

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, December 3, 2007
Meeting Room A, Town Campus**

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, December 3, 2007 at 7:30 p.m. in Meeting Room A, Madison Town Campus. With Chairman Rodney Bascom presiding, the meeting was called to order at 7:33 p.m.

Present: All members were in attendance: Rodney Bascom, David Newton, John Mathieu, Thomas Paul, Glenn Falk, Ken Munro, Lee Schumacher and Alternates Bill Freeman and Robert Speziale (the latter joined the meeting in progress). Inland Wetlands Officer Robert Kuchta and Assistant Town Engineer Mike Ott were also present.

In order to expedite the agenda, applications and agenda items were addressed in order as best served the Agency.

REGULAR MEETING

07-34. 202, 208 & 212 COUNTY ROAD. Map 156, Lots 12, 13, 15, and 17. Owners/Applicants: North Madison Estates, L.L.C. Regulated Activity Permit for grading and filling for proposed roadway within an inland wetland and within 100 ft. of wetlands. Subdivision Referral.

Emile Pierides, BL Companies, 355 Research Pkwy, Meriden, CT

As representative for the applicant he explained that the site is approx. 67.5 acres with approx. 13.8 acres of wetlands. They are proposing to construct a 15-lot residential subdivision with two cul-de-sacs. Approx. 18.3 acres will be dedicated to open space on the west side of the site. All lots do meet Town requirements; have been tested for septic systems and wells. The lots are approx. 3 acres in size in a 2-acre zoning. The current access to the site will be the location of the proposed road and it is within the upland review area. A drainage plan and erosion control proposal have been provided. He addressed the changes that have been made since the last meeting. These changes are a result of comments from Town Staff. The previously proposed two detention ponds have been combined into one and relocated farther away from the wetlands. The roads have been narrowed to 20' instead of the Town's standard 24', for less impervious coverage. Cape Cod type curbing has been proposed. Near County Road, there was no water quality structure proposed; now, they are proposing one that will connect to the County Road drainage system. A small, approx. 300 SF wetland right at the entrance of the property is proposed to be disturbed and approx. 2,200 SF of buffer planting between the roadway and the wetland are proposed to mitigate the disturbance. There are no other wetlands being disturbed on the property.

T. Paul – Provided pictures of the property showing tires and electronic parts in the wetlands. 5 photos were provided as **Exhibit 1** 12/3/07 and he pointed out the locations of the wetlands and monitoring wells he found on the property. He felt they were located on the applicant's property.

K. Munro – asked about the connection into the County Road drainage system.

Emile Pierides – Almost the entire site is connecting into the proposed detention pond. The only part of the project connecting into the County Road system is a very small portion at

the south of the property, pavement 20' wide x 300' or so. Water sheds are designed to remain as they are now. Details of the proposed new headwall were discussed. He has not calculated the volume of fill that will be needed. The pond is sized to catch the 1st inch of runoff.

IWO Kuchta – discussed the timeline for action on this application. The applicant would need to request an extension of up to 65 days if the Agency was not going to make a decision on the application at this meeting.

M. Ott – Has concerns that still need to be addressed. Whether stormwater retention is warranted still has not been determined. Documentation should be provided to support any determination. The plans the Town has does not show a stormwater detention structure and there are some other minor details

Atty. Tom Cronan, Crosby & Cronan 1291 Boston Post Rd. Madison

This is a DEP site and the DEP has released it. Over 300,000 tires were removed. A representative from the DEP attended the presentation to Planning and Zoning and can be asked to attend the continuation meeting for the Inland Wetlands Agency. There are monitoring wells all over the site as well as off the site in order to determine if any contaminants are leaching away from the area. All drinking water wells have been dug for the property and have tested clean. He provided a letter requesting an extension of up to 65 days. He asked if the Agency would like to have the DEP present for the next meeting and Chairman Bascom stated he did not think that would be necessary. IWO Kuchta proposed that something in writing would be adequate if it was available.

Chairman Bascom – recommended a site walk by the Agency of the property.

A motion was made by Dave Newton, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously to grant an extension as requested by the applicant.

