

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, September 10, 2007
Meeting Room A, Town Campus**

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, September 10, 2007 at 7:30 p.m. in Meeting Room A, Madison Town Campus. With Vice Chairman Thomas Paul presiding, the meeting was called to order at 7:33 p.m.

Present: David Newton, John Mathieu, Thomas Paul, 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

06-71 MOD. 75 Lantern Hill – Lot 12, Terrace at West Wharf. Map 37, Lot 21-12. Owners: Richard A. and Erica Michaud; Applicant: Richard Michaud. Regulated Activity Permit for construction of swimming pool, septic system, driveway and associated grading within 100 ft. of wetlands. **Receipt.**

Robert Criscuolo, Criscuolo Engineering, LLC, Branford, CT

As representative for the applicant he explained that this property has previously been before the IWA. The parcel is 1.77 acres in size. On the map, he pointed out the proposed location of the 4-bedroom house and other elements of the application as well as the delineated inland wetlands. The proposed house is 52' from the wetlands at the closest point. It is centered on the high point of the property. They are proposing a Ruck-A-Fin system with two rows, 60' long. They are also proposing a swimming pool with the closest point to the wetlands being 32' and a 12x15' pool house, 25' from the wetlands. The roof runoff would drain onto a grass level spreader. The proposed location of the house is in keeping with the original design of the property. Silt fence will surround the entire construction activity.

B. Freeman – is it being constructed on a slab?

Robert Criscuolo – yes.

T. Paul – the 100' review area?

Robert Criscuolo – encompasses 95% of the lot.

T. Paul – city water?

Robert Criscuolo – yes.

J. Mathieu – asked if the applicant had information regarding the wetland boundary to the northeast of the property, located on the adjoining property. Asked for the distance of the septic system to that area.

Robert Criscuolo – has not addressed that wetland area and distances to it.

D. Newton – this application is a modification of the original approval for that lot. What are the differences between the original and the proposed?

Robert Criscuolo – septic and reserve areas are primarily in the same location as is the driveway. The house is primarily in the same location but the pool and pool house are an addition.

IWO Kuchta – concurred. The septic system is a bit smaller than what was originally proposed and is a bit farther to the northwest than was proposed.

Robert Criscuolo – the Health Code changed in January and setbacks from the property line increased from 10’ to 25’.

D. Newton – have travel time calculations been done? They will need to be done for the next meeting.

Robert Criscuolo – they have not been done but he will provide them.

T. Paul – what kind of filter system is proposed for the pool and will it need to be back flushed?

Richard Michaud, applicant – pool has not been designed yet. The filter system can be whatever the IWA wants.

J. Mathieu – will need specifics on this. He would like to know how far the septic system is from the wetland on the other property.

IWO Kuchta – not sure if there are any approved wetland boundaries on the properties to the east as they are older homes. Could request permission to go on those properties.

J. Mathieu – need to know the travel time to those wetlands.

Robert Criscuolo – his plan is 15-20’ farther from the property line than the previous plan which should make the situation better. He will research the area for answers to the concerns of the Agency.

IWO Kuchta – provided the map of the neighboring Becker property which showed the wetland of concern. It appeared to be approx. 60’.

K. Munro – the application is only to be received tonight. When the applicant comes back, he should have more information on the distance to the neighboring wetlands, specifics on cleaning of the pool filters, travel times, and possible options on the location of the pool house.

A motion was made by Ken Munro, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 06-71 MOD. 75 Lantern Hill – Lot 12, Terrace at West Wharf and place it on the agenda for the next regularly scheduled IWA meeting.

07-31: 468 Horsepond Road – Lot 22 “Olde Towne Farms”. Map 84, Lot 28-2. Owner: Estate of Lillian Dubois; Applicant: Archie Bailey. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt.**

D. Newton – is the application complete?

IWO Kuchta – yes.

A motion was made by David Newton, seconded by Ken Munro, whereby the Madison Inland Wetland Agency voted unanimously to accept application 07-31: 468 Horsepond Road – Lot 22 “Olde Towne Farms” and schedule it on the agenda for public hearing at the next regularly scheduled IWA meeting with a site walk to be done by IWO Kuchta.

07-33: 78 Long Shore Lane. Map 25; Lots 74 and 74-1. Owner: Long Shore, LLC and 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 with 100’ of wetlands; 2) Long Shore Lane – to allow clearing, filling, grading and paving to widen Long Shore Lane within 100’ of wetlands. **Receipt**

Lynn Pinder, atty. for applicant

As representative for the applicant she explained they wish to develop a 6-lot subdivision on property abutting Long Shore Lane. They are proposing the subdivision before Planning and Zoning and 3 of the 6 lots have regulated activities within 100' of the wetlands. She provided maps showing the areas of concern.

T. Paul – the driveway of lot 6 tips the wetlands?

Lynn Pinder – yes. Any filling of any wetland has already been through the process and approval has already been received. Nothing proposed is within the wetlands. Lot 6 has septic within the 100' review zone at approx. 90'. Lot 1 has a septic system and a portion of the proposed home within the review zone. No septic systems were proposed on the previous application.

G. Falk – is there litigation over the previous approvals?

Lynn Pinder - yes, it is being appealed.

