

**MADISON INLAND WETLANDS AGENCY  
REGULAR MEETING  
Monday, March 5, 2007  
Meeting Room A, Town Campus**

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, March 5, 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 7:30 p.m.

Present: Rodney Bascom, Thomas Paul, John Mathieu, David Newton, Lee Schumacher and Ken Munro. 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 needed.

**REGULAR MEETING**

2. **07-04: 22 OLD ROUTE 79.** Map 48, Lot 52. Owner/Applicant: Thomas A. Pellat. Regulated Activity Permit for pond restoration. Receipt only.

Thomas Pellat, applicant 22 Old Route 79 – there is a pond on his property that has been infested with Brazilian Elodea, a highly invasive species. The DEP has recommended that it be removed as it will completely fill in the pond. The pond needs to be deepened and treated with Sonar in order to kill it. The DEP is urging him to get his permit for this action. He is proposing to dewater the pond in one day. Over a two- to three-day period he will use a small bulldozer designed for pond work to scrape the plant material out along with the sediment that has filled the pond. That will be buried and after the pond has naturally refilled it will be treated with the Sonar. (Step-by-step procedure included in application)

D. Newton – what are the provisions for keeping pieces of the plant material from spreading through the outflow of the pond?

Thomas Pellat – inflow and outflow is minimal. The wetland adjoining is very shallow and is dry most of the time. It is not a good environment for this type of plant. A barrier can be placed to filter the water.

T. Paul – are there fish in the pond?

Thomas Pellat – only small minnow type fish. Taking them out may stir up the plant material enough to help it spread.

Chairman Bascom – is the application complete?

IWO Kuchta – the application is different from a normal application because of the invasive species but there is enough information to make a decision.

A motion was made by Ken Munro, seconded by Thomas Paul, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 07-04: 22 Old Route 79 and schedule it on the agenda for the next regularly scheduled IWA meeting.

3. **07-05: 63C SIGNAL HILL ROAD.** Map 30, Lot 11. Owners/Applicants: Paul K. & Pamela D. Gallagher. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. Receipt only.

Eric Anderson, Anderson Engineering and Surveying Associates, Guilford, CT  
As representative for applicant he explained the wetlands were delineated by Rich Snarski (report on file). He clarified, on the map, the location of the property.

Chairman Bascom – is the application complete?

IWO Kuchta – yes.

A motion was made by David Newton, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 07-05: 63C Signal Hill Road and schedule it for public hearing at the next regularly scheduled IWA meeting with a site walk by IWO Kuchta.

4. **07-06: 1 BISHOP LANE.** Map 50, Lot 17. Owner: Joseph E. Sarr, Trustee; Applicant: Shoreline Warehousing, LLC. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt only.**

Edward Cassella, Cloutier & Eddy, 29 Elm St., Old Saybrook

The representative for the applicant explained that Soil Environmental Services, Inc. had delineated the wetlands, (report in the file). Only a portion of the wetlands is flagged but the remainder of the 7-acre parcel will be done this week.

Chairman Bascom – advised that the map be provided in full color for the public hearing and that other items on the Wetlands Officer's check list be addressed. He asked if the application was complete.

IWO Kuchta – with the exception of a few flags, yes.

J. Mathieu – was a application for this foundation before the IWA at a previous date?

IWO Kuchta – The foundation itself is more than 50' from the wetlands, the review zone at the time of its construction. There was no regulated activity requested at the time nor was there a boundary clarification.

Edward Cassella – since the application was submitted, the applicant has purchased the property and is now both the owner and the applicant.

A motion was made by David Newton, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 07-06: 1 Bishop Lane and schedule it for public hearing at the next regularly scheduled IWA meeting with a site walk to be done by IWO Kuchta.

5. **07-07: 1 BISHOP LANE.** Map 50, Lot 17. Owner: Joseph E. Sarr, Trustee; Applicant: Shoreline Warehousing, LLC. Regulated Activity Permit for construction of building, and parking and driveway area within 100 ft. of wetlands. **Receipt only.**

Edward Cassella, Cloutier & Eddy, 29 Elm St., Old Saybrook

The representative for the applicant explained they are proposing an expansion of an existing building. The actual construction of the building is a regulated activity though it is being built on top of an existing foundation. The septic system was installed when the foundation was built and will be reviewed by John Bowers.

