

**MADISON INLAND WETLANDS AGENCY
REGULAR MEETING
Monday, June 2, 2008
Meeting Room A, Town Campus**

A regular meeting of the Madison Inland Wetlands Agency (IWA) was held on Monday, June 2, 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: Thomas Paul, David Newton, Glenn Falk (joined the meeting in progress at 7:40), Barbara Yaeger, Lee Schumacher and Alternates: Bill Freeman (joined the meeting in progress at 7:50), Robert Speziale (joined the meeting in progress at 8:00) and Ted Aub.. Inland Wetlands Officer Robert Kuchta and Assistant Town Engineer Mike Ott were also present. Rodney Bascom and John Mathieu were absent.

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

PUBLIC HEARING

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. **Postponed**

REGULAR MEETING

08-08: 75 LANTERN HILL. Map 37, Lot 21-12. Owners: Richard A. & Erica Michaud; Applicant: Richard Michaud. Regulated Activity Permit for construction of wetland enhancement swale within 100 ft. of a wetland

Bob Criscuolo, Criscuolo Engineering

As representative for the applicant he explained that the lot is approx . 1.7 acres in size with approx. 0.6 acre being wetlands. There are 2 catch basins from Lantern Hill Road that drain into the wetlands on this property. The intent of this application is to develop a plan that will eliminate flooding within the wetlands and to try to balance the current amount of runoff into the wetland with the historic runoff and ponding. They propose to create a 3' wide swale with 3:1 side slopes, an approx. depth of 1' and a bottom elevation of 488.5. They believe that the ponding, historically, was approx. ½' within the wetland area. The proposal is to provide a positive outlet through a swale system into the wetland corridor that is located to the north and the west of the property. He provided maps found in the Town records that show the drainage of the area prior to the construction of Lantern Hill Road and compared them to the drainage as it currently exists. The road was constructed along the southern side of the wetlands and a portion of the wetland as well as a low area were filled as a part of its construction. He pointed out the various elevations of the fairly flat wetland area. As a result of the various elevations present, historically, the wetland had a potential to flow to the south and the east as well as to the north and the west. After surveying the area himself, he found that at the property line, el 489.6 exists, dropping to el 488.2.

B. Yaeger – The driveway crosses where the wetland historically drained away?

Bob Criscuolo – yes. He pointed out the areas where water ponds and stated that in his opinion, the driveway became a dam as did the road. As a result, Drainage area A has increased in size from 1.1 acres to 1.6. Runoff at Point A historically for a 100-year event is 1.5 CFS and currently, at more than double, is 3.8 CFS. Photos of the late February and early March storms were provided for the Agency’s review (already in the file). He also provided a letter (Exhibit 1 6/2/08) from Ken Evarts, neighbor to the east, in which Mr. Evarts declines to have a pipe direct the flow to his property. Details of the proposed swale were shown. Most of the water is ½’ to 1 ½’ though it does rise to 2 ½ ‘ during heavy rains before breaching the 489.6 elevation and draining off. They are working with Richard Snarski to develop the swale.

L. Schumacher – Asked for clarification of the elevations.

Bob Criscuolo – restated the elevations for him. Exact depths of water standing during historic rainfalls prior to construction of this driveway and road are not known.

Chairman Thomas Paul – the drainage to the western pocket was all sheet flow and now it is directed?

Bob Criscuolo - yes. The area was about 1 ½ acres and it was all sheet flow. The runoff coefficient was 70% and the time of concentration was 20 minutes. He pointed out on the map, the area that was a woodland before and that is now either a lawn, a roof, part of a driveway or a Town roadway whose drainage is being caught by two basins and being discharged into the wetlands. That, coupled with the low area being lost to filling for the roadway and the curb cut being constructed for the driveway as part of the roadway improvements, has added to the flooding to that wetland area in his opinion.

B. Yaeger – if the swale is constructed, what is the volume of water that is going to go down it towards the wetlands to the north? It appears that the excess water issue is just going to be moved on to other properties farther along that wetland corridor. One of the neighboring properties had wetlands issues before the Agency last month. Will this impact them?

Bob Criscuolo – The swale being proposed is level at elevation 488.5. This is proposed in a manner that will not dewater the wetlands but will, instead, allow it to function as it has historically. The elevations were discussed at length.