PUBLIC HEARING

07-33: 78 LONG SHORE LANE. Map 25; Lots 74 and 74-1. Owner: Long Shore, LLC & Shorelands, LLC; Applicant: Ed Zimmerman. Regulated Activity Permits for 1) Lots 1, 2 and 6 – construction of proposed dwellings and septic systems, grading and filling within 100 ft. of wetlands; 2) Long Shore Lane – to allow clearing, filling, grading and paving to widen Long Shore Lane within 100 ft. of wetlands. **Postponed until the January, 2008 meeting.**

07-41: 41 WINDWARD LANE. Map 27, Lot 19. Owner: Myron H. Brand; Applicant: Donald L. Gesick Jr. L.S. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison.

A motion was made by John Mathieu, seconded by Ken Munro, whereby the Madison Inland Wetland Agency voted unanimously to open the public hearing for application 07-41: 41 Windward Lane (8:05)

Myron H. Brand, property owner, 41 Windward Lane

The property owner explained that in trying to determine the options available to them for changes in the back of their house they realized the inland wetlands needed to be identified first.

IWO Kuchta – pointed out the existing wetland line. Much of the inland wetlands on the property are located within the lawn area. He walked the property with Soil Scientist,

David Lord. The new line puts the wetlands closer to the house than they were previously thought to be. He agrees with Mr. Lord's delineation.

J.Mathieu – pointed out that if the house was being built today, it would not be allowed because of its proximity to the wetlands.

Chairman Bascom – read the field report into the record. He asked for comments from the public on this public hearing and there were none.

A motion was made by David Newton, seconded by Ken Munro, whereby the Inland Wetlands Agency voted unanimously to close the public hearing for application 07-41: 41 Windward Lane. (8:17)

A motion was made by David Newton, seconded by Ken Munro, whereby the Inland Wetlands Agency voted unanimously to approve application 07-41: 41 Windward Lane as submitted.

07-44: 107 BLAKEMAN ROAD. Map 24, Lot 118. Owners: Robert A. & Ronny Levine; Applicant: Robert Levine. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison.

A motion was made by David Newton, seconded by Ken Munro, whereby the Inland Wetlands Agency voted unanimously to open the public hearing for 07-44: 107 Blakeman Road. (8:18)

Mark Young, Waldo & Associates, Guilford

As representative for the applicant he explained that the wetlands were flagged by Soil Scientist Elizabeth Young. Those that were shown on his map were fringe wetlands uphill from tidal wetlands.

D. Newton – it is customary for all wetlands on the property to be delineated, not just those in the proximity of any proposed activity. There was much discussion surrounding this issue.

Chairman Bascom – He read the field inspection report into the file and asked for comments from the public regarding this application. There were none.

D. Newton – does the lawn go all the way to the pond?

IWO Kuchta – there is about a 3' buffer of natural vegetation between the pond and the lawn.

A motion was made by Thomas Paul, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously to close the Public Hearing for application **07-44: 107 Blakeman Road.** (8:24)

Discussion –

J.Mathieu – it should be noted that all of the wetlands on the property have not been identified.

A motion was made by John Mathieu, seconded by Dave Newton, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 07-44: 107 Blakeman Road as submitted.

REGULAR MEETING AGENDA (continued)

07-43: 15 DEER RUN ROAD. Map 35, Lot 49. Owners: Andrew & Faye Brownfield; Applicant: East Wharf Architects, Inc. Regulated Activity Permit to remove existing dwelling, garage and designated trees; construct new dwelling, guest house; install driveway, underground utilities and plantings, all within 100' of the wetlands; install

replacement bridge structure, step stones, dock and pond aerator; cleanup of tree stumps, broken sticks, vines, overgrown bank of Neck River, and removal of invasive plant species, all within the wetlands.

Lisa MacCartney, East Wharf Architects, Inc

As representative for the applicant she explained the applicant proposes to remove an existing house and replace it with another, larger home and a guest house. She pointed out the various flood zones in the vicinity of the property. As requested, the back terraces have been changed to decks to allow for additional flood storage volume.