T. Paul – will there be grading involved?

Edward Cassella – in the area of the proposed driveway and parking. He explained the drainage of the property.

K. Munro – will there be any waste produced from this industrial use?

Edward Cassella – no it is light industrial use; there will only be normal office refuse that can go into a dumpster.

Chairman Bascom – The 100' upland review line should be shown on the map. Is the application complete?

IWO Kuchta – There are only a few minor boundary clarification points but the application is otherwise complete.

A motion was made by Ken Munro, seconded by Thomas Paul, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 07-07: 1 Bishop Lane and schedule it on the agenda for the next regularly scheduled IWA meeting with the condition that the boundary clarification line be marked properly.

## **9. APPROVAL OF BILLS**

A motion was made by David Newton, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted unanimously to approve payment of the bills totaling \$420.14.

## **12. SECTION 13 APPROVALS:**

**A. 06-28A: 515 OLD TOLL ROAD.** Approved 2/15/07 for construction and grading for commercial office and parking lot within 100 ft. of a wetland.

IWO Kuchta – Drainage was modified away from the wetlands so impact on the wetlands would be less than that of the original application that was approved.

## **PUBLIC HEARING**

**06-67: 78 LONG SHORE LANE.** Map 25, Lot 74 and 74-1. Owner: Long Shore, LLC; Applicant: Ed Zimmerman. Regulated Activity Permit for **1)** extension of Maplewood Lane involving filling wetlands and road construction in and within 100 ft. of wetland, and **2)** wetland crossing for driveway access to proposed lot 7. Subdivision referral for proposed 7 lot subdivision. **(continued from December 4, 2006 to February 5, 2007)**

Chairman Bascom – clarified that the applicant was actually for proposed lot 6 not lot 7 and the subdivision was proposed to be 6 lots not 7. He noted that the Agency has discussed several items with Town Counsel, Mike Zizka and they have been advised to hear only discussion and presentation related to what the applicant is

proposing and not comments related to the ownership of the road or to easements. The concern of the IWA is any potential negative impact on wetlands. He asked Mike Ott for comment.

Mike Ott , Assistant Town Engineer – He has discussed the application extensively with the applicant. Revised plans and other supporting information were submitted within the 15 day required timeframe prior to the public hearing as required by the Town’s regulations. Town staff reviewed the new information that was submitted. He summarized their comments. The cul-de-sac proposed as an extension of Maplewood Lane was not requested or required by the Public Works Department or the Engineering Department. The applicant proposed it. From a public safety standpoint and public works standpoint, it is a good idea, aside from any potential impact on the wetlands. Regarding the crossing to serve what is now lot 6, the applicant submitted additional information within the required timeframe proposing to construct a short span bridge instead of extending the culvert. Additional information about that bridge proposal should be submitted. There needs to be a construction sequence and narrative explaining how the excavation for the bridge abutments will be dewatered, how sedimentation controls will be put into place, how the limit of construction will be defined in order to limit the contractor’s operations, the time during the year the construction will take place and the length of time it will take for the construction. The applicant has shown conceptual lot plans with house, septic system and driveway layouts, water supply, grading and rain gardens. They do seem like reasonable layouts. The Director of Health has submitted comments on the septic systems that they likewise appear to be reasonable. Detailed septic systems designs would have to be individually approved by him.

D. Newton – each would have to be approved by the IWA also as they are within the 100’ upland review area. Those are not covered in this application.