B. Yaeger – What will the velocity be during a 100-year storm? Will it erode or will it be sheet flow?

Bob Criscuolo – velocities here are very, very gentle; less than a foot per second. It is a flat swale. It will work with the head building up into the wetland area and then, because the water is higher it will drain out to the back part.

B. Yaeger – where is the water from the roof of the house going now?

Bob Criscuolo – it is well upland. The soils are fairly sandy.

B. Yaeger – what is the volume for the roof?

Bob Criscuolo – unknown. Possibly the roof runoff should be drained to the other side so it does not add to the problem.

G. Falk – how has the character of the wetlands changed since the construction of Lantern Hill Road? Has it changed in its functioning? It seems it is still acting as a wetland, doing what it did before.

Rich Snarski, Soil Scientist – Has been on the site one time. Can’t answer that question as he has not seen this wetland before that. It appears that the vegetation is probably not being affected by the occasional flooding, probably outside of the growing season and probably only during a major storm event. The woody vegetation is not being affected and probably not even the herbaceous vegetation.

L. Schumacher – is there water in there now?

Rich Snarski – I have not seen any.

L. Schumacher – how long was it ponded after the February storm?

Richard Michaud, lot owner and builder

Two to three weeks.

L. Schumacher – has wetlands near his house were it ponds, 2, 3 and even 4 weeks but it drains over time. What is the concern here?

Richard Michaud – There are several concerns: water across the driveway, water in the basement.

D. Newton – what is the elevation of the driveway?

Bob Criscuolo – 490 to 489.9.

D. Newton – where do the basement drains drain to?

Bob Criscuolo – to the rear of the property at elevation 487.

G. Falk – is it pumped?

Bob Criscuolo - no, it is gravity.

D. Newton – What is the elevation of the basement floor?

Bob Criscuolo – 488.

Chairman Thomas Paul – What vegetation will be affected if the swale goes through, during the construction? Will trees be cut? There are a lot of trees through there.

Bob Criscuolo – excavation will be done with a small landscape backhoe. Their goal is to have Mr. Snarski work with the contractor to maintain the vegetation that is there, with no clear cutting.

Rich Snarski - the shrubs will grow back. The swale will meander between the trees. It will be a vegetated swale.

Bob Criscuolo – the intention is not to use fill in that area but to create a natural way for the water to drain.

B. Yaeger – how will the swale be maintained? Shrubs will grow back and it will be blocked.

Bob Criscuolo - by hand, not by machine.

B. Freeman – how much will the swale be lowered?

Bob Criscuolo – the pinch point is 489.6 and the swale is 488.5. Appox. 1.1’.

B. Freeman – Did you see any change occurring to the vegetation?

Rich Snarski – not when I was at the site. It would take a long period of steady wetness to change the vegetation, especially when flooding is occurring during dormant times.

D. Newton – asked Mr. Snarski if, in his opinion, the swale would have a negative effect on the wetlands.

Rich Snarski – the wetlands would still be allowed to pond water but it would get rid of the excess high water.

D. Newton – so the wetlands will still function as it should?

Rich Snarski - he did not feel it would affect the function of the wetlands.

Chairman Thomas Paul – this will more or less make it back to the way it was before there was any activity in the area.

Rich Snarski – because the driveway serves as a dam and prevents water from flowing out in that direction, it ponds excessively during a major rain event.

B. Yaeger – can this wetland handle the additional water? She is worried about the cascade effect on properties farther along the wetland corridor.

Bob Criscuolo – there is no erosion in the area. The corridor is wide enough to handle that redirected flow.

Chairman Thomas Paul – asked IWO Kuchta if there would be impact on the properties farther along the corridor.

IWO Kuchta – had the opportunity to walk this property before there was any development. It was a wooded property. At the end of the current cul-de-sac there was a small wetlands. He does not recall any connection between that wetland and this as there was no channel or watercourse to connect it. It would have to have been underground if it existed. Other wetlands in the southerly area appear not to be connected as well. The wetland on Mr. Michaud's property was and is wooded. Even with the development of the property there has been no activity in the wetlands. Mirroring what the historical levels of the wetlands were will not have an impact on the vegetation or the function of the wetlands itself. He has been on the site when water was ponding in the upland area.