Tom Elmore, Elmore Design Collaboratives

For the applicant, he outlined the proposed intentions for the property on a colored planting plan. Trees to be removed were shown. Proposed retaining walls were discussed at length with the Agency expressing concern over the potential for erosion on the neighbor's side of the wall. Details of the stone footbridge and the dock were given. The dock was designed to transition the ordinary 2' tidal changes in the pond. They are proposing to have it fixed with piers.

T. Paul – on the walk of the property the Agency was told the pier was to provide access to the pond through the buffer that is proposed to be planted around it. What will the plantings within that 2' distance between high and low tide be?

Tom Elmore – they are not proposing to ring the entire pond with a planted buffer but are instead, allowing the existing plants to grow in their natural habitat.

T. Paul – at the top of the 2' area, there should be a buffer; the Agency does not like to see lawn right up to the edge of a pond.

J.Mathieu – concurred and recommended the applicant consider a no-mow zone between the lawn and the top of the bank of the pond.

Tom Elmore – the applicant is open to that and is considering a special seed mix that will not require mowing. He explained the process of dominant varieties thriving and spreading, seeding the area of the bank through natural succession. The bank is very steep and would not be a desirable area to mow. He read the list of proposed plantings for the benefit of the Agency.

Robert Sonnichsen, Delta Engineering

The applicant is not opposed to having a natural, no-mow zone at the top of the embankment. They do want to see the pond from the house and would like to be able to cut that no-mow area once or twice a year in order to prevent woody vegetation from taking hold. In his opinion this is consistent with what the IWA has previously approved. This is an existing pond with lawn to the edge. As a result of comments by the Agency regarding a loss in flood storage, solid terraces have been changed to decks. Between that change and the change in grading between the guesthouse and garage, flood storage has been balanced. Because of the increase in impervious area, all roof leaders will be feeding to dry wells where the first inch of runoff will be able to infiltrate into the ground. Additionally, the applicant is proposing aerators in the pond in order to prevent algae blooms. They are not permanent structures and will only be used when the water quality tests show that the dissolved oxygen drops below 4 milligrams per liter.

D. Newton – they will only be used in the large pond, not in the small one as well?

Robert Sonnichsen – correct and they will be attached with an electrical cord and they will be pulled out in the winter so they will not be allowed to freeze. There is also a small temporary pump to keep water in the small pond when it dries out.

D. Newton – questioned the grading.

Robert Sonnichsen – They will be brought up to the retaining wall.

Tom Elmore – explained the grading in detail.

B. Freeman – questioned the pitch of the driveway.

Tom Elmore – it has a 1 ½ pitch. The house is high and everything is sloping away from it.

Chairman Bascom – asked for further details on the retaining wall.

Tom Elmore – explained the grading and elevations of it. The neighbors will only see a 1' wide strip of retaining wall. On the applicant's side it will go from approx. 1 ½' to 7' high. The neighbor's side will maintain existing grade and drainage patterns will remain the same.

D. Newton – water currently sheetflows across the entire ground. With a wall there, the water will hit the wall and with a concentrated flow, travel along the wall down hill.

Tom Elmore – the area is lawn. In a worse case scenario, when the ground is frozen, the water will hit the wall and flow along it. The rest of the time it should infiltrate.

T. Paul – So the velocity is such that it wouldn't cause erosion in a storm?

Tom Elmore – That is hard to answer. We are not expecting it to cause a ravine on that side of the wall.

Chairman Bascom – have volumes been calculated?

Tom Elmore – no.

Chairman Bascom – questioned the flood elevation.

Robert Sonnichsen – The flood zone on the plan is from the flood zone map. The flood elevation used to determine the flood storage is actually 14'.

Chairman Bascom – so pre/post flood storage was calculated?

Robert Sonnichsen – as it is today, everything within the site that is within the flood zone was calculated. Then, it was calculated with the changes. The solid terraced areas made a significant difference so they are proposing now, to excavate under those areas and build decks instead, thus providing additional flood storage. Some filling that was proposed was also removed. There is the same amount of flood storage existing in proposed conditions as in the existing conditions based on elevation 14 ½. This should not create a flood situation somewhere else because of the filling on this property. The 10, 50, 100 and 500-year flood elevations of the Neck River flood storage area were discussed.

