

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, February 4, 2008
Meeting Room A, Town Campus**

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, February 4, 2008 at 7:30 p.m. in Meeting Room A, Madison Town Campus. With Chairman Thomas Paul presiding, the meeting was called to order at 7:30 p.m.

Present: Rodney Bascom, David Newton, John Mathieu, Thomas Paul, Lee Schumacher, Barbara Yaeger and Alternates Robert Speziale, Bill Freeman and Ted Aub. Inland Wetlands Officer Robert Kuchta, Assistant Town Engineer Mike Ott , Town Sanitarian John Bowers and Bill Gladstone, liaison from the Board of Selectmen were also present. Glenn Falk was absent.

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

IWO Kuchta – gave a summary of the enforcement order and consequent IWA meetings and discussions. At the previous meeting, the Agency asked him to contact IWA Atty. Zizka and with his input, draft a letter to be sent to Mr. Helgeson summarizing the Agency’s position on his activity of clear cutting within a wetland. It included directions as to the remediation to be done at 702 Summer Hill Road. Copies of this letter were provided for the IWA’s comments. Additional information was requested from Rich Snarski as to the reason he recommended planting of shrubs but a response has not been received. Chairman Thomas Paul – suggested that the shrubs were meant to provide shelter for the wetlands and new trees until the new trees were large enough to shelter and shade the wetlands themselves.

D. Newton – recommended the Agency members review the letter and offer comments, referring them back to Chairman Paul and IWO Kuchta.

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. Since their last presentation, the Agency has walked the site and recommendations were made. As a result of those recommendations, changes have been made to the plans and other actions have been taken. Tires and debris found on the

site have been removed. The property line behind lots 12 -15 was moved farther away from the wetlands. It now runs approximately with the 100' review set back line. The existing 12" pipe that currently exists under the road is very shallow. It will be rerouted with 2' of cover. It will remain a concrete 12" pipe and the inverts will remain the same in order to maintain the hydrology of the wetlands as it currently exists. Originally, the pipe proposed for taking stormwater drainage from the road was connected into the existing pipe which would have consequently drained into the pond. It has been rerouted around the pond, along the property line, to drain into the wetland area to the west. There is a sediment structure included.

Chairman Thomas Paul – asked Mike Ott if he had reviewed the engineering of this project.

Mike Ott – Yes. He summarized. They are proposing to construct 300' of road that will be curbed. The drainage and surface water runoff from that piece of road would have been discharged into the neighbor's pond. The applicant was asked to redirect it to the wetlands and to include a sediment structure. The pipe sizing is adequate.

B. Yaeger – are there buffer plantings?

Emile Pierides - they are shown in the landscape plan.

L. Schumacher – how does that pipe discharge?

Emile Pierides – It drains into a riprap pad.

J. Mathieu – what is the status of the unimproved section of County Road?

Emile Pierides – it is a Town road.

R. Bascom – the elevation of the replacement pipe will be the same as the existing?

Emile Pierides – Yes. It has been pulled back though and a riprap pad will be at the outlet.

R. Bascom – is there a concrete headwall there now?

Emile Pierides – No, it is just a pipe coming out.

Chairman Thomas Paul – questioned the DEP status of the site.

Bob Leach, HRP Associates, Farmington, CT

His firm has been working on this site since approximately 1995. The site investigation has been going on since around 1985. The DEP does not do the investigation; that is the function of his firm. He gave the history of the firms that have been involved. Their findings were consolidated into a Stipulated Judgment by the Court. His firm has filed two reports with the DEP that say that the removal of the debris, solid waste construction demolition debris and contaminated soils is complete. These reports have gone to the DEP along with analytical data from testing of the soils after debris was removed and results of groundwater monitoring that has been done since 1985. It is their opinion that investigations are complete and they have asked the DEP to release the Stipulated Judgment from the property. DEP has forwarded this to the Attorney General along with a recommendation of a partial release which will allow the property to be developed for residential use.

Atty. Tom Cronan, Crosby and Cronan, 1291 Boston Post Road, Madison

He clarified that a Stipulated Judgment prevents the sale of the land. It has to be released for it to be developed. The Stipulated Judgment was for a larger piece of land than what is proposed for this development but the applicant does not own the remainder of the property. The DEP has satisfied itself that the site in question has been remediated to the point that there is no longer any requirement that the prohibition against the sale continue to exist. They have drafted language and it has been forwarded to the Attorney General's

office. It is no longer a question of trying to convince the DEP; it is in the administration stages of the Attorney General putting the correct legal language on it to give legal effect and substance to the termination of the sale prohibition. This meeting is the last opportunity the IWA has to act on this re-subdivision referral. Planning and Zoning is scheduled to hear this at the end of February. Unless he receives the document from DEP releasing this property before the Planning and Zoning meeting, they will not hear it. The re-subdivision was approved by the Conservation Commission. He reminded the Agency that only the roadway piece and some drainage are within the 100' review area.

R. Bascom – asked for clarification as to what the actual activities within the upland review area are.

Emile Pierides – The main activity involves approx. 300 SF of disturbance to the wetlands where the roadway comes into the property. The existing roadway is too close to the neighboring property and does not meet Town standards. There is a total of .157 acres of upland that will be disturbed.

B. Yaeger – type of curbing?

Emile Pierides – sloped curbing for the entire subdivision.

Thomas Pietras - Soil Scientist, Cheshire, CT

Provided the planting plan.