Mike Ott , Assistant Town Engineer – What the applicant has shown is a conceptual site plan for each lot. If the applicant is requesting those conceptual plans to be approved, any changes made would have to come before the Agency. Though the lot development seems reasonable, there are several places where activities are shown that are within 50’ of the wetlands and it appears that reasonably, those activities could be pulled back to be outside that 50’ line. These activities include some minor grading and some rain garden construction within that area. The applicant is proposing to direct discharge from roof water from the proposed homes to rain gardens and, as he has discussed with the applicant’s engineer, there is questionable practicality of collecting the roof water and being able to direct it to the rain gardens within a relatively flat topography. An alternative to consider would be to have subsurface infiltration systems at one or more rain water leader locations. Some of the driveway configurations and turnarounds at the garages seem large and could be reduced in scale. The applicant has proposed to create a 50’ “no mow zone” between the wetland boundary and the 50’ setback line by seeding those areas with a conservation seed mix. One item they have discussed is that there needs to be some control over that “no mow zone”, possibly a conservation easement that would prohibit a future homeowner from going into that area and disturbing vegetation and cutting. There is no conservation easement currently proposed. If there were a conservation easement in place there might not be a need to seed, thus reducing impact. He respectfully disagreed with comments previously made at last month’s hearing that there is a need for storm drains along Long Shore Lane; he felt there was no need for them in that area. Stormwater detention is not

needed in this case. The stormwater should be directed to vegetated areas along the road and even to the playing field. This is a standard, acceptable practice that meets water quality standards. More information needs to be provided by the applicant regarding the improvements to Long Shore Lane in the form of additional field survey information in order to insure any stormwater issue is being addressed.

Chairman Bascom – questioned the timeline of the public hearing.

IWO Kuchta – The public hearing would need to be closed tonight unless the IWA wants to hold a special meeting in the next week or two to conclude. There are no more extensions available

Chairman Bascom – Reminded those in attendance that though the 50' review area has been mentioned, Madison's upland review area is 100'.

D. Newton – What is the applicant specifically requesting? Does it involve approval of all activities on Lot 6?

Chairman Bascom – that is the first statement the Agency would like from the applicant, so that everybody understands what exactly is being proposed here at this public hearing. Regarding the subdivision referral, Town Counsel has advised the Agency that all that is needed for that referral is the meeting minutes and the record that is built. No specific motion has to be made with regards to a referral to Planning and Zoning.

Steven C. Sullivan, P.E., of CCA, LLC, 40 Old Milford Road, Brookfield, Connecticut, representing the applicant he explained that the application is for approval of the regulated activity associated with the cul-de-sac and driveway to lot 6, the wetland filling associated with the cul-de-sac and driveway to lot 6 and a subdivision referral. It is the applicant's understanding that individual lots would have to come before the IWA for regulated activities related to each one of them, apart from this application.

D. Newton – Also, any activity related to Long Shore Lane would have to come before the Agency as well.

Chairman Bascom – the applicant is not looking for specific approvals of conceptual lot layouts, correct?

Steven C. Sullivan – Correct, the only thing related to Lot 6 that is being requested this evening is the driveway crossing and cul-de-sac.

Chairman Bascom – asked for the differences between this proposal and the proposal from last month.

Steven C. Sullivan – A 12' wide, 20' long timber bridge structure was added which would eliminate the wetlands filling (approx. 200 SF) associated with the driveway crossing on Lot 6. Details are shown on Sheet D-2. Also shown are the maintenance procedures for the catch basins and water quality swale proposed for the end of the cul-de-sac. Snow storage easements are shown for the cul-de-sac. A vegetated buffer strip was added for Lot 2, shown on Sheet L1. Mr. Ott asked the applicant to look at an alternate cul-de-sac proposal. Exhibit 1, March 5, 2007 was distributed to show this option. In this proposal the cul-de-sac was shifted to the south to eliminate the filling of the 2,000 SF pocket of wetlands. It positions the cul-de-sac between the larger wetlands and the tidal wetlands. The applicant does not feel this is the best option because it will require more regulated activity associated with the larger, more valuable inland wetlands and the tidal wetlands. It will require about

30% more impervious surface because of the move of the road which would result in more filling within the regulated area for the drainage from the cul-de-sac. The applicant prefers the first cul-de-sac proposal as the wetlands being filled is a lower quality wetlands.

Mike Ott , Assistant Town Engineer – in discussion with the applicant he asked if there were other alternatives to the originally proposed cul-de-sac that might eliminate or minimize filling of the wetlands. He asked the applicant to evaluate that.