G. Falk – where the water ponds now, is that within the 100' buffer zone?

IWO Kuchta – yes. it may have been that the driveway and house were located when there was a 50' upland review area. The driveway was probably the only portion that was a regulated activity. He did not observe any real flow to the east before construction.

G. Falk – asked if he was aware of any other property in Town where this type of swale was built.

IWO Kuchta – no.

Chairman Thomas Paul – asked Mike Ott if he had reviewed the proposal.

Mike Ott – has reviewed the drainage report provided by Bob Criscuolo and had no engineering comments. He agreed with Mr. Criscuolo's comments.

B. Yaeger – There are some fairly substantial trees in that area.

IWO Kuchta – the area is wooded and there are at least 30-40 trees that are over 8" in caliper.

Rich Snarski – provided a drawing of the construction of the swale which showed the top 4" of the soil being put back in the swale after excavation to expedite repopulation of the vegetation in the area with native plants.

B. Freeman – why does the swale start where it does?

Bob Criscuolo – the topography in the area is irregular and he wanted to make sure that the water goes where it is directed, trying to catch some of the runoff from the road even before it gets into the wetland

Chairman Thomas Paul – questioned the timeline for construction of the swale.

Rich Snarski - preferably in July or August when it is driest..

D. Newton – asked why the 3:1 slope.

Bob Criscuolo – because it is flatter and more stable.

Chairman Thomas Paul – though not an ideal situation in an already not ideal development, having Mr. Snarski available to direct the swale away from the trees and to supervise might make it acceptable.

B. Freeman – agreed that as long as Richard Snarski was available along with IWO Kuchta to supervise, it would alleviate the applicant's problem. He would support it.

D. Newton – as long as it is not going to drain or affect the wetlands and it will return the wetlands to what it was historically.

G. Falk – the intervention is too great. Already allowed the road and driveway within the wetlands and this will be even more invasive. This sets a terrible precedence. Many people have this problem but the wetlands aren't rerouted because of it. It seems to be a slight thing but who knows how it will end up. Also, this trench is meandering. The Agency doesn't even know where it will actually go. He questioned if this would have been approved before the fact. Doing nothing is an alternative.

L. Schumacher – is undecided and can see both sides.

D. Newton – asked Criscuolo to summarize the reasons this is being proposed.

Bob Criscuolo – water is ponding outside of the wetlands as shown in the photos. The swale is an attempt to balance the wetland. If the water is ponded long enough it will eventually affect the vegetation in that area and the wetlands will change if the trees die and the canopy is gone. This is an attempt to save the wetlands in the long term. We have lost volume and outlets. His professional opinion is that the water surface is ponding higher and will adversely affect the wetlands.

Chairman Thomas Paul – the design is not clear because of the meandering to avoid the trees.

Bob Criscuolo – The swale can be staked out or a more detailed plan be drawn with the help of Snarski.

A motion was made by Bill Freeman, seconded by Ted Aub, whereby the Madison Inland Wetlands Agency voted to approve application 08-08:75 Lantern Hill as submitted with Richard Snarski and IWO Kuchta supervising construction and the swale to be staked out prior to construction. A report to be provided by Snarski on completion.

Discussion

T. Aub – there is gentleness in the slope that is acceptable. His only concern is the potential impact farther downstream.

Mike Ott – the calculations of the impact downstream are in the engineer's report. It is not an issue.

B. Yaeger – the roof drainage should be moved.

The motion passed four to three with Ted Aub, Robert Speziale, Lee Schumacher and Thomas Paul voting to approve and Glenn Falk, Barbara Yeager and David Newton voting to deny.

08-12: 86 BEACH AVENUE. Map 13, Lot 80. Owner: Dorothy S. Caune; Applicant: Robert J. Zurlo. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt only.**

Tom Stevens, Stevens and Associates, Madison, CT

As representative for the applicant he pointed out the location of the wetlands on the map which were delineated by Richard Snarski.

D. Newton – asked if the application was complete.

IWO Kuchta – yes.

A motion was made by David Newton, seconded by Lee Schumacher, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 08-12: 86 Beach Ave. and schedule it for a public hearing at the next regularly scheduled IWA meeting.

