

MADISON INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, August 6, 2007
Meeting Room A, Town Campus

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, August 6, 2007 at 7:30 p.m. in Meeting Room A, Madison Town Campus. With Chairman Pro Tem, David Newton presiding, the meeting was called to order at 7:33 p.m.

Present: David Newton, John Mathieu, Glenn Falk, Ken Munro and Alternates Bill Freeman and Robert Speziale. 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.

PUBLIC HEARINGS

There were none.

REGULAR MEETING

07-22: 78 BRADLEY ROAD. Map 38, Lot 83. Owner/Applicant: Bradley Commons, LLC. Regulated Activity Permit for repair of subsurface sewage disposal system within 100 ft. of wetlands.

Tom Stevens, Thomas A. Steven & Associates, Inc., 141 Durham Road, Unit 24 Madison, CT

As representative for the applicant he explained that the Agency had expressed concern over the proximity of the proposed improvements to that of the wetland boundary. Soil testing was done subsequent to the last IWA meeting. He pointed out the locations of the test pits that were dug. The first test was full of sewage effluent as expected and the soil was very peaty in nature. The additional three test pits showed sands and gravel at about 3' and movement of water within that soil stratus. Stand pipes were placed in the test pits and groundwater was monitored over a couple of days in order to get a direction of groundwater flow. The plans were revised subsequent to the digging of the test pits and following a meeting with Mike Ott, IWO Kuchta and John Bowers. Test pits and the proposed configuration of the septic system were discussed. What is shown presently is a result of that discussion. They are proposing 32 linear feet of 12" high galleries to be placed in select fill. Rather than being an entire blanket of select fill it will be approx. 32" deep to tie into the subsoils that are appropriate. It will extend 15' on the down-gradient side of the galleries and 5' on the up-gradient side. A high level overflow will be set in the failing system to catch the effluent before it reaches the pavement and travels overland. It will be piped to the additional 32' of trench which will be appended to the existing failing system. If the permeability of the select fill is 50' per day, based upon the groundwater slopes that were observed, the travel time will be the appropriate 21 days to the wetland boundary. There is a letter in the file from John Bowers.

IWO Kuchta – read John Bowers letter into the record. John Bowers recommended approval of the proposed system.

D. Newton – how big is this system

Tom Stevens – total site flow is three hundred gallons a day.

D. Newton – what is in the buildings, residential or businesses?

Tom Stevens – introduced Ron Zollshan, applicant.

Ron Zollshan, 22 Chapman Ave.

The use is strictly commercial, office buildings with no residential usage.

D. Newton – asked Mike Ott and IWO Kuchta for comment.

M. Ott – this is a workable solution.

IWO Kuchta – it is further away from the wetlands than was previously proposed.

Tom Stevens – based on the revisions to the plan 170 CY of select fill is now 114 CY. Crushed stone was 25 CY and is now 17 CY. Less fill is being removed and deposited.

D. Newton – asked the Agency for additional comments. There were none.

A motion was made by Ken Munro, seconded by John Mathieu, whereby the Inland Wetlands Agency voted unanimously to accept application 07-22: 78 Bradley Road as presented for repair of subsurface sewage disposal system.

07-23: 253 BARTLETT DRIVE. Map 100, Lot 1-48. Owners: Lisa Marshall & Laurant Favre; Applicant: Park Landscape Design Group, LLC. Regulated Activity Permit for clearing and seeding of rear yard within wetlands and within 100 ft. of wetlands.

Bob Chamberlain, Park Landscape Design Group, Darien, CT

The owners of the property have asked his group to determine if the back yard can be expanded. The property is approx. 2 acres but only about 1/3 of it is usable, the remainder is wetlands. He explained the proposed changes which would involve grading and topsoil of a portion of the wetland and the removal of some of the shrubs and vegetation in the area. Some trees would be removed to allow sunlight into the area and to allow for planting and growing a lawn. This would require 40 yds. of top soil to be brought in to allow 2” of soil to be evenly spread for the planting of grass.

J. Mathieu – How does the applicant propose to clear the section within the wetlands?

Bob Chamberlain – by hand

D. Newton – how big of an area within the wetlands are they proposing to cover with topsoil?

Bob Chamberlain – 30 yds. will go into the wetland.

K. Munro – how many trees will be cut?

Bob Chamberlain – 6 trees 6” or larger.

J. Mathieu – two inches of topsoil in a wetland is not going to provide a lawn.

Bob Chamberlain - this area is not a functioning wetland, only the soils are wetland. The vegetation is more representative of upland.

J. Mathieu – has a problem with this application. When the builder built this house, the house was located to have the lawn area in the front of the house. Now the owners want to create a rear lawn in an area abutting and into a wetland and he is concerned over what is proposed to be done in the wetland itself.

L. Favre, owner - this is a very dry wetland area.. Water does not stand there.

G. Falk – the applicant hasn't had a soil scientist reevaluate the area to determine if it is no longer wetland?

L. Favre, owner – no. Why can't the wetland be groomed without it affecting the value of the wetland?

G. Falk – it is the law that the wetlands are to be preserved as they are.

D. Newton – if it is lawn will it be fertilized?

L. Favre, owner – no, they do not fertilize their lawn.

G. Falk – in all his years on the IWA he has never seen a proposal where they wanted to extend a lawn into the wetlands. It is unacceptable. It is not justifiable.

D. Newton – read the field walk report into the record.

M. Ott – this would involve 4,780 SF of affected wetlands. This is a large enough area to involve the Army Corps of Engineers for approval.

A motion was made by Ken Munro, seconded by John Mathieu, whereby the Inland Wetlands Agency voted unanimously to deny without prejudice, application 07-23: 253 Bartlett Dr.