Chairman Bascom – has a permit been submitted to DEP for filling in a flood zone?

Robert Sonnichsen – no. That is all under local regulation; no State is involved. Local flood plain regulations are managed by the Town. The only place in the State of Connecticut that there is requirement for a State permit is where there are stream channel encroachment lines. There are only stream channel encroachment lines on a few of the major rivers downstream from flood control projects. There is no State regulation for filling in a flood plain.

Chairman Bascom – asked Mike Ott if he had reviewed this?

M. Ott – no. He was not in the room for the last presentation. Flood plain regulations are administered locally but the municipalities regulations is more than just where the floor elevation is. There is also, a specific section on construction within flood plains. What municipalities require is an encroachment analysis to make sure there is no increase in the water surface elevation. That is not under the IWA's jurisdiction; that falls under the jurisdiction of the Town Engineer. The encroachment analysis should be required. There is within the Town's Flood Plain Management Ordinance, actually from F.E.M.A.'s regulations, there is a section on construction within a flood plain. The Municipality is required as a requirement of the National Flood Insurance Program, to make an engineering judgment and an encroachment analysis is required of the applicant.

Robert Sonnichsen – this area is not within a floodway. Because of the nature of this part of this river, an encroachment analysis, a floodway type of analysis really wouldn't show anything because there are very low velocities. Flood storage is the concern for this property.

Everything the applicant is proposing is outside of the floodway.

M. Ott - the permit comes at the time of the building permit application.

Robert Sonnichsen – if this application is approved and for some reason the Flood Plain Management Authority decides they want 150% compensation instead of 100%, then additional changes would have to be made. He is not sure if there are specific compensation requirements in the ordinance.

M. Ott - There are not but it gives the Town the latitude to make sure there is no encroachment. .

Robert Sonnichsen – the State passed an ordinance in 2004 stating that if a Town changes its Flood Plain Management regulations, F.E.M.A. makes them modify their Flood Plain Management Ordinance to include something with regards to flood storage. Until F.E.M.A. forces the Town to change that ordinance nothing has to be in there regarding flood plain storage. If anything changes with this application the flood plain storage will be increased instead of creating an encroachment. It would be a diminution of the regulated activity if anything.

Chairman Bascom – If the Flood Plain Management Authority requires a change such as not building the guesthouse, would the applicant have to come back before the Agency to make that change?

IWO Kuchta – That would occur at the time of the building permit. At a minimum it would require a modification of a regulated activity. If they are asking for less than what was approved they would not have to come back.

Chairman Bascom – asked about the other proposed retaining walls and details were given by Mr. Elmore.

Chairman Bascom – asked if there were any comments from IWO Kuchta or Mike Ott.

IWO Kuchta – regarding the buffer edge along the pond, the actual wetland boundary is above the high mark of the water. A buffer edge within that wetland band would be appropriate and the plantings they are suggesting would work in that wetland area.

Lisa MacCartney – Provided **Exhibit 1** – dock design; **Exhibit 2** – Grading plan; **Exhibit 3** – Color rendering planting plan; **Exhibit 4** – Flood storage calculations; **Exhibit 5** – detail of roof leader drywell.

J.Mathieu – the Agency has not had time to review the new exhibits.

Chairman Bascom – asked the Recording Secretary for the titles of each exhibit and noted consequently that each exhibit had been mentioned or discussed to some extent during the presentation.

A motion was made by Ken Munro, seconded by Glenn Falk, whereby the Madison Inland Wetlands Agency voted to approve application 07-43: 15 Deer Run as submitted. John Mathieu abstained.

07-45: 107 BLAKEMAN ROAD. Map 24, Lot 118. Owners/Applicants: Robert A. & Ronny S. Levine. Regulated Activity Permit to remove existing dwelling and septic system, construct new dwelling and grading within 100' of a wetland.

Mark Young, Waldo & Associates

As representative for the applicant he explained the applicant is proposing to demolish the existing house and build a new one on the existing footprint and same foundation if it is deemed to be in good enough condition to do so. The septic system will be moved to the front of the property away from the wetlands. There will be a slight increase in impervious coverage. Two stormwater infiltration galleries are proposed to handle the first inch of rainfall from the additional impervious area.

