. Mr. Whitney and Mr. Haines further explained there was a previous schematic plan for this parcel showing seven (7) single family homes which met the density calculations. This application is for one (1) single family home so it is not a tight fit.

Mr. Feldman questioned how the area will drain since it is surrounded by wetlands. Mr. Whitney clarified that the home site is not surrounded by wetlands on all sides. The house site will discharge storm water runoff in an easterly direction into Wetland "C."

Mr. Applefield asked how much fill the applicant would bring onto the site. Mr. Haines responded that his intention was to keep it a balanced site. Mr. Whitney responded that the house has to be above the 500 year flood elevation and that elevation is 173. The existing contours in the area of the home are 173, 172, 170 so there is going to have to be some moving of earth in the area where the house will be located in order to raise up the house and driveway.

Mr. Applefield then asked about fire protection and if there was access to that parcel. Mr. McCahill responded that there is a fire hydrant and there is a gravel connector which a fire truck can go down, but the truck would have to back up to leave.

Mr. Applefield said that he was still unclear about the amount of fill required. Mr. Whitney replied that they need to balance the cuts and fills in the floodplain. They will excavate in some areas and raise the site in others. Mr. Applefield questioned to what extent that would impact storm water and flow, more from a quantitative standpoint, than a qualitative one. Mr. Whitney answered that he did not calculate the increase in impervious surface but it is a relatively small amount and they have all of the site to store and dissipate the water.

Mr. Applefield then commented that it is not just impervious surface to consider but also the change in grade by raising the site. To which Mr. Whitney said the current plan is to smooth it out and they will come back with a more definitive plan once the home is actually being built.

Mr. Applefield inquired about the location of the access. Mr. Whitney stated that coming in from Avon Self Storage, a portion of the fence will be removed to access the site. Mr. Haines mentioned that no heavy equipment will be used. The equipment used will most likely be a bobcat and brush mower with the bulk of the work in the wetlands being done by hand.

Mr. Applefield asked if the wetlands would be marked. Mr. Whitney responded that they will flag the limits of clearing and the limits will be inspected by Town Staff before any work occurs.

Mr. Applefield clarified that he was speaking to more of Phase I of the project. Mr. McCahill addressed Mr. Applefield's concerns stating Mr. Logan has a written process in place to flag the limits of clearing. Mr. Haines confirmed that no construction machinery will be in that area. The

removal of invasives in the wetland area will be done by hand along with a hand held weed whacker.

Mr. Applefield asked, in regards to Phase II of the project, if the debris on site was an impediment. Mr. Haines said he had no concerns. Mr. Applefield then asked, from a flood management standpoint, does the property flood. Mr. Haines replied that it was above the 500 year flood plain and he had no concerns about flooding. He has never seen it come close to flooding. Mr. Whitney added that the water elevation was 153 and they were at 170. Mr. McCahill mentioned that the trouble is that we have inaccurate flood maps and even though we know the area will not flood we still need to follow the regulations. The Town of Avon is already on the conservative side with regulating the 500 year flood plain. It was noted that there has been no incident of flooding at Sconsett Point.

Mr. Thier asked the applicant if he was requesting approval for all three (3) phases. Mr. Haines replied yes. Mr. Thier noted that part of the application is for filling in the wetlands in two (2) locations and this request has not been discussed/addressed. Mr. Whitney clarified that it was only one (1) location which would be filled. Mr. Thier stressed that filling in the wetlands is a serious matter and the Commission does not receive a request like this often, usually activities are within the 100' upland review area (URA).

Mr. Thier did not feel there was adequate information to grant an approval for activity in the wetlands. Mr. Whitney asked what the Commission would like to see. Mr. McCahill commented that the activity within the wetlands was discussed at the previous meeting. He said there was roughly 105 cubic yards of fill that will be placed in the vicinity of the culvert itself. The goal was to shorten the length of the pipe to reduce the footprint of the activity within the wetland. Mr. McCahill added Mr. Logan did speak about this wetland, and in his opinion, he considered it to be a low value wetland.

Sigrun Gadwa, ecologist, professional wetland scientist and registered soil scientist from REMA Ecological Services, LLC asked the Commission if they wanted her to describe that wetland. Mr. Thier replied that it would be helpful to address what the effects on the wetlands would be. Ms. Gadwa introduced herself as being a subcontractor with REMA Ecological Services, LLC since 1999; with a wealth of experience in the field. She described this particular wetland (Wetland A) which is being crossed as a fairly level, low gradient wetland with some water present; however there will be no water in it later in the season. She said that the hydrology was established when the original disturbance of the site occurred. She further described that the soils may not be fully mature but, hydrologically it is a wetland right now with a layer of organics on top. She went on to describe the vegetative species within the wetland.

She described the crossing area as a short moderately steep slope going down from the upper level, so there is a need to fill and cover the pipe to get across. Ms. Gadwa stressed there was not an issue with obstructing flow because the crossing location is at the highest elevation of the wetland. Since it is the highest elevation of wetlands, the water will continue to flow to the north or south as it did before. It is also the narrowest point of the wetland. She went on to say that it was the run of the mill perfectly nice drainage way, with some flow, and it is not totally stagnant since it does drain. This wetland is not a mosquito breeder and contains immature trees. It is a forested wetland, technically, with patches of light coming in. The location of the crossing is at

the highest elevation of the wetland which has no flow. It is an optimal design to have the crossing at this elevation.