08-13: 86 BEACH AVENUE. Map 13, Lot 80. Owner: Dorothy S. Caune; Applicant: Robert J. Zurlo. Regulated Activity Permit for construction of driveway and replacement of sewage disposal system and grading within 100 ft. of a wetland. **Receipt only.**

Tom Stevens, Stevens and Associates, Madison, CT

As representative for the applicant he explained that they are proposing to winterize the house which requires a new septic system. The driveway is processed stone.

D. Newton – is the house going to be razed or renovated?

Tom Stevens – renovated.

B. Yaeger – what is the current driveway?

Tom Stevens – they park on the lawn.

Chairman Thomas Paul – asked IWO Kuchta for comments.

IWO Kuchta – has already walked the property. This will be a benefit to the wetlands.

The application was received and will be included on the agenda for next month.

08-14: 856 BOSTON POST ROAD. Map 39, Lot 8. Owner/Applicant: Faith Whitehead. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt only.**

Tom Stevens, Stevens and Associates, Madison, CT

As representative of the applicant he pointed out the wetlands on the map which were delineated by Richard Snarski.

A motion was made by Barbara Yaeger, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 08-14: 856 Boston Post Road and schedule it for a public hearing on the next regularly scheduled IWA agenda.

08-15: 856 BOSTON POST ROAD. Map 39, Lot 8. Owner/Applicant: Faith Whitehead. Subdivision Referral. **Receipt only.**

Tom Stevens, Stevens and Associates, Madison, CT

As representative for the applicant he explained that this is a resubdivision referral only. They are proposing a front lot, which is the existing house, and a rear lot which has an existing garage and an existing tennis court. They are proposing there may be a house built where the tennis court currently exists. There is a small wetland pocket in the corner of the lot that is 30 plus feet to the proposed house. There is public water on the property. IWO Kuchta – walked the property and noted the wetland is a small pocket and does not appear associated with other wetlands.

A motion was made by Barbara Yaeger, seconded by Lee Schumacher, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 08-15: 856 Boston Post Road and schedule it on the next IWA agenda.

08-16: 49 MADISON AVENUE. Map 27, Lot 63. Owners/Applicants: Greg & Limor Makoul. Amendment to Inland Wetlands and Watercourses Map of the Town of Madison. **Receipt only.**

Eric Anderson, Anderson Engineering & Surveying Associates

As representative for the applicant he pointed out the wetlands on the map which were delineated by Richard Snarski.

A motion was made by Barbara Yaeger, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to accept application 08-16: 49 Madison Ave. and schedule it for public hearing on the next IWA agenda.

SECTION 13 APPROVALS:

08-11: 19 WILLIAMSBURG CIRCLE. Map 118, Lot 8. Owner: Janet Trainer; Applicant: Michael Salafia. Regulated Activity Permit to allow construction of screened porch within 100 ft. of a wetland.

IWO Kuchta – explained the applicants were proposing to build a porch on piers, 50-60’ from the wetlands. The area is stable

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

A motion was made by Glenn Falk, seconded by David Newton, whereby the Madison Inland Wetlands Agency voted unanimously to schedule a public hearing at the next regularly scheduled IWA meeting for acceptance of additions and changes made to the DEP Inland Wetlands and Watercourses Model Municipal Regulations – Fourth Edition, May 1, 2006.

B. Yaeger – suggested the revised version be placed on the web in order to make it available to interested citizens prior to the public hearing.

APPROVAL OF BILLS

A motion was made by Ted Aub, seconded by Bill Freeman, whereby the Madison Inland Wetlands Agency voted unanimously to approve payment of the bills as submitted.

APPROVAL OF MINUTES

A motion was made by Bill Freeman, seconded by Lee Schumacher, whereby the Madison Inlands Wetlands Agency voted unanimously to approve the minutes of the May 5, 2008 meeting with the separation of Chairman Paul’s comment regarding Bagnoli from his statements regarding 702 Summerhill Road (page 6, item 4).

LITIGATION: Executive Session as Required

REMARKS – INLAND WETLANDS CHAIRMAN – INLAND WETLANDS OFFICER

A motion was made by David Newton, seconded by Lee Schumacher, whereby the Madison Inland Wetlands Agency voted unanimously to adjourn at 9:40 p.m.

Respectfully submitted,

J. Donnette Stahnke
Recording Secretary, Inland Wetlands Agency