Steven C. Sullivan – He clarified that this would require no filling of the wetlands but would require more regulated activity within the 100' upland review area.

Chairman Bascom – asked for further comment on the wetlands quality issue.

Michael Klein , biologist and soil scientist, Environmental Planning Services, for the applicant. – Summarizing his letter from the file he explained that after flagging the wetlands a Natural Resource Assessment was done followed by a January '07 Functions and Values Assessment. The significant natural resource at this site is the tidal wetlands and Long Island Sound The larger wetlands which is associated with the tidal wetlands is of more significant value than the pocket wetland which is a wetland at the end of Maplewood Lane with low diversity of vegetation. The other wetland that was reviewed is at the Lot 6 crossing at the boundary between the tidal system and the freshwater system. That wetland is a little more diverse and the area of impact is so small as to be negligible. The pocket wetland function is to serve as a minor stormwater detention area; being adjacent to Long Island Sound makes this irrelevant. Drainage from Maplewood and a sump pump from a home at the end of Maplewood are what keep the pocket wetland wet. It does dry up. It doesn't serve any significant function. The applicant has the ability to mitigate this pocket wetland by creating a stormwater wetland with greater diversity and greater habitat value while providing better treatment for stormwater runoff off the end of Maplewood where, currently, no formal system exists. This proposal will result in no net loss.

D. Newton – requested discussion on the mitigation area as shown on Sheet L1 which shows the western edge of the cul-de-sac,

Michael Klein – reading from L1 he clarified what was proposed to be planted in the mitigation area and the means that would be used to develop the area.

D. Newton – who would be doing the inspections of the mitigation area over the years as it gets established?

Michael Klein , - he anticipates he will be.

D. Newton – Will the water that currently drains into the wetlands that will be filled, drain into the mitigation area?

Michael Klein - yes

Chairman Bascom – one wetland will flow into the other?

Michael Klein – yes

Chairman Bascom – will the existing foundation drain be blocked by construction in the area?

Michael Klein - no. That drain is off the site and drainage will be maintained to direct its outflow.

Steven C. Sullivan – Mike Ott's comments on encroachments into the 50' range can easily be addressed and all of those activities pulled back. Driveway turnaround

areas can be reduced. A conservation easement can be added to the deed. The applicant is currently planning to place split-rail fences and signage at the 50' line but adding it to the deed will not be a problem.

L. Schumacher – will the proposed bridge span the existing culvert and it not be removed?

Steven C. Sullivan – yes. The existing culvert will remain and not be disturbed.

T. Paul – with regards to the trees that will be saved, where are they shown?

Steven C. Sullivan – Sheet L1, with the parking area footprint being reduced at least one more large tree will be saved.

T. Paul – With cul-de-sac #2, the option submitted at this meeting, more trees would be lost?

Steven C. Sullivan – yes.

Chairman Bascom – asked for clarification on the hammerhead option that was provided at the February meeting and for Mike Ott to explain, again, why the Town would prefer the cul-de-sac. He reiterated for the Chairman the Town Engineering and Public Works Department's reasons for preferring the cul-de-sac.

L. Schumacher – how will the footing on the south side of the crossing be constructed?

Steven C. Sullivan – Sheet S2 – construction sequence is in the record. A mini-excavator can cross the current crossing and excavate for the abutment footing, putting the spoils on the south side between erosion controls, outside the wetlands. On the other side, the same operations can be done with the spoils being placed on the north side of the proposed crossing. Footings are then formed and poured, then the abutment walls. The areas are then backfilled and the steel beams are set when the concrete is ready. Then the decking is laid.

D. Newton – what is over the 12" culvert now?

Steven C. Sullivan – dirt.

L. Schumacher – it's not a road?

Steven C. Sullivan – it is a pathway approx. 8' wide.

Chairman Bascom – you are not attempting to remove the 12" pipe?

Steven C. Sullivan – no, that is the way the water is conveyed now. We were going to fill around it and expand the pipe to 12' but with the bridge there is less disturbance.