G. Falk – how does that affect what is done now?

Lynn Pinder – in her opinion, the Agency approved it so the applicant is proceeding accordingly.

T. Paul – what is the actual distance from the proposed septic system on Lot 1 to the wetland?

Lynn Pinder – the surveyor, who is not present, did not give her an actual distance. She supposed that the distance is approx. 50' to the corner of the septic system. The plan will reflect exact distances for the next meeting.

A motion was made by Glenn Falk, seconded by Ken Munro, whereby the Madison Inland Wetland Agency voted unanimously to accept application 07-33: 78 Long Shore Lane, schedule it for a public hearing at the next regularly scheduled meeting.

PUBLIC HEARING

A motion was made by Dave Newton, seconded by John Mathieu, whereby the Madison Inland Wetland Agency voted unanimously to open the public hearing for application 07-25: 202, 208 and 212 County Road.

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.

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

As representative for the applicant he distributed 11x17" copies of the map. (Exhibit 1) The property is 67.5 acres, 13.8 acres being wetlands, approx. 4 acres more than the current Town map. He pointed out the differences between the existing wetlands boundary and the new one. The property was walked with IWO Kuchta. Surrounding properties were discussed.

B. Freeman – asked about the topography of the land to which Mr. Pierides explained in detail.

T. Paul – the only wetland areas within 100' of your activities are along County Road?

Emile Pierides – Those will be more evident when they apply for the regulated activity permits.

D. Newton – is the soil report in the file?

Emile Pierides – it was submitted with the application.

IWO Kuchta – the wetlands are accurately depicted on the map. The wetlands are extensive.

T. Paul – asked if any one wished to speak regarding this application. No one spoke.

A motion was made by Glenn Falk, seconded by John Mathieu, whereby the Inland Wetlands Agency voted unanimously to close the public hearing for application 07-25: 202,208,212 County Road.

A motion was made by Glenn Falk, seconded by John Mathieu, whereby the Inland Wetlands Agency voted unanimously to approve application 07-25: 202,208,212 County Road as submitted.

Exhibits –

Exhibit 1 – 11x17” copy of the map.

REGULAR MEETING AGENDA (continued)

07-30: 23 East Wharf Road. Map 28, Lot 49. Owner: John E. Drake/Applicant: Donald L. Gesick, Jr. L.S. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt.**

A motion was made by John Mathieu, seconded by Bill Freeman, whereby the Inland Wetlands Agency voted unanimously to accept application 07-30: 23 East Wharf Road and schedule it as a public hearing on the next regularly scheduled IWA meeting with a site walk to be done by IWO Kuchta.

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

D. Newton – there was a question as to how this should be submitted. Was the Attorney consulted?
IWO Kuchta – Read Atty. Zizka’s letter for the Agency in which he stated that an application was not required as this is a response to an enforcement order and the Agency did not require an application in the enforcement order.

G. Falk – is there a recognized method for dealing with a clear cutting of this nature?

IWO Kuchta – E. Haddam had a case like this. He is not aware of what was ordered as the end result.

G. Falk – this remediation proposal is negligible.

J. Mathieu – he proposes to replace the mature trees he cut with 1” trees.

K. Munro – it is unacceptable to him.

G. Falk – asked IWO Kuchta to get additional information on the E. Haddam remediation.

Lars Helgeson – joined the meeting in progress and provided a cover letter for Agency. He explained that the size of the trees was chosen to cause the least amount of disturbance when moving and planting them.

K. Munro – when he asked for the number of trees that were cut, Mr. Helgeson did not know the quantity.

J. Mathieu – recommended additions to the letter that would provide a direct reference to the plan.

A motion was made by Glenn Falk, seconded by Ken Munro, 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 David 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 Ken Munro, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted unanimously to approve the minutes of the August 6, 2007 meeting as submitted.

SECTION 13 APPROVALS:

IWO Kuchta – explained the situation and circumstances behind the Section 13 he had approved.

07-29: 14 Paper Mill Drive. Map 94, Lot 56. Owner/Applicant: Christian Swenby. Regulated Activity Permit for construction of deck within 100' of wetlands.

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

IWO Kuchta – spoke with Helen Burland and has been advised that the proposal for an ordinance enabling agencies or commission to levy fines is under consideration by the Board of Selectmen and due to the time frame involved, the Agency should move forward with regulations changes separately. The Agency agreed the latest draft of the Regulations should be sent to all members for revision and then the final proposal would be voted on at the next meeting.

LITIGATION: Executive Session as Required

REMARKS – INLAND WETLANDS CHAIRMAN –

Madison Land Trust property – there is a pond with a damn that needs to be repaired. The DEP has asked that 12 trees should be cut and he has a problem with cutting them. He agreed that 2 need to be cut. Does he need a permit? Whether or not this is an as-of-right activity was discussed. It was agreed he should submit an application.

– **INLAND WETLANDS OFFICER** – Annual report was approved by Rodney Bascom and will be distributed to Agency members.

Horsepond Violation – received a call from Mrs. Dolph. He asked that she please put her response in writing.

A motion was made by Glenn Falk, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted unanimously to adjourn at 8: 55 p.m.

The next IWA meeting will be on Monday, October 1, 2007.

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