

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

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, April 7, 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 7:35 p.m.

Present: Rodney Bascom, John Mathieu, Thomas Paul, David Newton, Barbara Yaeger and Alternates, Bill Freeman and Ted Aub. Glenn Falk joined the meeting in progress. Inland Wetlands Officer Robert Kuchta and Assistant Town Engineer Mike Ott were also present. Lee Schumacher and Robert Speziale were absent.

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

PUBLIC HEARING

There were no public hearings scheduled for this meeting.

REGULAR MEETING

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

Lars Helgeson, 702 Summer Hill Road

Explained that he would like to make a reasonable restoration of the clear cut wetland area. The two restoration plans that have been provided, one by the Town contracted Soil Scientist Richard Snarski and one by his own soil scientist James Cowen are very similar except for the shrubs specified by Richard Snarski. When he cut the trees he did not cut the shrubbery. He provided as Exhibit 1 a packet of photos of the cut area.

James Cowen, Soil Scientist

Walked the area in 2005 and then again in 2006 when he was asked to develop a restoration plan. He walked the site today as well. Originally, the wetland area was partially forested with open, low-lying areas. About 20 red maple and black gum trees were cut and have not recovered. The trees were mostly along the edges of the wetland and in the higher portions. Currently, the under-story is thick and the area is well vegetated with herbaceous growth. It is stable. On one of the hummocks below the pond, 8 Beech trees have grown up that are 6-8' tall and there are other Beeches along the edges as well. There are several hundred Sweet Pepper bushes that have grown in due to the increase in sunlight in the area, within the wetland and along the edge. There is High Bush Blueberry growing on the hummocks as well. In terms of restoration, the purpose is to replace what was there. They are trying to reproduce an open canopy with herbaceous openings and a moderately dense shrub layer. He feels it is appropriate to continue with the original plan of planting a variety of trees. Mr. Helgeson would like to transplant trees from his own property. This needs to be done before the trees begin to leaf out. It is their hope this can be resolved tonight in order to proceed immediately. One concern that arises when there is more sunlight available is that invasive species will

move in. There are a few Japanese Barberry and Multiflora Rose that were there previously. They have not increased in number. There is also a patch of phragmite. These all need to be removed.

Chairman Thomas Paul – He did reach Rich Snarski to ask why he recommended planting the shrubs. His reasoning was that there are phragmites in the area and by planting the shrubs this would deter them from spreading. He tried to duplicate the type of wetland habitat that was remaining undisturbed in the area.

James Cowen, Soil Scientist – the high spots of the wetlands already have shrubs and they would most likely not survive in the low spots where the water ponds. There would also be a possibility of erosion from disturbing those areas. The shrub layer has recovered. The trees have not. Possibly, planting more densely with trees would be a better solution. The root masses on those hummocks are very dense and do not need to be disturbed. Trees being planted should have very small root mass. He would recommend Black Willow tubelings which are a fast growing, medium size tree that would provide a good shade canopy to minimize invasive species and protect the Red Maples that would be planted as well. Red Maples are shade tolerant. Sugar Maples, Oaks and Birches could be planted along the edges in the well drained soils and they would over shadow the wetlands without actually being planted in the wetlands.

D. Newton – Are the trees that have grown back in growing from the cut trunks or from roots?

James Cowen, Soil Scientist – from roots. They will be hardier than trees from a cut trunk.

D. Newton – where would the trees that are being transplanted originate from, other sections of the wetlands?

James Cowen, Soil Scientist – He dug about a half dozen red maples from his property yesterday for planting on Mr. Helgeson's property. They grow in upland areas also. No trees will be dug from the wetlands. Any additional trees would be whips in one gallon containers from a nursery.

J. Mathieu – Are you prepared to give us a proposal listing species by numbers?

James Cowen, Soil Scientist – In the original plan that was developed there were: a grouping of 8 American Beech and Sugar Maple in one high area, a pocket of 8 Red Maple and Black Gum, the 8 Beeches that have come up on their own. This makes 24 trees. He proposed that there be another 38 Black Willow Tubelings. He stressed the density of the root masses in the area and the need to avoid disturbing them. He will provide a written summary of this proposal to IWO Kuchta within a week. He will visit the site in 2009 and provide a report for the Agency as to the survival rate which should be 75% of an even mix of trees.

A motion was made by David Newton, seconded by Glenn Falk, whereby the Madison Inland Wetlands Agency voted unanimously to lift the Enforcement Order on the property at 702 Summer Hill Road belonging to Lars and Deborah Helgeson with the following conditions: a written proposal be submitted by Soil Scientist James Cowen to IWO Kuchta within one week of this meeting specifying that 24 – 3-4' tall trees of the Sugar and Red Maple, American Beech and Black Gum varieties and 38 Black Willow tubelings will be planted throughout the clear cut wetland area, invasive species will be removed and the plantings will be monitored by Mr. Cowen in 2009 with a report provided to the IWA. Survival rate to be at least 75% of an even mixture of trees. The Helgesons are free to proceed with planting. IWO Kuchta should be consulted in the field location of the trees.