D. Newton – what is the clearance between the existing earth and the steel beam?

Steven C. Sullivan – as shown on the Detail Sheet, D2, there is one foot minimum between existing grade and the bottom of the steel.

Chairman Bascom – asked IWO Kuchta for comments on the existing pipe remaining in place.

IWO Kuchta – it is a 12" clay pipe and he is not sure how long it has been there or what the lifespan of it would be.

Chairman Bascom – expressed concern over the excavator crossing the clay pipe and damaging it.

Steven C. Sullivan – it would be a small one and would only cross once.

J. Mathieu – it could weigh as little as a car.

J. Mathieu – has the pipe been inspected? Is it clear?

Steven C. Sullivan – no, there is debris in the pipe. Water travels through the voids in the pipe and then through the voids in the surrounding soils and rock.

J. Mathieu – would it be inspected afterwards to assure it was not damaged?

Steven C. Sullivan – it would probably be inspected both before and after.

Chairman Bascom – would there be any benefit to removing that pipe?

Michael Klein - as a form of mitigation, the applicant would be glad to remove the pipe and stabilize the banks with native vegetation.

IWO Kuchta – it would be important that the outlet remain the same elevation to maintain levels of the water table within the wetlands themselves so they don't get drained by removing it.

Michael Klein - existing hydrology would be maintained.

Chairman Bascom –The time to remove the pipe would be before the bridge is in place. It could be removed from the banks.

J. Mathieu – at the February meeting there was concern expressed over moving the pipe and the wetlands around it. Now, removing it is being considered.

D. Newton – the filling of the wetland is the concern and this proposal removes that concern. If the pipe is plugged at anytime the water would flow over the top and cause a problem. Removing the pipe would be the best solution.

Chairman Bascom – asked for comments from the public

Atty. Tom Crosby, 1291 Boston Post Road, for the Intervenor Lili Schlossberg Foggie of 107 Longshore Lane. Spoke in opposition to the application stating that the application being heard at this public hearing is completely different from what was noticed. He cited regulation 11.5. Lot numbers have changed and the application does not comprehensively address all of the impacts, more particularly those of Long Shore Lane. He advised the Agency that accepting this application would also be accepting page P-1 of the plans “the Long Shore Lane Road Improvement Plan” (not part of the legal notice). Adjoining property owners are entitled to notice that P1 is being proposed. Long Shore Lane has inadequate information, (he noted Mike Ott's commentary at the resumption of the public hearing) with which to make a decision or report. In his opinion the application is incomplete in conjunction with 8.10 of the regulations. Under 11.6 of the regulations the Agency should determine if a new application is required. Feasible and prudent alternatives should be submitted 15 days prior to the public hearing and submission of the exhibit for an alternate cul-de-sac at this meeting was a violation of that regulation. He recommended denying the application or bifurcation of the application. He provided a review provided by Mr. Garcia on the latest revisions of the plans as Exhibit 2, March 5, 2007.

Chairman Bascom – is P1 new?

D. Newton – it was included in the original application.

Chairman Bascom – is the revised cul-de-sac presented tonight being proposed?

Steven C. Sullivan – no.

Chairman Bascom – asked Mike Ott for clarification of the comments he had made surrounding Long Shore Lane.

Mike Ott, Assistant Town Engineer – he reviewed the entire set of plans and his comments were on those as a whole. Not until tonight did the applicant specifically note what they were asking for. After walking Long Shore Lane several times, it appeared that the applicant could make improvements and address stormwater management in a manner

that they stated but in order to assure that enough information is given to a contractor additional information should be shown such as field survey information and additional construction details.

Chairman Bascom – as some of Engineer Garcia’s comments may have changed in keeping with the current presentation, he asked Atty. Crosby if he had comments on those possible changes.

Atty. Tom Crosby – he doesn’t believe the items Mr. Garcia has listed on the second page have been addressed. He summarized that the applicant has proposed to do something which includes a plan to widen a road on Town property and that is an integral part of their plan. Nothing has been submitted to the IWA from the Town saying that the Town agrees this can be done. There are no details on the plans outlining construction sequence for the bridge.