J. Mathieu – questioned the communications with the Town Sanitarian, John Bowers.

IWO Kuchta – there are communications in the file that were received from Joe Oslander and John Bowers response.

The application was continued until the Public Hearing for 119 Race Hill could be heard.

PUBLIC HEARING

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 07-52: 119 Race Hill Road at 8:08 p.m.

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.

Gerald Gerletz, applicant

He explained that he is the surveyor and engineer for his own property. The wetlands on the property were delineated by Daniel Bombero . The parcel is just less than 2 acres in size. The wetland limits are basically represented by the edge of the pond.

Chairman Thomas Paul – read the field inspection report into the record. He asked if there were any comments from the public. There were not.

IWO Kuchta – concurred with the delineation.

A motion was made by David Newton, seconded by Lee Schumacher, whereby the Madison Inland Wetlands voted unanimously to close the Public Hearing for 07-52: 119 Race Hill Road at 8:13 p.m.

A motion was made by Dave Newton, seconded by Lee Schumacher, whereby the Madison Inland Wetlands Agency voted unanimously to approve application 07-52: 119 Race 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.

J. Mathieu – in his opinion the Agency has enough information and the presentation has been thorough enough to move on this application as presented.

A motion was made by John Mathieu, seconded by Dave Newton, whereby the Madison Inland Wetlands Agency voted to approve application 07-34: 202, 208 and 212 County Road as submitted with a positive referral for the subdivision to be made to the Planning and Zoning Commission. Barbara Yaeger abstained as, being new to the Agency, she did not feel she had enough information to make a decision.

Atty Tom Cronan swore Rodney Bascom and Lee Schumacher in as members of the Inland Wetlands Agency.

461 GREEN HILL ROAD. Discussion regarding proposal to operate a chicken farm at this location.

IWO Kuchta – The new owners of 461 Green Hill Road want to make an application to the IWA but he felt the Agency needed to determine if it should be an as-of-right application or not before they did so.

Nathalie Richard, owner

They have just recently purchased and would like to run an organic farm on the property. When preparing to go before Planning and Zoning, the issue of wetlands was raised. They would like to put the chicken house as far from neighbors as possible with the pastures for goats, sheep, cows and pigs in the front of the property. The farm use is grandfathered with the property as it used to be a farm. They would eventually like to open the farm up to the public for children to be able to see the animals.

D. Newton – questioned if the wetlands boundaries wouldn't need to be surveyed regardless.

IWO Kuchta – Has visited the site twice. Some flagging remains in the field from a previous soil scientist. The location of the wetlands was clear to him. The majority of the property is within the 100' review zone.

J. Mathieu – These types of applications can be tricky. The wetlands location needs to be established. An application needs to be provided so it can be determined if this is an as-of-right use.

Chairman Thomas Paul – Questioned what constitutes an as-of-right use.

IWO Kuchta – read §4.1.a into the record for the benefit of the Agency. The Agency debated if an as-of-right use can exist with direct impact to the wetlands.

J. Mathieu – argued that if the Agency knows where the wetlands are, they can influence the location of the buildings. If there are flags already there, a map showing those flags should be provided.

IWO Kuchta – It is fairly clear where the wetlands are. He encouraged the Agency to walk the property.

D. Newton – once there is an as-of-right application, the Agency will walk the site.

Chairman Thomas Paul – the issue of manure removal needs to be addressed.

B. Freeman – how many chickens are being proposed?

Nathalie Richard – 1,400.

B. Yaeger – and how many of the other animals?

Nathalie Richard – 2 or 3 of each.

The Agency agreed an as-of-right application needs to be provided with a map showing existing flags.

Town application for the reconstruction of the Railroad Ave. was added to the agenda.

IW 08-02: Town of Madison. Reconstruction of the Railroad Ave. Mike Ott

Mike Ott – asked that the Agency receive the application.

D. Newton – this looks like a Section 13 application that IWO Kuchta could take care of.

Mike Ott – that was discussed but they thought it would be better for the Agency to handle it.

D. Newton – is the application complete?

IWO Kuchta – Yes.

A motion was made by David Newton, seconded by Rodney Bascom, whereby the Madison Inland Wetlands Agency voted unanimously to accept the application and schedule it on the agenda of the next regularly scheduled meeting.

SECTION 13 APPROVALS:

There were none

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

Mike Ott – has not had a chance to put his comments on paper for the Agency's review. One change he had suggested the Agency might consider was the removal of the Boundary Amendment requirement as a separate step in the application process. Many Town's do not require this. It was discussed at length. The Agency's consensus was that the process should be simplified. Mike Ott will provide copies of other Towns' regulations for the Agency to review. Chairman Paul, John Mathieu and David Newton will meet with him before the next meeting to clarify proposed changes.

APPROVAL OF BILLS

A motion was made by Rodney Bascom, seconded by Lee Schumacher, 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 March meeting.

A motion was made by Bill Freeman, seconded by John Mathieu, whereby the Madison Inland Wetlands Agency voted unanimously to approve the minutes for the January 7, 2008 minutes as submitted.

LITIGATION: Executive Session as Required

REMARKS – INLAND WETLANDS CHAIRMAN – INLAND WETLANDS OFFICER

A motion was made by Rodney Bascom, seconded by Barbara Yaeger, whereby the Madison Inland Wetlands Agency voted unanimously to adjourn at 9:30 p.m.

Respectfully submitted,

J. Donnette Stahnke
Recording Secretary, Inland Wetlands Agency