08-06: 57 COPSE ROAD. Map 37, Lot 24-1. Owners: Thomas G. Becker & Oliver W. Becker; Applicant: Allison M. Becker. Regulated Activity Permit for construction of a

portion of a dwelling, septic system, driveway, and grading within 100 ft. of a wetland.
Receipt.

Tom Stevens, Madison, CT

As representative for the applicant he explained that the applicant wishes to construct a single-family dwelling on a lot in a subdivision approved in 1994. The lot is one acre and is split between two zones, R-1 and R-2. Most of the lot is within the 100' review zone. There is a difference between the plans sent with the packages and the one before the Agency. The house has become symmetrical which makes it several feet closer to the wetlands than originally proposed. He pointed out the stone wall that will exist at the edge of the yard as well as the circular drive in front of the house.

G. Falk - how far is the nearest corner to the wetlands?

Tom Stevens, Madison, CT – the nearest corner is 31'.

D. Newton – why is the house turned the way it is instead of being turned away from the wetlands?

Tom Stevens, Madison, CT – the view of the barn.

G. Falk – how much is the slope from the nearest corner to the wetland line?

Tom Stevens, Madison, CT – 4' over a distance of 31'.

G. Falk – is the property cleared or is it currently woods?

Tom Stevens, Madison, CT – it is mostly an open lawn area with a stone wall and gardens.

G. Falk – so it would be easy to have a line across which no construction could occur?

Tom Stevens, Madison, CT – yes, the stone wall is the start of that line and it would continue down.

B. Yaeger – is the turnaround necessary?

Tom Stevens, Madison, CT – yes. It will end above the stone wall and there will be no encroachment past that wall.

B. Yaeger – the drainage from the drive will end at the stone wall?

Tom Stevens, Madison, CT – Yes. It will be placed almost at existing grade in a relatively flat area.

J. Mathieu – How much of the area will be mowed lawn?

Tom Stevens, Madison, CT – what ever is upgradient of the stone wall.

R. Bascom – would like to see this property to determine if the positioning of the house will have impact. The setbacks and the house should be staked.

A motion was made by Glenn Falk, seconded by Rodney Bascom, whereby the Madison Inland Wetlands voted unanimously to accept application 08-06: 57 Copse Road and schedule it on the agenda for the next IWA meeting with a site walk to be held by the Agency.

08-07: 297 BOSTON POST ROAD. Map 36, Lot 15. Owner/Applicant: Shoreline Unitarian Universalist Society. Regulated Activity Permit for expanded parking and stormwater management within 100 ft. of a wetland. **Receipt.**

Mark Young, Waldo and Associates, Guilford

As representative for the applicant he explained that the applicant would like to enlarge the parking lot. The current parking lot is unpaved and needs to be stabilized. He provided additional plans for the Agency showing changes that were made to accommodate comments from staff. The proposed new lot will be paved with Cape Cod curbing to control stormwater and overflow parking will be permeable grasscrete pavers. There will be catch basins to catch the stormwater from the paved lot and underground galleries to store it and allow infiltration

into the soil which is well drained sand. This lot is pretty close to the wetland and this proposal will prevent runoff directly into it.

R. Bascom – asked Mike Ott if he had an opportunity to review the plans?

Mike Ott – just briefly but this is just being received and he will review it closely before the next meeting.

D. Newton – how much impervious surface is being added?

Mark Young, Waldo and Associates, Guilford

There is about 26,000SF of impervious surface proposed on a lot that is 85,000SF.

R. Bascom – would like to walk the site.

A motion was made by Rodney Bascom, seconded by Dave Newton, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 08-07: 297 Boston Post Road and schedule it on the agenda for the IWA's next meeting with a site walk to be done by the Agency.

Herb Graham, neighbor

Requested that this application be taken to a public hearing as neighbors will have comments.

Chairman Thomas Paul – at the end of the meeting, it became clear that he misunderstood that there had been no public hearing in the motion. The public will have opportunity to speak regardless.

A motion was made by David Newton, seconded by Rodney Bascom, whereby the Madison Inland Wetlands Agency voted unanimously to add application 08-08: 75 Lantern Hill Road, to the agenda.

08-08: 75 Lantern Hill Road

Jim Pretti, Criscuolo Engineering

As representative for the applicant he explained that the house is presently under construction and the lot has been seeing a significant increase in ponding during recent rains. Apparently, when the subdivision was approved and was topographically surveyed for that approval, a high spot was missed and this high spot is interfering with drainage across the property. Now, because of the wetland filling that was done during the construction of Lantern Hill and the road drainage that comes down Lantern Hill to a catch basin that directs that runoff into the wetlands on this lot, the area is ponding outside of the wetland. Exhibit 1, photos of the property, was submitted for the Agency's review. There are pockets on the lot where water stands up to 2' before moving along in the wetlands system.