L. Schumacher – asked Mr. Sullivan if there are construction details in the plans.

Steven C. Sullivan – there are and Mr. Ott has asked for elaboration on them. They are on Sheet P2.

Michael Klein - Disputed comments made by Atty. Crosby.

Atty. Marjorie Shansky, 61 E. Grand Ave., New Haven, CT representing Claudia Bemis and Rob Weinstein, 50 Whedon Lane – She asked Mr. Klein if he had visited the site during the amphibian breeding season in order to determine if there is a vernal pool on the property. She concurred with Atty. Crosby that there is a problem with the way this application has been advertised. Citing Section 11.2 she stated she felt the application should be denied because of notification issues. Also she felt that the stormwater management comments in the application are so generalized as to have no meaning what so ever. Alternate 2 for the cul-de-sac is not a feasible and prudent alternative but is a worse alternative. She proposed denial of lot #6 which would eliminate filling and crossing of the wetlands.

Michael Klein - Eric Davidson from his office did visit the site during vernal pool season and comment was provided at the February meeting. There are no vernal pools at the site.

Eric Davidson – did visit the site during the migration season and there are no vernal pools. There was no surface water at the site during his visit.

Kealoha Freitenburg 516 Horsepond Road, research scientist at Yale, noted vernal pools can be identified at other times of the year besides when the amphibians are calling.

Michael Klein - there are 13 function values recognized by the Army Corps of Engineers and those are what are typically used to value wetlands significance. His report (on file) addresses each value. There is only one function or value that this pocket wetland has and that would be as flood storage and, in its location, this is insignificant. He went through each of the 13 values.

Rob Weinstein, 50 Whedon Lane – Spoke in opposition to the proposal of so much disruption for one lot.

David Forest, 19 Maplewood Lane – questioned the cul-de-sac proposed is the same size as the original.

Chairman Bascom – it is the same size and it is the same proposal.

Atty. Les Hollo, 119C Sampson Rock Drive for the applicant, stated the notices were published in a timely manner. The changes in this application have come about due to the applicant’s efforts to accommodate comments and concerns by the

Agency, Town staff and the public. The applicant is not relying on the exhibit provided tonight; it was a response to Mike Ott's request. It is not being proposed by the applicant. The reasonable and prudent alternative that was presented was the hammerhead design. He listed the changes that have occurred in the evolution of the application and reminded the Agency that the applicants will be living on Long Shore Lane; it will be their neighborhood too.

D. Newton – Sheet D2 shows a maintenance procedure. Who is going to be responsible for it.

Steven C. Sullivan – those are suggested maintenance procedures and as it is a Town road, the Town would be responsible for it.

Mike Ott, Assistant Town Engineer – agreed

#### **EXHIBITS:**

Exhibit 1, March 5, 2007 – Alternate cul-de-sac proposal

Exhibit 2, March 5, 2007 – written review of the revised plans by John Paul Garcia, PE, 190 Fairwood Road, Bethany, CT

A motion was made by John Mathieu, seconded by Thomas Paul, whereby the Madison Inland Wetlands Agency voted unanimously to close the public hearing for application 06-67: 22 78 Long Shore Lane at 9:58 p.m.

#### Discussion –

T. Paul – spoke in support of the bridge but could not speak in support of either proposal for a cul-de-sac but would support the hammerhead turnaround as a prudent and feasible alternative. The submission of minutes to the Planning and Zoning Commission instead of a report is a good alternative.

K. Munro – Supports the proposed cul-de-sac. Appreciates that the applicant has reduced the number of lots in the subdivision and would be in favor of approving the application.

L. Schumacher – pleased that the scope of the application has been limited by the applicant. He is comfortable that the applicant has put forth the effort, working with the Town Engineer in order to make the application acceptable. Filling even a low functioning wetland is a serious matter but he is comfortable with Mr. Klein's comments on the functioning of the wetland proposed to be filled. Not being present for the presentation of the hammerhead, he would like to hear more discussion about it but his current inclination is to favor the proposed cul-de-sac. The bridge is a good addition to the plan but for him to approve it he would need to have more of the actual construction sequencing and controls that would be put into place included on the plan.