Mr. Feldman asked if this would cut the wetland in half. Ms. Gadwa replied that the pipe is underneath the driveway. Mr. Whitney explained the pipe was originally proposed as a 12" diameter but it was enlarged to 24" in order for amphibians to cross through it if necessary. The pipe underneath the driveway runs parallel to the wetlands. The increased size of the pipe will make it easier to clean and it will require less fill. The driveway surface needs to be 5' above the wetlands therefore there will be a 24' pipe with 3' of fill on top of it. Ms. Gadwa added that it will basically be a berm with a pipe going through it.

Mr. Thier stated that he thought they were, in a sense, bridging the wetlands, with the wetlands being unimpeded because of the pipe. Mr. Applefield did not believe this was the case. He felt they were still dividing the wetland in half; it is not a continuous wetland however, and this would not be fatal by any means. Ms. Gawda stated that is the reason why there is such an extensive invasive removal. It is beneficial so the ground cover is not shaded out; there is a physical benefit.

Mr. Thier asked if water will be flowing through the pipe. Ms. Gawda responded that there will not be very much water flow because it is at the highest elevation of the existing grade. Mr. Thier questioned how the inside bottom of the pipe relates to the bottom of the wetlands. Mr. Whitney responded that it should match exactly. Ms. Gawda was in agreement with Mr. Whitney's response. Mr. Thier asked if there were flow would it be changed. Ms. Gawda responded it would not change and it would allow for organisms to get through. Mr. Thier then asked if the pipe would be buried. Ms. Gawda responded it would be buried a little but it is a natural bottom with sediment; they are not raising it.

Mr. Whitney explained that Sconsett Point has two (2) driveways that come down across the same wetlands and two (2) ponds were constructed on either side of the wetlands. Mr. Whitney referenced the plans showing where the culverts were located under Whalers Walk and Wills Walk. He went on to say that the wetlands can exist and thrive even with a driveway crossing. The culvert eliminates the damming up of the wetlands which would create a problem.

Mr. Feldman asked Mr. Whitney if he could address Mr. Thier's earlier question regarding the amount of fill and the effect it would have. Mr. Whitney explained they were using a 105 cubic yards of clean fill. He referenced Sheet 3, the detailed site plan with a scale of 1"=40' depicting the inlet and outlet with rip-rap and boulder walls; with 10' of driveway over it. Mr. Whitney drew an example of how the cross section would look.

Mr. Thier questioned why the Commission did not receive a cross section of the culvert design as part of the plans. He stated typically, a culvert drawing is submitted with the application. Mr. Whitney said quite honestly, he did not include it because he did not think it was necessary. Mr. Whitney said he would be happy to draw up the details and provide it to the Commission.

Mr. Haines addressed the Commission. He told them he would like to move forward with the project and if that meant removing the request for the culvert from the proposal, at this time, he would do that. He believed the culvert was a simple process and it was being proposed in the

best location - the narrowest and highest point with the least amount of impact. He would come back to the Commission with an application for the culvert and driveway crossing in the future.

Mr. Applefield asked Mr. Haines if he could decide to make the temporary access road his driveway. Mr. Haines explained that this could not be done since the access road is not on this property, and one parcel is zoned residential and the other commercial/industrial.

Mr. Thier concluded that the applicant was willing to accept approval of all the activities except the driveway, culvert and utilities (Activity #1). Mr. Thier asked if there were any further questions. Mr. Applefield asked if any of the conditions in Mr. McCahill's memo dated April 25, 2018 were unnecessary without the culvert being approved. Mr. McCahill responded that he would recommend that the conditions remain and it will be noted if not applicable.

Mr. Applefield made the motion to approve **APPL #755, excluding Activity #1**, with the standard approval conditions, as well as the recommendations outlined by Mr. McCahill in his memorandum dated April 25, 2018.

Mr. Breckenridge seconded the motion.

Mr. Thier asked if there were any further comments.

Motion to vote. All were in favor. The motion passed unanimously.

STAFF COMMENTS

John McCahill provided the Commission with information regarding a staff approval for a 9'x 12' master bath addition at 87 Wheeler Road. The applicant is D.E. Jacobs Associates and the owner is Patricia Karpe. The addition will be constructed on techno-metal posts and it will be located over 60' from intermittent drainage channel. Staff approval was granted on April 26, 2018 and the legal notice will be run on May 2, 2018.

APPROVAL OF MINUTES: March 6, 2018

Motion to approve the minutes by Michael Beauchamp, second by Michael Feldman. Dean Applefield abstained. Minutes were approved.

April 3, 2018

Motion to approve the minutes by Robert Breckenridge, second by Michael Beauchamp. Minutes were unanimously approval.

NEXT MEETING:

The next regularly scheduled meeting is May 24, 2018.

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

Respectfully submitted,

Christine Campasano, Clerk
Inland Wetlands Commission