

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, January 7, 2008
Meeting Room A, Town Campus**

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, January 7, 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: Rodney Bascom, David Newton, John Mathieu, Thomas Paul, Glenn Falk, Barbara Yaeger and Alternates Robert Speziale, Bill Freeman and Ted Aub. Inland Wetlands Officer Robert Kuchta and Assistant Town Engineer Mike Ott were also present. Lee Schumacher was absent. Chairman Bascom welcomed the new members of the Agency and also Bill Gladstone, liaison from the Board of Selectmen.

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

REGULAR MEETING

702 SUMMER HILL ROAD. Map 147, Lot 70. Owners: Lars E. & Deborah M. Helgeson. Enforcement Order

Lars Helgeson, owner

Provided Exhibit 1 January 7, 2008 for the Agency's review. He stated that he was not opposed to planting the 20 Red Maples that were recommended in Mr. Snarski's report and remediation plan but he didn't feel that the recommended shrubs/underbrush needed to be planted as he never hurt the ones that were originally there.

Chairman Bascom – explained that when a canopy is cleared this provides an avenue for invasive species to enter the area

Lars Helgeson – He will cut any invasives in the area.

D. Newton – When is the best time to plant the Maples?

IWO Kuchta – April 1st to June 1st and then again from September 1st to October 30th.

Lars Helgeson – had intended to start planting in November but because the November meeting went so long and he was unable to stay until the end, he would now like to start planting in April.

Chairman Bascom – The Town hired its own Soil Scientist/ Wetlands Specialist because professional information has not provided by Mr. Helgeson. The first recommended plant on Mr. Snarski's list is the Red Maple, 20 of them, three – four feet high.

Lars Helgeson – he agreed to plant either those or the equivalent variety suggested by his soil scientist, Mr. Cowen.

Chairman Bascom – the second recommendation is the Pepper Bush. Is that the planting Mr. Helgeson does not agree is needed?

Lars Helgeson – assorted shrubbery does not have any bearing on the original situation. No shrubs were removed.

Chairman Bascom – Summarized that Mr. Helgeson has no problem agreeing with the first planting recommendation on the list of four varieties but the following three, total quantity

of one-hundred shrubs, he contests as not being needed because he states he did not remove any of the undergrowth.

IWO Kuchta – Accompanied Mr. Snarski to the site. They looked to the wetland to the south to see what the undisturbed wetland plantings consisted of and that is what was recommended as it is very likely those plants were in the cut area as well. Because the canopy has been removed, there is some shrubbery that has grown up and they may very well be the same species recommended. There is also a patch of phragmite that is growing in the area which needs to be removed. Without the protection from the sun, species that would not have been able to grow there previously now, are able. The shrubs that have been recommended are native and are berry producing to help support wildlife that would have lived in that area. He suggested that if Mr. Helgeson does not want to plant the recommended shrubs, he could provide a larger number of Maples. The shrub layer roots would still be there and would come back.

J. Mathieu – What is there at this time?

IWO Kuchta – some of those species are there.

J. Mathieu – Would the shrubs reestablish themselves over a short period of time?

IWO Kuchta – Yes. Because of the size of the shrubs, they will not shade out the Maples that are being planted. The shrub growth was suppressed when there were trees growing in the area but with them gone, there is a good chance they will get larger.

J. Mathieu – If you were to survey the area now, what would you recommend be planted?

IWO Kuchta – The major plants that were removed were the Red Maples. I would say to plant at least some of the shrubs and maybe more Red Maples. This would let it go back to the Red Maple forest which previously existed. You have Mr. Snarski's recommendation. The habitat has changed. It is now a green meadow. The berry producing shrubs will encourage the original habitat to return.

D. Newton – In reality, a three-four foot Red Maple will not restore that habitat for thirty – forty years.

J. Mathieu – encouraged the Agency not to deviate from what Mr. Snarski recommended as that is why he was hired.

Chairman Bascom – Based on the document provided by Mr. Helgeson, he still believes he has the right to go into the wetlands and do what he wants as the property is his to enjoy. Based on DEP regulations and State law, a lawyer will not agree with that. He advised the Agency not to deviate from the recommendations made by their own Wetland Scientist.

Lars Helgeson – disagreed with that recommendation stating that his Wetland Scientist did not suggest planting all of those shrubs. Doing something beyond what was originally there is not a restoration but is a creation of a different environment and different habitat which goes beyond what the original issue was.

Chairman Bascom – The only reason that this Agency hired, on behalf of the Town, a Soil Scientist is because Mr. Helgeson did not produce his specialist so the Agency could talk to him and ask questions. As a result the Agency had to hire its own specialist for comment. This is not typical procedure on the part of the Agency. He recommends staying with Mr. Snarski's planting plan and if Mr. Helgeson does not agree, it will be further addressed. It has already been several years.

A motion was made by John Mathieu, seconded by Thomas Paul, that the Agency resolves the issue of the violation by clear cutting of a wetland at 702 Summer Hill Road by means of endorsing the recommendation by Soil Scientist/ Wetlands Specialist Richard Snarski in his letter dated October 1, 2007. The motion was unanimously approved.

T. Paul – Is there a time limit on this?

Chairman Bascom – No.

B. Freeman – Is there going to be a bond to secure the work gets done?

IWO Kuchta – Not usually.

Chairman Bascom - The letter states a Soil Scientist will monitor the plantings for a period of two years. The agency would like to see Mr. Helgeson restore the damage that he has done to the property following the guidelines recommended by Richard Snarski.

Lars Helgeson – continued to argue the issue, wanting to know where the justification for the additional shrubs came from.