J. Mathieu – agrees with other Agency members except he does not support a hammerhead. Looking at what is proposed in the way of enhancements as part of the construction of cul-de-sac is far superior to the low-functioning wetland that is there now.

D. Newton – applicant was very responsive to some of the IWA requests; there was no mitigation when first proposed. Walked the site today and the wetland proposed to be filled is a very low level wetland in his opinion. The mitigation area proposed

will be an enhancement, not only from a retention basis but also as wildlife habitat. Feels the cul-de-sac is appropriate and approves of the bridge as well. Suggests the culvert be removed and stone placed in the area because if it becomes further clogged or collapses during construction it will raise the level of one of the wetlands and change the hydrology of the area. If it is removed and stone laid where the culvert was, the hydrology would be maintained. He will vote to approve the application with that condition. As far as the subdivision referral, the Planning and Zoning Commission needs to be told that there are many concerns, many subsequent regulated activities that will be generated by an approval of this subdivision including regulated activities for the road and for several of the houses. Access must be guaranteed to those lots before the subdivision can be approved or this will raise other concerns.

J. Mathieu – in referring to Planning and Zoning that the proposed lots are buildable lots subject to the applicant coming back before the IWA for specific activities, that approval with a denial of access on Long Shore Lane would necessitate other access needing approval by the IWA as well.

Chairman Bascom – it is important to note that the IWA is not approving lots and is not approving access. Impacts to wetlands as they are related to regulated activities is the IWA's concern.

D. Newton – potential impacts.

Chairman Bascom – Many of the Agency members have walked the site and seen the quality of the wetland that is proposed to be filled. The quality is the important factor. In his opinion, the report that was done is thorough related to the quality of the wetland. He prefers the cul-de-sac that has been proposed from the beginning of the application and supports the mitigation plan. Town Staff's information that has been provided has been very helpful. He would support the approval of this application.

A motion was made by Ken Munro, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted to approve application 06-67: 78 Long Shore Lane.

David Newton requested the motion be amended to include the removal of the culvert.

A motion was made by Ken Munro, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted to approve application 06-67: 78 Long Shore Lane submitted with the cul-de-sac and mitigation plan as presented at the February 5, 2007 public hearing with the condition that the culvert be removed during the construction of the bridge at a time when damage to the wetlands shall be minimal and the elevation shall be maintained at the outflow of the culvert with a riprap lining placed to prevent erosion.

Lee Schumacher requested that the motion be amended to include the construction sequence of the bridge. Mike Ott spoke in favor of this as well.

A motion was made by Ken Munro, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted to approve application 06-67: 78 Long Shore Lane submitted with the cul-de-sac and mitigation plan as presented at the February 5, 2007 public hearing with the condition that the culvert be removed during the construction of the bridge at a time when damage

to the wetlands shall be minimal and the elevation shall be maintained at the outflow of the culvert with a riprap lining placed to prevent erosion. Additional information regarding the construction operations shall be submitted and reviewed to the satisfaction of the Town Engineer's office. The Agency voted 5-1 in favor with Thomas Paul voting in opposition.

*The Agency adjourned for a 5-minute break.*

**06-85: 23 HAMILTON DRIVE**, a.k.a. 36 Cedar Lane. Map 27, Lot 79. Owners/Applicants: John D. & Elisabeth J. Morgan. Regulated Activity Permit for extension of water main within 100 ft. of wetlands. **Continued to the next meeting.**

IWO Kuchta – Will not be heard tonight. They received a memo from the director of health concerning a waiver requested from the State Public Health Department. He requested a letter from them for the IWA but that letter has not been received. The applicant has granted an extension in order to allow time for the receipt of that letter.

Chairman Bascom – explained that the applicant had requested permission to install a well instead of hooking into city water. Response to that request is would be in that letter.

A motion was made by Dave Newton, seconded Thomas Paul, whereby the Madison Inland Wetlands Agency voted unanimously to open the public hearing for application 07-02: 1185 Durham Road at 10:30 p.m..