J. Mathieu – what has changed since the subdivision was approved?

Jim Pretti, Criscuolo Engineering – approx. 100 cy of wetland storage area was filled and the drainage from Lantern Hill is coming into it. They are proposing to build a level channel at el. 48.5 to provide hydraulic relief.

David Lord, Soil Scientist

For the applicant and also the soil scientist who did the original delineation of the wetlands in this subdivision. He provided a soils report for the Agency, Exhibit 2. The wetland system from this lot extends onto lot 12 where it connects along the property line. He demonstrated the flow of the wetlands in the general vicinity. The higher topography that was missed previously impedes the drainage from flowing the way they anticipated it would unless it is 2' or higher accumulation. There have been so signs previously that this was true; no changes in vegetation or soils were evident. He believes that the wetland and a portion of the adjacent upland area are acting as retention basin outside the limits of the wetland. If this area stays saturated the Princess Pines in the area will die off and there

will be a loss of existing groundcover vegetation within that area. It is not clear how long this has been occurring but the die off has not yet begun to happen. They are asking the Agency to allow a means to connect the wetlands to encourage hydrology. They are proposing a three foot wide, flat bottomed channel which will cut through a high point in the topography and connect the two sides. They are not raising or lowering the elevations of the wetlands; they are lowering the area in between by approx. 1' to encourage flow. This is a forested/shrub type wetlands system. The location of the channel was chosen to wind between the trees that exist.

R. Bascom – As he understands it, the developer decided to put the catch basin in Lantern Hill at that location. That in turn, has created the problem. A solution that should be investigated, rather than causing direct impacts to this wetlands, to solve the problems that have been created, is to take the runoff water and put it some place else. Has this been investigated?

David Lord, Soil Scientist

I am not the engineer.

R. Bascom – who was?

David Lord, Soil Scientist – Paul Lambert. This point was selected because this is the low point. The problem resulted from an interior elevation within the wetland system that is probably 200' away from the discharge point; there is an elevation rise.

R. Bascom – rather than the IWA looking at a solution to a problem the subdivision has created that would directly impact the wetland, is there an alternative, is there a way to get that water away from the wetlands, some place else.

Richard Michelle, lot owner and builder

With a three inch rain or less, the water filled up to the silt fence causing a flood hazard. He summarized the original intent for drainage in that area as already noted. Additionally, he noted that the area is surrounded by ledge that creates a bowl to hold the water with no low point to free it. This basin is at the same elevation as the basement of the home. It is a severe flooding situation. For what ever reason that he is not aware of, the catch basins were not intended to drain at this point but further down the road to another wetland area. If the town wants to correct that as a means to correcting this situation, he is agreeable to it.

R. Bascom – Why should the Town have to do it?

Richard Michelle, lot owner and builder

This is a Town road and a Town easement. It is arguable that if a Town easement creates an unsafe condition, the Town may have an obligation to correct that situation.

G. Falk – Why is this being referred to as “unsafe”?

Richard Michelle, lot owner and builder

We have a severe flooding situation. If there are 5” rains like in 2006 and 2007, the flooding will be significantly worse. There will be flooding for the home and it could be severe flooding.

R. Bascom – if it is a problem with the Town then why isn't the applicant speaking with the Town?

Richard Michelle, lot owner and builder

Has met with Mr. Kuchta and Mr. Ott. He just wants it fixed.

R. Bascom – The proposal for remedying this situation is really not a long-term fix. That swale or channel will have to be maintained on an annual basis. There may be a more permanent fix for this. What is your opinion Mr. Pretti?

Jim Pretti – The flow does not go as it was intended due to a high spot that was missed. They are just trying to provide some relief that will allow the water to go where it was intended to go.

David Lord, Soil Scientist

We are trying to create a weir effect, encouraging the detention basin to drain. A new section of wetland will be created but it is not going to lower the water table, it is taking water that is stacking up over what it previously was, historically prior to the roadway development; it is taking that excess amount of water that is backing up into non-wetland areas and allowing it to flow in the direction it was originally intended to when this discharge was originally designed. Elevations were discussed. Other options will be considered but the applicant feels this is the best starting point.

Chairman Thomas Paul – how large is this area?

David Lord, Soil Scientist – the area in total is approx. 2,000SF

D. Newton – IWO Kuchta did you look at this?

IWO Kuchta – the application is complete

A motion was made by Glenn Falk, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 08-08:75 Lantern Hill, schedule it on the agenda for the next IWA meeting with a site walk to be held by the Agency.

SECTION 13 APPROVALS: None

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

A final draft will be available next month.

APPROVAL OF BILLS

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

APPROVAL OF MINUTES

A motion was made by Glenn Falk, seconded by Rodney Bascom, whereby the Madison Inland Wetlands Agency voted unanimously to approve the minutes of the March 3, 2008 meeting as submitted.

LITIGATION: Executive Session as Required

REMARKS – INLAND WETLANDS CHAIRMAN – INLAND WETLANDS OFFICER

A motion was made by Glenn Falk, seconded by David Newton, 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