Chairman Bascom – The issue has been decided.

Lars Helgeson – will plant the trees but has issue with the shrubs.

Chairman Bascom – Then there is still an issue to be resolved with the Town.

Exhibit 1 – Written response to Soil Scientist Rich Snarski's report and planting proposal for remediation of a clear-cut wooded wetland area of approximately ¼ acre or more, dated October 1st, 2007.

R. Bascom – recommended the Agency ask Atty. Zizka to write a letter to Mr. Helgeson, summarizing the Agency's decision

ELECTION OF OFFICERS

The meeting was turned over to John Mathieu, Chairman of the nominating committee.

John Mathieu stated the Nominating Committee proposes the following slate of Officers for the year 2008: Chairman – C. Thomas Paul, Vice Chairman – Lee Schumacher, Secretary – Bill Freeman.

D. Newton - does anyone else want to run? There were no nominations from the floor.

A motion was made by David Newton, seconded by Bob Speziale, whereby the Madison Inland Wetlands Agency voted unanimously to accept the Nominating Committee's recommended slate of officers for the year 2008.

Attorney Glenn Falk performed the legal swearing in of Barbara Yaeger, William Freeman and Theodore Aub as members of the Madison Inland Wetlands Agency.

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. **Withdrawn.**

A motion was made by Glenn Falk, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to open the public hearing for 07-47: 25 Seaview Avenue at 8:08.

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.

Jonathan Bodwell, 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.

Chairman Thomas Paul – read IWO Kuchta’s field report into the record. He asked for comments from the public and there were none.

Jonathan Bodwell - Pointed out the location of the wetlands.

A motion was made by Glenn Falk, seconded by David Newton, whereby the Madison Inland Wetlands voted unanimously to close the Public Hearing for 07-47: 25 Seaview Dr. at 8:15p.m.

A motion was made by Dave Newton, seconded by Bill Freeman, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 07-47: 25 Seaview Ave. as submitted.

A motion was made by John Mathieu, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to open the public hearing for 07-48: 293 Green Hill Road at 8:17p.m.

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.

Jonathan Bodwell, 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. He pointed out the location of the wetlands on the property and of the driveway which runs along the edge of the ridge above the Neck River. The driveway has been in existence for approx. 40+ years.

Chairman Thomas Paul – read IWO Kuchta’s field report into the record. He asked for comment from the public and there was none.

IWO Kuchta – concurred with the wetland delineation.

A motion was made by Glenn Falk, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to close the public hearing for 07-48: 293 Green Hill Road at 8:22p.m.

A motion was made by John Mathieu, seconded by Robert Speziale, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 07-48: 293 Green Hill Road as submitted.

REGULAR MEETING AGENDA ITEMS (CONT)

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. **Tabled to the February meeting.**

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.

Jonathan Bodwell, 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. The driveway is proposed to be paved with sheet flow to the wetlands.

IWO Kuchta – the area is heavily vegetated and stable with good soils. He does not anticipate any problem or erosion in the area. The area is well established.

B. Yaeger – asked if, in the future, the maps might show both the existing driveway as well as the proposed even though they are the same.

R. Bascom – questioned the flood zone of the property.

Jonathan Bodwell – explained the house is outside of the flood zone and gave details as to the flood zone designation.

J. Mathieu – will silt fence be needed?

Jonathan Bodwell – it is shown on the map.

IWO Kuchta – It probably isn't even needed.

A motion was made by Glenn Falk, seconded by Robert Speziale, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 07-49: 293 Green Hill Road as submitted with a positive referral for the subdivision to the Planning and Zoning Commission

07-52: 119 RACE HILL ROAD. Map 139, Lot 20. Owners: Gerald C. & Sandra L. Gerletz; Applicant: Gerald Gerletz. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt.**

IWO Kuchta – The applicant is out of the country and unable to attend the meeting. It is for a boundary amendment. He has not walked the property but will before the Public Hearing.

A motion was made by Glenn Falk, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 07-52: 119 Race Hill Road and schedule it for public hearing on the February IWA agenda.

SECTION 13 APPROVALS:

07-50: 34 CREAMERY LANE. Map 85, Lot 28. Owner: Mr. Khan; Applicant: Muzzco, LLC. Regulated Activity Permit to allow construction of house and driveway within 100 ft. of wetlands.

IWO Kuchta – the septic system is outside the 75' setback from the river. The house is 75' from the wetland. There is a small amount of grading as well as the ground is fairly flat with a slight slope to the river. It is currently a lawn.

J. Mathieu – does this qualify as a Section 13?

IWO Kuchta – Yes.

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

IWO Kuchta – provided additional information from the State to be considered.

Mike Ott – Did not provide his recommendations in writing but will have them for the next meeting.

Chairman Thomas Paul – asked IWO Kuchta to check on the status of the possible fining ordinance that was discussed with the Selectman's office.

APPROVAL OF BILLS

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

APPROVAL OF MINUTES

The minutes for December 3, 2007 were tabled until the February meeting.

A motion was made by Glenn Falk, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to approve the minutes for the December 1st and December 15th site walks as submitted.

The 2008 budget was tabled until the next meeting.

LITIGATION: Executive Session as Required

REMARKS – INLAND WETLANDS CHAIRMAN –

- **INLAND WETLANDS OFFICER** – A letter was received from Vigliotti regarding Founder's Crossing bond release. The site needs to be reviewed before anything is done to release it.

A motion was made by Glenn Falk, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to adjourn at 9:25 p.m.

Respectfully submitted,

J. Donnette Stahnke
Recording Secretary, Inland Wetlands Agency