**07-02: 1185 DURHAM ROAD.** Map 130, Lot 14. Owner/Applicant: Christ Chapel of the Christian and Missionary Alliance. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison.

Roger Nemergut, Nemergut Consulting, 208 Route 81, Killingworth, CT represented the applicant. The wetlands were delineated by Richard Snarski, Soil Scientist. The map showed two wetland areas of approximately 6,000 SF each.

Chairman Bascom – read IWO Kuchta's field report into the record.

A motion was made by David Newton, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted unanimously to close application 07-02: 1185 Durham Road at 10:35 p.m.

A motion was made by David Newton, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 07-02: 1185 Durham Road as submitted.

### **REGULAR MEETING (continued)**

**1. 07-03: 1185 DURHAM ROAD & 4 JOSHUA TRAIL.** Map 130, Lots 13 & 14. Owner/ Applicant: Christ Chapel of the Christian and Missionary Alliance. Regulated Activity Permit for parking lot improvements within 100 ft. of wetlands.

Roger Nemergut, Nemergut Consulting, 208 Route 81, Killingworth, CT represented the applicant. He explained that a portion of the existing parking lot encroaches into the 100' upland review area. There will be no increase in the amount of parking lot area and the amount of encroachment along with impervious area will be reduced. He pointed out the location of new parking area outside the review area. An existing catch basin will be relocated on top of a drain that is already there.

A motion was made by John Mathieu, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously approve application 07-03: 1185 Durham Road & 4 Joshua Trail as submitted.

6. **01-51 T + EXT.: 104 HICKORY LANE.** Map 128, Lot 46-3. Owners/Applicants: Ronald D. & Diane D'Amato. Transfer and Extension of Regulated Activity Permit approved on March 4, 2002, to allow grading for a driveway within 100 ft. of wetlands.

Diane D'Amato, applicant - requesting to extend the permit and transfer the name on it.  
Jennifer D'Amato – daughter – preliminary work before a subdivision of the property.

A motion was made by Ken Munro, seconded by Thomas Paul, whereby the Madison Inland Wetlands Agency voted unanimously to approve transfer and extension of application 01-51 T+EXT: 104 Hickory Lane as submitted.

7. **07-09: 331 COPSE ROAD & 302 GREEN HILL ROAD. Jeffrey and Polson Schools.** Map 64, Lot 36. Owner: Town of Madison; Applicant Madison Public Schools. Regulated Activity Permit for installation of fiber optic cable connections within 100 ft. of a wetland.

Mike Ott, Assistant Town Engineer – a grant was received to make a fiber optic cable connection between the Jeffrey and Polson Schools. The installation would follow an existing trail between the schools.

A motion was made by David Newton, seconded by Lee Schumacher, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 07-09: 331 Copse Road and 302 Green Hill Road, Jeffrey and Polson Schools as submitted.

8. **07-11: 980 & 982 DURHAM ROAD. Ryerson and Brown Schools.** Map 116, Lot 22. Owner: Town of Madison; Applicant: Madison Public Schools. Regulated Activity Permit for installation of fiber optic cable connections within a wetland and within 100 ft. of a wetland.

Mike Ott, Assistant Town Engineer – the installation would involve crossing a small stream bed. The route has little vegetation and would installation would be done during the dry season.

A motion was made by John Mathieu, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 07-11: 980 & 982 Durham Road, Ryerson and Brown Schools as submitted.

**10. APPROVAL OF MINUTES**

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

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

No discussion.

**13. LITIGATION: Executive Session As Required**

There was none.

**14. REMARKS – INLAND WETLANDS CHAIRMAN  
– INLAND WETLANDS OFFICER**

IWO Kuchta – provided information on the next DEP Inland Wetlands Commission training program.

A motion was made by Ken Munro, seconded by Lee Schumacher, whereby the Madison Inland Wetlands Agency voted unanimously to adjourn at 10:55 p.m.

The next IWA meeting will be on Monday, April 9, 2007.

Respectfully submitted,

J. Donnette Stahnke  
Recording Secretary, Inland Wetlands Agency