T. Paul – what mitigation is proposed during the demolition to prevent material from getting into the wetlands?

Mark Young – silt fencing is proposed and demolition can be done from the front with a dumpster located on the existing driveway.

B. Freeman – asked for details of the construction of a GreenLeach System and Mark Young explained how the system works. The existing system will remain where it is with the tank pumped out and collapsed in place.

A motion was made by Dave Newton, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 07-45: 107 Blakeman Road.

07-47: 25 SEAVIEW AVENUE. Map 28, Lot 83. Owners/Applicants: Marcia Ishizuka & Nobuhisa Ishizuka. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt.**

Eric Anderson, Anderson Engineering and Surveying Assoc., Guilford, CT

As representative for the applicant he explained that Richard Snarski had delineated the inland wetlands. The lot is approx. 7,600 SF. There are no current inland wetlands shown on this property on the existing Town Inland Wetlands and Watercourses map.

A motion was made by Dave Newton, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 07-47: 25 Seaview Ave. and schedule it as a Public Hearing on the next scheduled IWA agenda.

07-48: 293 GREEN HILL ROAD. Map 64, Lots 15-1 & 16. Owner/ Applicant: Jeanne M. Vigen. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt.**

Eric Anderson, Anderson Engineering and Surveying Assoc., Guilford, CT

As representative for the applicant he explained that Richard Snarski had delineated the inland wetlands. The property is 7-8 acres. The application is complete.

A motion was made by Ken Munro, seconded by Thomas Paul, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 07-48: 293 Green Hill Road and schedule it as a public hearing on the next regularly scheduled IWA agenda.

07-49: 293 GREEN HILL ROAD. Map 64, Lot 15-1 & 16. Owner/Applicant: Jeanne W. Vigen. Regulated Activity Permit for grading to construct a driveway within 100' of a wetland. Subdivision referral. **Receipt.**

Eric Anderson, Anderson Engineering and Surveying Assoc., Guilford, CT

As representative for the applicant he explained that the house and septic system are outside of the upland review area but the driveway being built to access the rear lot will come within 35' of the wetlands at its closest point. There is currently an existing woods road that is used to access the rear of the lot, in the same location.

IWO Kuchta – given the topography of the property and the proximity to the wetlands, this is logical location for the driveway.

A motion was made by Ken Munro, seconded by Thomas Paul, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 07-49: 293 Green Hill Road and schedule it on the agenda for the next regularly scheduled IWA meeting.

702 SUMMER HILL ROAD. Map 147, Lot70. Owners: Lars E. & Deborah M. Helgeson. Enforcement Order.

IWO Kuchta – he is not present because he anticipated there would be a continuation of the Long Shore public hearing from last month.

Chairman Bascom – asked that this be scheduled at the beginning of the next meeting instead of the end.

APPROVAL OF BILLS

A motion was made by Ken Munro, seconded by Dave Newton, whereby the Madison Inland Wetlands Agency voted unanimously to approve payment of the bills as submitted.

APPROVAL OF MINUTES

A motion was made by Glenn Falk, seconded by Thomas Paul, whereby the Madison Inland Wetlands Agency voted unanimously to approve the minutes of the November 5, 2007 meeting as submitted.

SECTION 13 APPROVALS:

07-46 : 253 Bartlett Dr. Map 100, Lot 1-48. Owners/Applicants: Laurent Favre & Elisabeth Marshall. Regulated Activity Permit to allow construction of storage shed within 100' of a wetlands.

DISCUSSION: DEP Inland Wetlands and Watercourses Model Municipal Regulations – Fourth Edition, May 1, 2006.

Additional changes were recommended and discussed.

LITIGATION: Executive Session as Required

**REMARKS – INLAND WETLANDS CHAIRMAN –
– INLAND WETLANDS OFFICER –**

A motion was made by Ken Munro, seconded by Lee Schumacher, whereby the Madison Inland Wetlands Agency voted unanimously to adjourn at 10:30 p.m.

Respectfully submitted,

J. Donnette Stahnke
Recording Secretary, Inland Wetlands Agency