07-25: 202, 208 & 212 COUNTY ROAD. Map 156, Lots 13, 14, 15, 17. Owner/Applicant: North Madison Estates, L.L.C. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt only.**

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

The property is 67.5 acres. He pointed out the differences between the existing wetlands boundary and the new one.

Tom Cronan, Crosby and Cronan LLC, Madison

This is a DEP site. It has been under a consent order for a considerable amount of time. The owner has spent a great deal of money and time cleaning up this property. There is a representative from the DEP who has monitored the clean up of the property and he is prepared to say that he is ready to lift the consent order. The wells on the property have been drilled and are being monitored.

D. Newton – Can the applicant please provide better drawings for the public hearing than the ones that were sent out with the packet?

IWO Kuchta – is meeting with the applicant to go over the check list to confirm the application is complete.

A motion was made by John Mathieu, seconded by Ken Munro, whereby the Inland Wetlands Agency voted unanimously to accept application 07-25: 202,208,212 County Road, schedule it for a public hearing on the next regularly scheduled IWA agenda, with a site walk to be done by IWO Kuchta.

07-26: 202, 208 & 212 COUNTY ROAD. Map 156, Lots 13, 14, 15, 17. Owner/Applicant: North Madison Estates, L.L.C. Subdivision referral for proposed 15 lots. **Receipt only. (WITHDRAWN)**

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

IWO Kuchta – The applicant has provided a restoration plan and pictures for the Agency’s review. IWO Kuchta did speak with the soil scientist who provided the restoration plan.

J. Mathieu – is there an application?

IWO Kuchta – no. The Agency asked for a restoration plan not another application but it is a regulated activity.

D. Newton – how does the number of trees proposed to be planted in the wetlands compare to the number that was cut?

IWO Kuchta – Does not know how many were cut but they are proposing to plant 24 trees. The ones that were cut were 12-14” caliper trees or larger and equivalents won’t be able to be planted. Stump sprouts will not be adequate replacements because they will be weak and will break after a few years. The canopy will not be restored through them. A professional should plant them with the least amount of disturbance to the wetlands.

D. Newton – what are sizes of the trees proposed to be planted?

Lars Helgeson – 720 Summer Hill Road, violator

Wants to transplant trees already existing on the property averaging approx. an inch in diameter.

J. Mathieu – There is nothing on this restoration plan that says this is being presented to the IWA for approval. Mr. Helgeson needs to apply for a regulated activity permit. Doesn’t he need a permit to work in the wetlands?

IWO Kuchta – that can be done if that is the Agency’s desire. This is under an enforcement order. The restoration plan should also include the size and type of trees proposed to be planted, how they are proposed to be planted, when they are to be planted, a monitoring period to guarantee their survival for a period of three years, two years minimum. The Agency might also require a bond to pay for planting the trees should Mr. Helgeson fail to do so.

J. Mathieu – there should at least be a letter in response to the letter sent to him to go with the restoration plan, something that explains what the action is about.

D. Newton – it needs either an application or a formal presentation to the Agency. A cover letter stating that this restoration plan is in response to the Agency’s request, a synopsis of what is proposing to be done. IWO Kuchta will speak to Atty. Zizka about the possible bonding of this restoration.

A motion was made by Ken Munro, seconded by John Mathieu, whereby the Inland Wetlands Agency voted unanimously to continue discussion of 702 Summer Hill Road to the next meeting.

APPROVAL OF BILLS

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

APPROVAL OF MINUTES

A motion was made by John Mathieu, seconded by Ken Munro, whereby the Madison Inland Wetlands Agency voted unanimously to approve the minutes of the July 2, 2007 meeting with the following change: Page 1, line 31 Lee Rowley, Rowley Hendriks should be Rowley Hendriks Assoc.

A motion was made by John Mathieu, seconded by Ken Munro, whereby the IWA voted unanimously to approve the minutes of the site walk of July 17, 2007 as submitted.

SECTION 13 APPROVALS:

IWO Kuchta – explained the situation and circumstances behind each of the Section 13’s he had approved.

04-39 MOD: 24 CHESTNUT HILL ROAD. Map 96, Lot 23. Owners: W.H. & Jayne B. Telford Trustees; Applicant: Coastline Construction Corporation. Modification to Regulated Activity Permit #04-29 to allow revisions to house dimensions from previously approved plan.

03-35T: 126 GREEN HILL ROAD. Map 85, Lot 40. Owner: John Mastrobattisto; Applicant: Deanna Blake. Transfer of Regulated Activity Permit approved on October 6, 2003, to allow clearing, excavation, grading and filling, and construction of dwelling within upland review area.

07-05: 63C SIGNAL HILL ROAD. Map 30, Lot 11. Owners/Applicants: Paul K. & Pamela D. Gallagher. Map 30, Lot 11. Regulated Activity Permit to allow renovation of and addition to existing residential dwelling, and installation of septic system, all within 100 ft. of wetlands.

07-27: 6 HIDDEN SPRINGS. Map 143, Lot 10. Owner/Applicant: Peter Giorgio, Jr. Regulated Activity Permit for addition to dwelling within 100 ft. of wetlands.

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

Changes will not be made until Ordinance information is received back from Atty. Zizka.

LITIGATION: Executive Session as Required

REMARKS – INLAND WETLANDS CHAIRMAN –

– **INLAND WETLANDS OFFICER** – Has been advised of a violation with regards to Horse Pond. This is a reoccurring problem with Catherine Dolph at 193 Horse Pond Road. IWO Kuchta and a police officer will follow up on this.

A motion was made by Ken Munro, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted unanimously to adjourn at 9:05 p.m.

The next IWA meeting will be on Monday, September 10, 2007.

Respectfully submitted, J. Donnette Stahnke
Recording Secretary, Inland Wetlands Agency